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federal register

Tuesday
February 14, 1984

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Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 301, 315, and 316

Noncompetitive Appointment of Certain Former Overseas Employees; Correction

AGENCY: Office of Personnel Management.

ACTION: Final rule; correction.

SUMMARY: The Office of Personnel Management is issuing corrections to final regulations published on November 23, 1983 (48 FR 52867), concerning the noncompetitive appointment of certain former overseas employees. OPM inadvertently used incorrect section numbers in its amendments to 5 CFR Part 301 (Overseas Employment) and omitted a section reference in its amendments to Part 316 (Temporary and Term Employment).

EFFECTIVE DATE: December 23, 1983.

FOR FURTHER INFORMATION CONTACT: Ed McHugh, (202) 632–6817.

U.S. Office of Personnel Management.
Donald J. Devine,
Director.

Accordingly, Title 5 of the Code of Federal Regulations is amended as follows:

PART 301—OVERSEAS EMPLOYMENT

§§ 301.201, 301.202 and 301.203 [Redesignated as §§ 301.301, 301.302 and 301.303]

1. Sections 301.201, 301.202, and 301.203 are redesignated as §§ 301.301, 301.302, and 301.303 respectively.

PART 316—TEMPORARY AND TERM EMPLOYMENT

2. Sections 316.302(c)(3) and 316.402(b)(2) are revised to read as follows:

§ 316.302 Selection of term employees.

* * * * *

(c) * * *

(3) A person eligible for career or career-conditional appointment under §§ 315.601, 315.605, 315.606, 315.608, or 315.609 of this chapter;

* * * * *

§ 316.402 Authorities for temporary appointments.

* * * * *

(b) * * *

(2) A person eligible for career or career conditional appointment under §§ 315.601, 315.605, 315.606, 315.607, 315.608, or 315.609 of this chapter.

* * * * *

(E.O. 12362, 47 FR 21231)

[FR Doc. 84–3933 Filed 2–13–84; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Parts 731 and 754

Personnel Suitability and Suitability Disqualification Actions

Correction

In FR Doc. 84–1120 beginning on page 1869 in the issue of Monday, January 16, 1984, make the following correction.

On page 1870, second column, the first word in § 731.302 (b), "Therefore" should have read "Thereafter".

BILLING CODE 1505–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 42

United States Standards for Condition of Food Containers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule would amend two labeling, marking, or coding defects of the United States Standards for Condition of Food Containers by rewording one of the defects into more simplified, meaningful language and reclassifying another defect from a minor to a major category.

EFFECTIVE DATE: February 14, 1984.

FOR FURTHER INFORMATION CONTACT: Roger L. Luttrell, Chairman, Condition of Container Committee, MRD, AMS, USDA, South Building, Washington, D.C. 20250, telephone (202) 475–4951.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

A determination has been made that this final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect of Small Entities

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this final action will not have significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Both changes to these defects do not introduce additional defects but modify existing ones. The first defect is simply a grammatical change. The second defect is a recategorization as to the severity of the defect. While the second defect is classified as major, occurrences are traditionally infrequent. For the above reasons, this final rule is not expected to cause a hardship for small entities.

Background

The United States Standards for Condition of Food Containers provide sampling procedures and acceptance criteria for the inspection of lots and portions of production of filled food containers. These standards are concerned only with external defects such as dents in cans or torn areas in fiberboard containers.

Within the defects in § 42.113 Defects of label, marking, or code; Table VIII., the Department of Defense requested the revisions in order to obtain more definitive and appropriate container requirements for military food purchases, with potential application for civilian agencies.

Current language of one defect worded "Torn or scratched, obliterating

any markings on the label (military purchases)" was requested to read "Text illegible or incomplete (military purchases)". The reasons for this change include clarity and so that any illegibility or incompleteness of product identification labeling, marking, or coding would be classified as a major defect in military procurements.

Another defect, "Incorrect" presently categorized as a minor defect was requested to be reclassified as a major defect for both military and civilian agencies. The reason for this change is that application of an incorrect label, marking, or code would not permit correct product identification. This defect should be considered as a major defect.

From these changes, both military and civilian agencies will receive greater assurance that the contents of food containers are meaningfully described by the respective labels, markings, or codes.

The amendments were published in the **Federal Register** as a proposed rule on November 10, 1983, (48 FR 51635). Interested persons were given until December 12, 1983, to file comments. No comments were received.

Lists of Subjects in 7 CFR Part 42

Foods, Packaging, Containers.

PART 42—STANDARDS FOR CONDITION OF FOOD CONTAINERS

In consideration of the foregoing, 7 CFR 42.113 *Defects of label, marking, or code; Table VIII* is amended as follows:

(1) Major defect number 103 is revised to read "Text illegible or incomplete (military purchases)".

(2) Minor defect number 204 ("Incorrect") is reclassified as major defect number 104 ("Incorrect").

(3) Minor defect number 205 ("In wrong location") is renumbered as minor defect number 204 ("In wrong location").

Table VIII in 7 CFR 42.113 will, thus, read as follows:

§ 42.113 Defects of label, marking, or code; Table VIII.

TABLE VIII.—LABEL, MARKING, OR CODE

Defects	Categories	
	Major	Minor
Not specified method	101	
Missing (when required)	102	
Loose or improperly applied		201
Torn or mutilated		202
Text illegible or incomplete (military purchases)	103	
Text illegible or incomplete		203
Incorrect	104	
In wrong location		204

(Sec. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

Done at Washington, D.C., on: February 7, 1984.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 84-3851 Filed 2-13-84; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 907

[Navel Orange Reg. 593; Navel Orange Reg. 592, Amdt. 1; and Navel Orange Reg. 591, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 593 establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 17–23, 1984. Regulation 592, Amendment 1, increases the quantity of such oranges that may be shipped during the period February 10–16, 1984, and Regulation 591, Amendment 1, increases the quantity of such oranges that may be shipped during the period February 3–9, 1984. Such action is needed to provide for the orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: Regulation 593 becomes effective February 17, 1984, and the amendments are effective for the periods February 10–16, 1984, and February 3–9, 1984.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

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

These actions are consistent with the marketing policy for 1983–84. The marketing policy was recommended by the committee following discussion at a public meeting on September 27, 1983. The committee met again publicly on February 7, 1984 at Lindsay, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

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

List of Subjects in 7 CFR Part 907

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

PART 907—[AMENDED]

1. Section 907.893 is added as follows:

§ 907.893 Navel Orange Regulation 593.

The quantities of navel oranges grown in California and Arizona which may be handled during the period February 17, 1984, through February 23, 1984, are established as follows:

(a) District 1: 1,650,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

2. Section 907.892 Navel Orange Regulation 592 paragraphs (a) through (d) are hereby revised to read:

§ 907.892 Navel Orange Regulation 592.

(a) District 1: 1,650,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

3. Section 907.891 Navel Orange Regulation 591 (49 FR 3640) paragraphs (a) through (d) are hereby revised to read:

§ 907.891 Navel Orange Regulation 591.

(a) District 1: 1,750,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

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

Dated: February 9, 1984.

Russell L. Hawes,

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

[FR Doc. 84–3944 Filed 2–13–84; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL RESERVE SYSTEM

12 CFR Parts 262 and 265

[Docket No. R–0507]

Rules of Procedure; Applications; Timeliness of Comments; Informal Meetings

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Amendment of Statement of Policy and final rule.

SUMMARY: The Board has amended its policy statement concerning the procedures used to process protested applications to provide more flexibility in conducting public meetings. The statement also clarifies the Board's policy with respect to sponsoring private meetings between the applicant and the protestant and specifically designates Community Affairs Officers at the Reserve Banks as the Federal Reserve representatives available to answer questions concerning Federal Reserve procedures for protested applications. In addition, the General Counsel has been delegated authority, in consultation with the directors of the other interested divisions of the Board and the Reserve Bank (or their designees), to convene a public meeting and to designate the presiding officer in any such proceeding. The Board is also amending its Rules of Procedure to clarify that comments on an application must be received on or before the last date specified in the notice.

EFFECTIVE DATE: January 31, 1984. This Statement will apply to applications for which notice is published on or after January 31, 1984.

FOR FURTHER INFORMATION CONTACT: Bronwen Chaiffetz, Senior Counsel (202/452–3564) or Susan Weinburg, Attorney (202/452–3707), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: In December 1980, the Board adopted a Policy Statement to provide members of the public with guidance on the procedures to be used in filing protests and requesting public meetings or hearings, on applications filed with the Board. Based on its experience, the Board believes the Policy Statement has served a useful purpose, and that the changes being adopted today will further facilitate the processing of protested applications.

In the amended statement, the Board has clarified its policy concerning private meetings between the applicant and the protestant in connection with protested applications; specified that the Community Affairs Officer at the appropriate Reserve Bank will be available to answer questions by members of the public concerning the filing of a protest; delegated to its General Counsel the authority to convene public meetings and to designate the Presiding Officer in such proceedings and has amended its procedures for conducting public meetings to provide more flexibility.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), the Board certifies that the amendments will not have a significant impact on a substantial number of small entities, since they pertain to the Board's procedures.

Regulatory Impact Analysis

Pursuant to section 3(a)(1) of Executive Order 12991 of February 17, 1981, it has been determined that the proposed amendments do not constitute a major rule within the meaning of section (1)(b) of the Executive Order. The proposed amendments have no effect on the operations of the depository institutions subject to them. As such, the amendments will not have an annual effect on the economy of $100 million or more, will not effect costs or prices for consumers, individual industries, government agencies or geographic regions, and will not have adverse effects on competition, employment, investment productivity or on the ability of United States enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects

12 CFR Part 262

Administrative practice and procedure, Federal Reserve System.

12 CFR Part 265

Authority delegations (Government Agencies), Banks, banking, Federal Reserve System.

The Board has issued these amendments pursuant to its statutory authority under sections 3(a), 4(c)(8) and 5(b) of the Bank Holding Company Act of 1956 as amended (12 U.S.C. 1842(a), 1843(c)(8) and 1844(b)), section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), and sections 9 and 11(i) of the Federal Reserve Act (12 U.S.C. 321 and 248(i)).

The Board is not soliciting public comment with regard to these amendments under authority of 5 U.S.C. 553(b), which authorizes waiver of public comment in case of interpretative statements and rules of procedure. The interpretation is issued as a policy statement and not as a part of the regulation and is, therefore, considered interpretative. The amendments to the Rules Regarding Delegation of Authority and to the Rules of Procedure are procedural in nature and do not constitute substantive rules subject to the requirements of 5 U.S.C. 553 and 604. The Board's expanded rulemaking procedures have not been followed because the amendments are technical in nature. The amendments are effective January 31, 1984 pursuant to 5 U.S.C. 553(d)(2).

PART 262—[AMENDED]

1. Therefore, § 262.25 is revised to read as follows:

§ 262.25 Policy statement regarding notice of applications; timeliness of comments; informal meetings.

(a) *Notice of Applications.* A bank or company applying to the Board for a deposit-taking facility must first publish notice of its application in local newspapers. This requirement, found in § 262.3(b)(1) of the Board's Rules of Procedure covers applications under the Bank Holding Company Act and Bank Merger Act, as well as applications for membership in the Federal Reserve System and for new branches of State member banks. Notices of these applications are published in newspapers of general circulation in the communities where the applicant intends to do business as well as in the community where the applicant's head office is located. These notices are important in calling the public's

attention to an applicant's plans and giving the public a chance to comment on these plans. To improve the effectiveness of the notices, the Board has supplemented its notice procedures as follows.

(1) The Board has adopted standard forms of notice for use by applicants that will specify the exact date on which the comment period on the application ends, which may not be less than thirty calendar days from the date of publication of the first notice. The newspaper forms also provide the name and telephone number of the Community Affairs Officer of the appropriate Reserve Bank as the person to call to obtain more information about submitting comments on an application. In general, the Community Affairs Officer will be available to answer questions of a general nature concerning the submission of comments and the processing of applications.

(2) The Board also publishes notice of bank holding company applications for bank acquisitions (but not for bank mergers or branches) in the **Federal Register** after the application is received and the Community Affairs Officer can provide the exact date on which this comment period ends. (The **Federal Register** comment period will generally end after the date specified in the newspaper notice.)

(3) In addition to the formal newspaper and **Federal Register** notices discussed above, each Reserve Bank publishes a weekly list of applications submitted to the Reserve Bank for which newspaper notices have been published. Any person or organization may arrange to have the list mailed to them regularly, or may request particular lists, by contacting the Reserve Bank's Community Affairs Officer. Each Reserve Bank's list includes only applications submitted to that particular Reserve Bank, and persons or groups should request lists from each Reserve Bank having jurisdiction over applications in which they may be interested. Since the lists are prepared as a courtesy by the Reserve Bank, and are not intended to replace any formal notice required by statute or regulation, the Reserve Banks and the Board do not assume responsibility for errors or omissions. In addition, the weekly lists prepared by Reserve Banks include certain applications by bank holding companies for nonbank acquisitions filed with the Reserve Bank.

(4) With respect to applications by bank holding companies to engage *de novo* in nonbank activities or make acquisitions of nonbank firms, the Board publishes notice of most of these applications in the **Federal Register** when the applications are filed. Notice of certain small acquisitions may be published in a newspaper of general circulation in the area(s) to be served. While applications for nonbanking activities are not covered by the provisions of the Community Reinvestment Act or the notice provisions of § 262.3 of the Board's Rules of Procedure, the provisions of this Statement apply to such applications.

(b) *Timeliness of Comments.*

(1) All comments must be actually received by the Board or the Reserve Bank on or before the last date of the comment period specified in the notice. Where more than one notice is published with respect to an application, comments must be received on or before the last date of the latest comment period. The Board's Rules allow it to disregard comments received after the comment period expires. In particular, § 262.3(e) of the Board's Rules of Procedure states that the Board will not consider comments on an application that are not received on or before the expiration of the comment period. Thus, a commenter who fails to comment on an application within the specified comment period (or any extension) may be precluded from participating in the consideration of the application.

(2) In cases where a commenter for good cause is unable to send its comment within the specified comment period, § 265.2(a)(10) of the Board's Rules Regarding Delegation of Authority (12 CFR 265.2(a)(10)) allows the Secretary of the Board to grant requests for an extension of the period. Under this provision, upon receipt of a request received on or before the expiration of the comment period, the Secretary may grant a brief extension upon clear demonstration of hardship or other meritorious reason for seeking additional time.

(c) *Private Meetings.* When a timely protest to approval of an application is received, the Reserve Bank may arrange a meeting between the applicant and the protestant to clarify and narrow the issues, and to provide a forum for the resolution of differences between the protestant and the applicant. If the Reserve Bank decides that a private meeting would be appropriate, the Reserve Bank will arrange a private meeting soon after the receipt of a protest and the applicant's response, if any, to the protest. In scheduling the meeting, the Reserve Bank will consider convenience to the parties with respect to the time and place of the meeting. A decision to hold a private meeting will not preclude the Reserve Bank or the Board from holding a public meeting or other proceeding if it is deemed appropriate.

(d) *Public Meetings.* The Board's General Counsel (in consultation with the Reserve Bank and the directors of other interested divisions of the Board) may order that a public meeting or other proceeding be held if requested by the applicant or a protestant who files a timely protest, or if such a proceeding appears appropriate. In most instances, the determination to order a public meeting will be made after a private meeting has been held; however, where appropriate a public meeting may be convened immediately after receipt of the protest and the applicant's response, if any. Additional information may be requested prior to making a determination to convene a public meeting. In these cases, a determination will be made within ten days from the date all relevant information is received. The public meeting will be scheduled as soon as possible, but in no event, later than 30 days after the decision to hold the proceeding is made. The purpose of the public meeting will be to elicit information, to clarify factual issues related to the application and to provide an opportunity for interested individuals to provide testimony. The Board has adopted the following guidelines to be used for convening public meetings, although specific provisions may be altered by the General Counsel if circumstances warrant.

(1) *Requesting a Public Meeting.* A meeting may be requested by a person or an organization objecting to the application during the comment period, and by the applicant during the period within which it must respond to comments. Such a request must be timely and in writing.

(i) A protest does not have to be filed in a legal brief or other format in order for a public meeting to be granted. The Community Affairs Officer at the Reserve Bank will be available to assist any member of the public regarding the types of information generally included in protests; the format generally used by protestants; and any other specific questions about the procedures of the Federal Reserve System regarding protested applications.

(ii) In general, a protest should identify the protestant, state the basis for objection to approval of the application, and provide available written evidence to support the objection. Objections to approval of an application must relate to the factors that the Board is authorized to consider in acting on an application. Generally, these factors relate to the financial and managerial resources of the companies

and banks involved, the effects of the proposal on competition, and the convenience and needs of the communities to be served by the companies and banks involved. If a public meeting is requested, the protest should indicate that there are members of the public who wish to speak on the issues in a public forum.

(iii) The protest will be transmitted by the Reserve Bank to the applicant, and the applicant will generally be allowed eight business days to respond in writing to the protest.

(2) *Arranging the Public Meeting.* Public meetings will be arranged and presided over by a representative of the Federal Reserve System ("Presiding Officer"). In determining the time and place for the public meeting, such factors as convenience to the parties, the number of people expected to attend the meeting, access to public transportation and possible after-hour security problems will be taken into account.

(3) *Conducting the Public Meeting.* Prior to the meeting, all necessary steps will be taken to ensure that the meeting is conducted appropriately, including scheduling of witnesses, submission of written materials and other arrangements. In conducting the public meeting the Presiding Officer will have the authority and discretion to ensure that the meeting proceeds in a fair and orderly manner. Generally, the public meeting will consist of opening and closing remarks by the Presiding Officer, a presentation by the protestant and a presentation by the applicant. An official transcript will be made of the proceedings and entered into the record. The conclusion of the public meeting normally marks the close of the public portion of the record on the application.

(4) *Notification of Board decision on the application.* After a decision is made on the application, and the applicant is notified of the decision, staff will notify the protestant by telephone. This notification will be confirmed promptly in writing. As set forth in § 262.3(k) of the Board's Rules of Procedure (12 CFR 262.3(k)) or § 265.3 of the Board's Rules Regarding Delegation of Authority (12 CFR 265.3), a party to the application may request reconsideration of the Board's order, or review of the Reserve Bank's decision.

PART 265—[AMENDED]

2. Pursuant to its authority under section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)) and section 5(b) of the Bank Holding Company Act (12 U.S.C. 1844(b)) the Board of Governors is amending 12 CFR Part 265 (Rules Regarding Delegation of Authority) effective January 31, 1984 by revising (b)(10) of § 265.2 to read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(b) * * *

(10) Pursuant to the provisions of section 265.25 of this chapter (Rules of Procedure) after consultation with the directors of other interested Divisions of the Board and the appropriate Reserve Bank, to order, under such terms and conditions as the General Counsel deems appropriate, that a public meeting or other proceeding be held in connection with any application or notice filed with the Board and to designate the presiding officer in any such proceeding.

* * * * *

3. Pursuant to its authority under sections 3(a), 4(c)(8) and 5(b) of the Bank Holding Company Act, 12 U.S.C. 1842(a), 1843(c)(8) and 1844(b); and section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) and sections 9 and 11(i) of the Federal Reserve Act (12 U.S.C. 321 and 248(i)), the Board is amending 12 CFR Part 262 (Rules of Procedure) effective January 31, 1984.

PART 262—RULES OF PROCEDURE

In Part 262, § 262.3 is amended by revising the first five sentences in paragraph (e) as follows:

§ 262.3 Applications.

* * * * *

(e) * * * The Board is only required to consider a comment or a request for a hearing with respect to an application or notice if it is in writing and received by the Secretary of the Board or the appropriate Federal Reserve Bank on or before the latest date prescribed in any notice with respect to the application or notice, or where no such date is prescribed, on or before the 30th day after the date notice is first published. Similarly, the Board will consider comments on an application from the Attorney General or a banking supervisory authority to which notification of receipt of an application has been given, only if such comment is received by the Secretary of the Board within 30 days of the date of the letter giving such notification. Any comment on an application or notice 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. In every case where a timely comment or request for hearing is received as provided herein, a copy of such comment or request shall be forwarded promptly to the applicant for its response. The Board will consider the applicant's response only if it is in writing and sent to the Secretary of the Board on or before eight business days after the date of the letter by which it is forwarded to the applicant. * * *

By order of the Board of Governors, effective January 31, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-3065 Filed 2-13-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 24

[T.D. 84-42]

Customs Regulations Amendment Relating to Acceptance of Uncertified Checks From Customhouse Brokers

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: The Customs Regulations provide that an uncertified check drawn by an interested party shall be accepted by Customs for the payment of duty provided certain conditions are met. An uncertified check, drawn by a customhouse broker (broker) licensed in a district where an entry for merchandise is filed on behalf of an importer, shall be accepted by Customs for the deposit of estimated duties. This document amends the regulations to provide that a broker, not licensed in the district where an entry is filed, also is an interested party for the purpose of acceptance of such broker's own uncertified check for the deposit of estimated duties for the entry transactions on behalf of an importer, provided the broker has on file a power of attorney which is unconditioned geographically for the performance of ministerial acts. Customs may look to the principal (importer) or to the surety should the check be dishonored. The purpose of this amendment is to relieve brokers of the unnecessary burden of requiring them to submit certified checks.

EFFECTIVE DATE: March 15, 1984.

FOR FURTHER INFORMATION CONTACT: Jerry Laderberg, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution

Avenue, NW., Washington, D.C. 20229, (202–566–5765).

SUPPLEMENTARY INFORMATION:

Background

Section 141.1(b), Customs Regulations (19 CFR 141.1(b)), provides, in part, that the liability for duties, both regular and additional, attaching on importation constitutes a personal debt due from the importer to the United States. An "importer," as defined in § 101.1(k), Customs Regulations (19 CFR 101.1(k)), means the person primarily liable for the payment of any duties or an authorized agent acting on his behalf.

Section 111.1(b), Customs Regulations (19 CFR 111.1(b)), defines customhouse broker to mean a person who is licensed under Part 111 to transact Customs business on behalf of others.

Pursuant to § 111.2, Customs Regulations (19 CFR 111.2), a broker must obtain a separate license to transact the business of a broker, for each Customs district in which he desires to conduct business.

Section 24.1(a)(3), Customs Regulations (19 CFR 24.1(a)(3)), which relates to the collection of Customs duties, taxes, and other charges provides that an uncertified check drawn by an interested party on a national or state bank or trust company of the United States, shall be accepted by Customs if the check is acceptable for deposit by a Federal Reserve bank, branch Federal Reserve bank, or other designated depository. Further, an uncertified check can be accepted only if there is on file with the district director an entry bond or other bond to secure the payment of the duties, taxes, or other charges, or if a bond has not been filed, the organization or individual drawing and tendering the uncertified check has been approved by the district director to make payment in this manner. Section 24.1(a)(3) also provides that in determining whether an uncertified check shall be accepted in the absence of a bond, the district director shall use available credit data obtainable without cost to the Government, such as that furnished by banks, local business firms, better business bureaus, or local credit exchanges, sufficient to satisfy him of the credit standing or reliability of the drawer of the check.

Under this regulation, an uncertified check, drawn by a broker licensed in a district where an entry for merchandise is filed on behalf of an importer, shall be accepted by Customs for deposit of estimated duties. However, a question has been raised as to whether a broker, tendering an uncertified check to Customs for deposit of estimated duties for entries filed by another broker on behalf of an importer in a district in which the tendering broker is not licensed, is an authorized agent of the importer and therefore, an interested party for the purpose of the acceptance of the payment by Customs.

In a ruling dated March 11, 1982, Customs held that a broker not licensed in a district where an entry is filed is an authorized agent of the importer for the purpose of acceptance of the broker's uncertified check for the deposit of estimated duties for entry transactions made by another broker on behalf of the importer if the unlicensed broker holds a power of attorney from the importer which is unconditioned geographically for the performance of ministerial acts.

Traditionally, most powers of attorney are limited geographically to particular districts, districts in which the importer is importing merchandise. In order to allow a broker to tender an uncertified check in districts in which he is not qualified, an unlimited power of attorney from the client-importer is necessary.

This ruling relieves a broker of an unnecessary burden in that the broker, not licensed in a district in which his client may file an entry, would no longer always be required to obtain a certified check for the payment of duties.

Customs believes it is necessary to incorporate the holding of this ruling into section 24.1 to assure uniformity of application by district directors and better inform brokers and broker associations of this practice.

In this regard, on May 16, 1983, Customs published a document in the **Federal Register** (48 FR 21965) proposing to amend § 24.1(a)(3) to provide that a broker, not licensed in the district where an entry is filed, is an interested party for the purpose of acceptance of such broker's own uncertified check for the deposit of estimated duties for entry transactions provided the broker has on file the necessary power of attorney which is unconditioned geographically for the performance of ministerial acts. Customs may look to the principal (importer) or to the surety should the check be dishonored.

Commenters had until July 15, 1983, to submit comments. After considering the comments received in response to the proposal and further review of the matter, Customs has determined to adopt the final rule, as proposed.

Discussion of Comments

One commenter supports the proposal because it will ease the handling of shipments for all parties involved in the importation of merchandise.

Another commenter suggests that there is no need to implement the proposal now in light of Customs proposal relating to the revised bond structure. Customs does not believe we should wait for the bond proposal to be implemented, but should proceed with the uncertified check proposal now.

A third commenter notes that Customs would have difficulty in verifying if a broker were licensed in another district or had a power of attorney for the importer. Customs recognizes this but believes the party tendering the uncertified check should be required to verify to a Customs field office that he is qualified.

One commenter believes that adoption of the proposal would authorize a broker to transact Customs business in a district without a license. Customs considered this point but rejected this argument in its ruling of March 11, 1982.

This commenter also suggests that the district director should have the authority to require certified checks (rather than uncertified checks) to be filed when deemed necessary, such as when uncertified checks deposited by a broker have been returned unpaid.

Customs believes this comment has merit. The regulations provide that an uncertified check shall be accepted if there is on file with the district director a bond to secure payment of the duty or if a bond has not been filed, the organization or individual drawing and tendering the uncertified check has been approved by the district director to make payment in such matter. However, the mandatory nature of Customs acceptance of uncertified checks is beyond the scope of this document. Customs will consider this aspect in a separate document.

One commenter supports the proposal but is opposed to the idea that the broker must have an unlimited power of attorney from a client to have uncertified checks accepted in a district in which he is not licensed.

Customs disagrees. As noted above, most powers of attorney are limited geographically to particular districts. To allow a broker to tender an uncertified check in districts in which he is not qualified, an unlimited power of attorney from the client-importer is necessary.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 604.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 24

Customs duties and inspection, Imports, Accounting.

Amendments to the Regulations

Section 24.1(a)(3), Customs Regulations (19 CFR 24.1(a)(3)), is amended as set forth below.

Approved: January 24, 1984.

Alfred R. De Angelus,

Acting Commissioner of Customs.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Section 24.1(a)(3), Customs Regulations (19 CFR 24.1(a)(3)), is amended by adding a new sentence at the end of the paragraph to read as follows:

§ 24.1 Collection of Customs duties, taxes, and other charges.

(a) * * *

(3) * * * For purposes of this paragraph, a customhouse broker, not licensed in the district where an entry is filed, is an interested party for the purpose of Customs acceptance of such broker's own check, provided the broker has on file the necessary power of attorney which is unconditioned geographically for the performance of ministerial acts. Customs may look to the principal (importer) or to the surety should the check be dishonored.

* * * * *

(R.S. 251, as amended (19 U.S.C. 66), sec. 1, 19 Stat. 247 249 (19 U.S.C. 197); sec. 1, 36 Stat. 965 (19 U.S.C. 198), sec. 624, 46 Stat. 759 (19 U.S.C. 1624), sec. 641, 46 Stat. 759, as amended (19 U.S.C. 1641), sec. 648, 46 Stat. 762 (19 U.S.C. 1648))

[FR Doc. 84–3967 Filed 2–13–84; 8:45 am]

BILLING CODE 4820–02–M

19 CFR Part 24

[T.D. 84–41]

Interim Customs Regulations Amendment Regarding Collection of Medicare Compensation Costs

AGENCY: U.S. Customs Service, Treasury.

ACTION: Interim regulations.

SUMMARY: This document amends the Customs Regulations on an interim basis to allow Customs to include in charges assessed to parties-in-interest for reimbursable services provided by Customs officers, Medicare compensation costs equal to 1.3 percent of the assessed amount. The inclusion of these costs in assessed charges will result in at least partial recovery of Customs' cost of matching employees' statutorily mandated contribution for Medicare coverage. The estimated recovery of Medicare costs by Customs is approximately $500,000 annually.

EFFECTIVE DATE: April 16, 1984.

Comments: This regulation is being published on an interim basis, April 16, 1984. However, written comments received before April 16, 1984 will be considered in determining whether any changes to the regulation are required before a permanent rule is published.

FOR FURTHER INFORMATION CONTACT: James Kenny, Headquarters Accounting Division, (202–566–2021), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Various statutes provide Customs with the administrative authority to charge fees to recover the costs of a particular service rendered. For example, 19 U.S.C. 58a provides that the Secretary of the Treasury may charge such fees as may be necessary to recover the costs of providing certain vessel services. The fees are to be consistent with the User Charge Statute (31 U.S.C. 9701). Section 4.98(a), Customs Regulations (19 CFR 4.98(a)), sets forth the specific services and bases for calculating each flat fee. Similarly, Customs charges and bills parties-in-interest for reimbursement in connection with services rendered by Customs officers or employees during regular hours (see section 24.17, Customs Regulations (19 CFR 24.17)), or on Customs overtime assignments under 19 U.S.C. 267 or 1451 (see § 24.16, Customs Regulations (19 CFR 24.16)). The bills cover full compensation and/or travel and subsistence of the Customs officer performing the service.

The User Charge Statute provides that each service or thing of value provided by an agency to a person is to be self-sustaining to the extent possible. The head of an agency may prescribe regulations establishing the charge for a service or thing of value provided by the agency. Regulations so prescribed are subject to policies prescribed by the President and shall be as uniform as practicable. Each charge shall be fair and based on the costs to the Government, the value of the service or thing to the recipient, public policy or interest served, and other relevant facts. The statute does not affect a law prohibiting the determination and collection of charges and the disposition of those charges, and prescribing bases for determining charges, but a charge may be redetermined under the statute consistent with the prescribed bases.

Congress, by passage of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, Sept. 3, 1982, 96 Stat. 324), extended Medicare coverage to federal employees not otherwise subject to Social Security withholding taxes. As a result of the legislation, 1.3 percent of a federal employee's wages are withheld for Social Security and that amount is matched by the Government. Both regular and overtime wages are subject to the withholding tax. Customs is currently making the matching payments for the 1.3 percent Medicare compensation program for salaries paid Customs employees for reimbursable services they provide for parties-in-interest. It is estimated that the Customs share of these payments amounts to approximately $500,000 annually.

Although the Tax Equity and Fiscal Responsibility Act does not provide specific language providing for reimbursement of the 1.3 percent amount by parties-in-interest, Customs is of the opinion that authority to collect such monies is provided by title 31, United States Code, section 9701 (User Charge Statute), and title 19, United States Code, sections 267 and 1451 (Customs overtime provisions). Further, passing such charges on to those who actually benefit from the services provided would be in keeping with the Administration's policy in this regard.

Comments

Before adopting the regulation as a permanent rule, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the

hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Customs Service Headquarters, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Inapplicability of Notice Provision

Because of the on-going loss of revenue caused by the current inability to collect these monies from parties-in-interest, it has been determined that, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public procedure are inapplicable and unnecessary.

E.O. 12291 and Regulatory Flexibility Act

Inasmuch as Customs does not believe that the amendment meets the criteria for a "major rule" within the meaning of section 1(b) of E.O. 12291, a regulatory impact analysis has not been prepared.

Pursuant to the provisions of section 5 of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the regulation will not have a significant economic impact on a substantial number of small entities within the meaning of the Act. Accordingly, the amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 24

Accounting, Claims, Customs duties and inspection, Imports, Taxes, Wages.

Amendment to the Regulations

PART 24—[AMENDED]

Section 24.17, Customs Regulations (19 CFR 24.17), is amended by adding a new paragraph (f), as set forth below:

§ 24.17 Other services of officers; reimbursable.

* * * * *

(f) *Medicare Compensation Costs.* In addition to other expenses and compensation chargeable to parties-in-interest as set forth in this section, such persons shall also be required to reimburse Customs in the amount of 1.3 percent of the reimbursable compensation expenses incurred. Such payment will reimburse Customs for its share of Medicare costs.

(Pub. L. 97–248, Sept. 3, 1982, 96 Stat. 324; 31 U.S.C.) 9701 (19 U.S.C. 267 and 1451))

Robert P. Schaffer,

Acting Commissioner of Customs.

Approved: January 24, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84–3966 Filed 2–13–84; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 101, 102, 114, 122, 170, 180, 184, and 186

[Docket No. 83N–0334]

Incorporation by Reference; Updating of Text

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulatory text pertaining to materials incorporated by reference in those parts of Title 21 of the Code of Federal Regulations concerned with food and its labeling. This action is being taken to meet the requirements for incorporation by reference set forth in Title 1 of the Code of Federal Regulations (1 CFR Part 51).

DATES: Effective February 14, 1984. Comments by March 15, 1984.

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

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Title 1 of the Code of Federal Regulations (1 CFR Part 51) requires the filing and updating of material that has been incorporated by reference in the Code of Federal Regulations. The purpose of this requirement is to ensure the public availability and accuracy of material that has been incorporated from other sources.

Accordingly, FDA has reviewed the regulations concerned with food and its labeling (21 CFR Parts 100–199) that include materials incorporated by reference. The agency has concluded that it is necessary to amend a number of these regulations to bring them into compliance with the requirements prescribed in 1 CFR Part 51.

Many of the incorporated materials consist of methods or specifications that were published in compendia such as the Food Chemicals Codex or the Official Methods of Analysis of the Association of Official Analytical Chemists. In many cases, although this material has not been modified in the compendium, the volume of the compendium cited when a regulation was established has been superseded by a subsequent volume. In addition, many of the individual methods have been superseded by updated versions of the methods, which, though updated, do not represent a substantial change in the method. Because the agency believes that in such cases the most recently published method or compendia should be cited in the incorporating regulatory text, it is thus providing this information and making some minor editorial changes in the affected regulations.

In accordance with 5 U.S.C. 553 (b) and (d) and 21 CFR 10.40, FDA has determined that there is good cause not to follow the usual requirements of prior notice and comment and delayed effective date. The reason for this determination is that the changes in the materials that are being incorporated by reference are not substantive. The agency, nevertheless, is providing a 30-day period during which it will accept comments on the changes it is adopting in this final rule. If FDA decides on the basis of comments received that the changes should be modified or revoked, it will provide further notice in the **Federal Register.**

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA has considered the effect that this final rule would have on small entities, including small businesses, consistent with the objectives of the Regulatory Flexibility Act. The agency has determined that the effect of this proposal will be to improve the availability of the materials incorporated, while not significantly affecting their content or other factors affecting their use. Therefore, FDA certifies that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has determined that this final rule will not be a major rule as defined by the Order.

List of subjects

21 CFR Part 101

Food labeling, Misbranding, Nutrition labeling, Warning statements.

21 CFR Part 102

Common or usual name, Food labeling.

21 CFR Part 114

Acidified foods, Good manufacturing practices.

21 CFR Part 122

Fish, Good manufacturing practices, Smoked fish.

21 CFR Part 170

Food additives.

21 CFR Part 180

Food additives, Interim listed food additives.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

21 CFR Part 186

Food ingredients, Generally recognized as safe (GRAS) food ingredients, Indirect food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Title 21 of the Code of Federal Regulations is amended as follows:.

PART 101—FOOD LABELING

1. Part 101 is amended:

a. In § 101.9 by revising the second and third sentences in paragraph (c)(4), to read as follows:

§ 101.9 Nutrition labeling of food.

* * * * *

(c) * * *

(4) * * * Protein content may be calculated on the basis of the factor of 6.25 times the nitrogen content of the food as determined by the appropriate method of analysis of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), which is incorporated by reference, except when the official procedure for a specific food requires another factor. Copies may be obtained from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408.

* * * * *

b. In § 101.25 by revising the fifth and sixth sentences in paragraph (e)(3), to read as follows:

§ 101.25 Labeling of foods in relation to fat and fatty acid and cholesterol content.

* * * * *

(e) * * *

(3) * * * The determination of *cis, cis*-methylene-interrupted polyunsaturated fatty acids will be by the method prescribed in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), §§ 28.071–28.074, which is incorporated by reference. Copies may be obtained from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

* * * * *

PART 102—COMMON OR USUAL NAME FOR NONSTANDARDIZED FOODS

2. Part 102 is amended in § 102.23 by revising paragraph (c) (1), (2), (3), (4), (6), (7), (8), and (9), to read as follows:

§ 102.23 Peanut spreads.

* * * * *

(c) * * *

(1) Protein quantity: "Official Methods of Analysis of the Association of Official Analytical Chemists" (AOAC), 13th Ed. (1980), using the method described in section 27.007, which is incorporated by reference. Copies may be obtained from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(2) Biological quality of protein: AOAC, 13th Ed. (1980), using the method described in sections 43.212–43.216, which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (c)(1) of this section.

(3) Niacin: AOAC, 13th Ed. (1980), using the method described in sections 43.044–43.046, which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (c)(1) of this section.

(4) Vitamin B_6: AOAC, 13th Ed. (1980), using the method described in sections 43.188–43.193, which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (c)(1) of this section.

* * * * *

(6) Iron: AOAC, 13th Ed. (1980), using the method described in sections 43.217–43.219, which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (c)(1) of this section.

(7) Zinc: AOAC, 13th Ed. (1980), using the method described in sections 25.150–25.153, which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (c)(1) of this section.

(8) Copper: AOAC, 13th Ed. (1980), using the method described in sections 25.038–25.043, which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (c)(1) of this section.

(9) Magnesium: AOAC, 13th Ed. (1980), using the method described in sections 2.109–2.113, which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (c)(1) of this section.

PART 114—ACIDIFIED FOODS

3. Part 114 is amended in § 114.90 by revising the first and second sentences in paragraph (a)(4)(ii), by revising the fifth sentence in paragraph (a)(4)(iv), by revising the fourth sentence in paragraph (a)(4)(v), and by revising paragraph (c), to read as follows:

§ 114.90 Methodology.

(a) * * *

(4) * * *

(ii) Standardize the instrument and electrodes with commercially prepared standard 4.0 pH buffer or with freshly prepared 0.05 molar potassium acid phthalate buffer solution prepared as outlined in "Official Methods of Analysis of the Association of Official Analytical Chemists" (AOAC), 13th Ed. (1980), section 50.007(c), under "Buffer Solutions for Calibration of pH Equipment—Official Final Action," which is incorporated by reference. Copies may be obtained from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

(iv) * * * To check the operation of the pH meter, check the pH reading using another standard buffer such as one having a pH of 7.0, or check it with freshly prepared 0.025 molar phosphate solution prepared as outlined in the AOAC, 13th Ed. (1980), section 50.007(e), which is incorporated by reference * * *.

(v) * * * Electrodes should be rinsed with water, then blotted and immersed in a pH 9.18 borax buffer prepared as

outlined in the AOAC, 13th Ed. (1980), section 50.007(f), which is incorporated by reference.

* * * * *

(c) *Titratable acidity.* Acceptable methods for determining titratable acidity are described in the AOAC, 13th Ed. (1980), section 22.060, under "Titratable Acidity—Official Final Action," for "Indicator Method," and section 22.061 for "Glass Electrode Method—Official Final Action," which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (a)(4)(ii) of this section. The procedure for preparing and standardizing the sodium hydroxide solution is described in the AOAC, 13th Ed. (1980), sections 50.032–50.035, under "Sodium Hydroxide—Official Final Action" by the "Standard Potassium Hydroxide Phthalate Method," which is also incorporated by reference and available as set forth in paragraph (a)(4)(ii) of this section.

PART 122—SMOKED AND SMOKE-FLAVORED FISH

4. Part 122 is amended in § 122.3 by revising paragraph (d), to read as follows:

§ 122.3 Definitions

* * * * *

(d) "Water phase salt" means the percent salt (sodium chloride) in the finished product as determined by the method described in "Official Methods of Analysis of the Association of Official Analytical Chemists" (AOAC), 13th Ed. (1980), sections 18.034 and 18.035, under "Volumetric Method—Official Final Action," which is incorporated by reference, multiplied by 100 and divided by the percent salt (sodium chloride) plus the percent moisture in the finished product as determined by the method described in the AOAC, 13th Ed. (1980), section 18.023, under "Total Solids for all Marine Products, Except Raw Oysters—Official Final Action." Copies of the material incorporated by reference may be obtained from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

PART 170—FOOD ADDITIVES

5. Part 170 is amended in § 170.30 by revising paragraph (h)(1), to read as follows:

§ 170.30 Eligibility for classification as generally recognized as safe (GRAS).

* * * * *

(h) * * *

(1) It complies with any applicable food grade specifications of the Food Chemicals Codex, 2d Ed. (1972), or, if specifically indicated in the GRAS affirmation regulation, the Food Chemicals Codex, 3d Ed. (1981), which are incorporated by reference, except that any substance used as a component of articles that contact food and affirmed as GRAS in § 186.1 of this chapter shall comply with the specifications therein, or in the absence of such specifications, shall be of a purity suitable for its intended use. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

PART 180—FOOD ADDITIVES PERMITTED IN FOOD ON AN INTERIM BASIS OR IN CONTACT WITH FOOD PENDING ADDITIONAL STUDY

6. Part 180 is amended as follows:

a. In § 180.25 by revising paragraph (b), to read as follows:

§ 180.25 Mannitol.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 188–190, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

b. In § 180.30 by revising paragraph (a), to read as follows:

§ 180.30 Brominated vegetable oil.

* * * * *

(a) The additive complies with specifications prescribed in the "Food Chemicals Codex," 3d Ed. (1981), pp. 40–41, which is incorporated by reference, except that free fatty acids (as oleic) shall not exceed 2.5 percent and iodine value shall not exceed 16. Copies of the material incorporated by reference may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St NW., Washington, DC 20418.

* * * * *

c. In § 180.37 by revising paragraph (b), to read as follows:

§ 180.37 Saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin.

* * * * *

(b) The food additives meet the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 22, 62, 266–267, 297–299, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

7. Part 184 is amended as follows:

a. In § 184.1007 by revising paragraph (b) (1), (6), and (7) to read as follows:

§ 184.1007 Aconitic acid.

* * * * *

(b) * * *

(1) *Assay.* Not less than 98.0 percent of $C_3H_3(COOH)_3$, using the "Food Chemicals Codex," 3d Ed. (1981), pp. 86–87, test for citric acid, which is incorporated by reference, and a molecular weight of 174.11. Copies of the material incorporated by reference may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

(6) *Readily carbonizable substances.* Passes "Food Chemicals Codex," 3d Ed. (1981), pp. 86–87, test for citric acid, which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (b)(1) of this section.

(7) *Residue on ignition.* Not more than 0.1 percent as determined by "Food Chemicals Codex," 3d Ed. (1981), pp. 86–87, test for citric acid, which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (b)(1) of this section.

* * * * *

b. In § 184.1021 by revising paragraph (b), to read as follows:

§ 184.1021 Benzoic acid.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 35, which is incorporated by reference. Copies may

be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, D.C. 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408.

* * * * *

c. In § 184.1025 by revising paragraph (b), to read as follows:

§ 184.1025 Caprylic acid.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 207, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, D.C. 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408.

* * * * *

d. In § 184.1069 by revising paragraph (b), to read as follows:

§ 184.1069 Malic acid.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 183-184, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, D.C. 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408.

* * * * *

e. In § 184.1091 by revising paragraph (b), to read as follows:

§ 184.1091 Succinic acid.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 314–315, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, D.C. 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408.

* * * * *

f. In § 184.1095 by revising paragraph (b), to read as follows:

§ 184.1095 Sulfuric acid.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 317–318, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

g. In § 184.1115 by revising paragraph (b), to read as follows:

§ 184.1115 Agar-agar.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 11, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

h. In § 184.1143 by revising paragraph (b), to read as follows:

§ 184.1143 Ammonium sulfate.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 22–23, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

i. In § 184.1206 by revising paragraph (b), to read as follows:

§ 184.1206 Calcium iodate.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 53, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

j. In § 184.1230 by revising paragraph (b), to read as follows:

§ 184.1230 Calcium sulfate.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 66, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

k. In § 184.1257 by revising the first and second sentences in the introductory text of paragraph (b) and by revising paragraph (b)(1), to read as follows:

§ 184.1257 Clove and its derivatives.

* * * * *

(b) Clove bud oil, clove leaf oil, clove stem oil, and eugenol meet the specifications of the "Food Chemicals Codex," (FCC), 3d Ed. (1981), pp. 87–89, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

(1) The assay for phenols, as eugenol, by the FCC test, 3d Ed. (pp. 87–88), or the volatile oils content by the FCC test, 3d Ed. (pp. 87–88) should conform to the representation of the vendor;

* * * * *

l. In § 184.1259 by revising paragraph (b)(3) and by revising the first and second sentences in paragraph (b)(6), to read as follows:

§ 184.1259 Cocoa butter substitute from palm oil.

* * * * *

(b) * * *

(3) Heavy metals (as lead), 10 parts per million maximum ("Food Chemicals Codex," 3d Ed. (1981), pp. 512–513, which is incorporated by reference, copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408).

* * * * *

(6) Residual catalyst ("Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), sections 25.049–25.055, which is incorporated by reference), residual fluorine; limit of detection 0.2 part per million F; multiply fluoride result by 2.63 to convert to residual catalyst. Copies of the material incorporated by reference may be obtained from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

m. In § 184.1271 by revising paragraph (b), to read as follows:

§ 184.1271 L-Cysteine.

* * * * *

(b) The ingredient meets the appropriate part of the specification set forth in the "Food Chemicals Codex," 3d Ed. (1981), pp. 92–93, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

n. In § 184.1272 by revising paragraph (b), to read as follows:

§ 184.1272 L-Cysteine monohydrochloride.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 92–93, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

o. In § 184.1282 by revising paragraph (b), to read as follows:

§ 184.1282 Dill and its derivatives.

* * * * *

(b) Dill oils meet the description and specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 100–102, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

p. In § 184.1293 by revising paragraph (b), to read as follows:

§ 184.1293 Ethyl alcohol.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 112–113, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

q. In § 184.1295 by revising paragraph (b), to read as follows:

§ 184.1295 Ethyl formate.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 376, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

r. In § 184.1317 by revising paragraph (b), to read as follows:

§ 184.1317 Garlic and its derivatives.

* * * * *

(b) Garlic oil meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 132, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

s. In § 184.1330 by revising paragraph (b), to read as follows:

§ 184.1330 Acacia (gum arabic).

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 7, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

t. In § 184.1333 by revising the first sentence in paragraph (b)(4), to read as follows:

§ 184.1333 Gum ghatti.

* * * * *

(b) * * *

(4) *Identification test.* Add 0.2 ml of diluted lead acetate as outlined in "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), section 31.178(b), p. 529, under "Dilute Basic Lead Acetate Standard Solution," which is incorporated by reference (copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408), to 5 ml of a cold 1-in-100 aqueous solution of the gum.

* * * * *

u. In § 184.1339 by revising paragraph (b), to read as follows:

§ 184.1339 Guar gum.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 141, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

v. In § 184.1343 by revising paragraph (b), to read as follows:

§ 184.1343 Locust (carob) bean gum.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 174–175, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

w. In § 184.1349 by revising paragraph (b), to read as follows:

§ 184.1349 Karaya gum (sterculia gum).

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 157, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

x. In § 184.1351 by revising paragraph (b), to read as follows:

§ 184.1351 Gum tragacanth.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 337, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

y. In § 184.1490 by revising paragraph (b), to read as follows:

§ 184.1490 Methylparaben.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 199, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW.,

Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

z. In § 184.1555 by revising paragraph (b)(2), to read as follows:

§ 184.1555 Rapeseed oil.

* * * * *

(b) * * *

(2) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 201, relating to mono- and diglycerides, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408. An additional specification requires the iodine number to be 4 or less.

* * * * *

aa. In § 184.1634 by revising paragraph (b), to read as follows:

§ 184.1634 Potassium iodide.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 246–247, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

bb. In § 184.1635 by revising paragraph (b), to read as follows:

§ 184.1635 Potassium iodate.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 245–246, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

cc. In § 184.1643 by revising paragraph (b), to read as follows:

§ 184.1643 Potassium sulfate.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 252, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Fderal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

dd. In § 184.1660 by revising paragraph (b), to read as follows:

§ 184.1660 Propyl gallate.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 257–258, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

ee. In § 184.1670 by revising paragraph (b), to read as follows:

§ 184.1670 Propylparaben.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 258, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

ff. In § 184.1699 by revising paragraph (b), to read as follows:

§ 184.1699 Oil of rue.

* * * * *

(b) Oil of rue meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 266, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

gg. In § 184.1733 by revising paragraph (b), to read as follows:

§ 184.1733 Sodium benzoate.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 278, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

hh. In § 184.1807 by revising paragraph (b), to read as follows:

§ 184.1807 Sodium thiosulfate.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 304, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

ii. In § 184.1835 by revising paragraph (b), to read as follows:

§ 184.1835 Sorbitol.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 308, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

jj. In § 184.1973 by revising paragraph (b), to read as follows:

§ 184.1973 Beeswax (yellow and white).

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 34–35, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

8. Part 186 is amended as follows:

a. In § 186.1025 by revising paragraph (b), to read as follows:

§ 186.1025 Caprylic acid.

* * * * *

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), p. 207, which is incorporated by reference. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

b. In § 186.1551 by revising the first sentence in paragraph (b), to read as follows:

§ 186.1551 Hydrogenated fish oil.

* * * * *

(b) Hydrogenation of fish oils results in a final product with a melting point greater than 32° C as determined by Section Cc 1–25, Official and Tentative Methods of the American Oil Chemists' Society method (reapproved 1973) or equivalent.

* * * * *

Interested persons may, on or before March 15, 1984, submit to the Dockets Management Branch (address above) written comments regarding this final rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments 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 14, 1984.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 23, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–3916 Filed 2–13–84; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Cythioate Oral Liquid and Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two new animal drug applications (NADA's) filed by Bayvet Division of Miles Laboratories, Inc., providing for use of cythioate oral liquid and tablets for oral treatment of dogs for control of fleas, and to codify existing approvals for identical products held by American Cyanamid.

EFFECTIVE DATE: February 14, 1984.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Bayvet Division of Miles Laboratories, Inc., P.O. Box 390, Shawnee Mission, KS 66201, filed NADA 132–336 for Proban (cythioate) Oral Liquid and NADA 132–337 for Proban (cythioate) Tablets. The drug is for oral use in dogs for control of fleas. The products are identical to those approved in NADA's 33–606 and 33–342, sponsored by American Cyanamid Co. Although Bayvet is and has been an approved alternate manufacturer and distributor under American Cyanamid's NADA's, Bayvet is now sponsoring its own NADA's for the products. American Cyanamid Co. has authorized use of the data and information in its NADA's to support approval of Bayvet's NADA's. The NADA's are approved and the regulations are amended accordingly.

Approval of these NADA's is based on the initial approvals of Cyanamid's NADA's on June 3, 1968. It does not change the approved use of the drug and will not increase use of the drug. Although these approvals are not of supplemental NADA's, they are equivalent to Category I supplemental NADA approvals, which do not require reevaluation of the safety and effectiveness data and information in the parent application (42 FR 63467; December 23, 1977). For the purpose of action on this application, FDA did not rereview data in the Cyanamid NADA's, and these approvals do not imply reaffirmation of those data to support the safe and effective use of either the Cyanamid or Bayvet products.

Cyanamid's approved NADA's, and Bayvet's NADA's that are now being approved, provide for the use of Proban only on the prescription or other order of a licensed veterinarian. In 1976, American Cyanamid filed a supplement to NADA 33–606 to obtain FDA approval for over-the-counter (OTC) marketing of Proban, directly to consumers. FDA's Bureau of Veterinary Medicine (the Bureau) concluded that the supplemental application should be denied because, in part, American Cyanamid had failed to establish that Proban would be safe for OTC use and that adequate directions could be written for lay use (41 FR 51078, 51084; November 19, 1976). The Bureau also reviewed information supporting the original 1968 approval of Proban as a prescription drug, and concluded that the data failed to demonstrate that Proban is effective for its intended use (45 FR 40236, 40237; June 13, 1980). Under section 512(d) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(d)), Cyanamid requested and was granted a hearing on the Bureau's decision not to approve the supplemental NADA (45 FR 42036; June 13, 1980). In his initial decision of June 16, 1981, the Administrative Law Judge found that Cyanamid had failed to meet the statutory requirements for approval of the supplemental NADA on the basis of both safety and effectiveness. The Commissioner of Food and Drugs has not yet issued a final agency decision.

The standards for demonstrating that a product is effective for its intended uses are the same regardless of whether the product is for prescription or OTC use. In addition, evidence contained in the hearing record may indicate that the safety data in the original Proban NADA's do not satisfy the requirements of section 512(d)(1) (A), (B), and (D) of the act. Thus, if the ultimate decision on Cyanamid's supplemental NADA for OTC use of Proban results in a conclusion that Proban has not been demonstrated to be safe and/or effective for the control of fleas in dogs, the Bureau may consider action to withdraw approval for NADA's 33–342 and 33–606. Withdrawal of those NADA's would necessarily affect Bayvet's approvals, as Bayvet's approvals depend on data in Cyanamid's NADA's.

Approvals for American Cyanamid's NADA 33–606 for cythioate oral liquid and NADA 33–342 for cythioate tablets are not codified in the Code of Federal Regulations. This document also codifies Cyanamid's original approvals.

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

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

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

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

1. By adding new § 520.530, to read as follows:

§ 520.530 Cythioate oral liquid.

(a) *Specifications.* Each milliliter contains 15 milligrams of cythioate.

(b) *Sponsor.* See Nos. 000859 and 010042 in § 510.600 of this chapter.

(c) *Special considerations.* Cythioate is a cholinesterase inhibitor. Do not use this product in animals simultaneously

with or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, insecticides, pesticides, or chemicals.

(d) *Conditions of use*—(1) *Amount.* 15 milligrams cythioate per 10 pounds of body weight every third day or twice a week.

(2) *Indications for use.* Dogs, for control of fleas.

(3) *Limitations.* For oral use in dogs only. Do not use in greyhounds or in animals that are pregnant, sick, under stress, or recovering from surgery. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. By adding new § 520.531, to read as follows:

§ 520.531 Cythioate tablets.

(a) *Specifications.* Each tablet contains 30 milligrams of cythioate.

(b) *Sponsor.* See Nos. 000859 and 010042 in § 510.600 of this chapter.

(c) *Special considerations.* Cythioate is a cholinesterase inhibitor. Do not use this product in animals simultaneously with or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, insecticides, pesticides, or chemicals.

(d) *Conditions of use.*—(1) *Amount.* 30 milligrams cythioate per 20 pounds of body weight every third day or twice a week.

(2) *Indications for use.* Dogs, for control of fleas.

(3) *Limitations.* For oral use in dogs only. Do not use in greyhounds or in animals that are pregnant, sick, under stress, or recovering from surgery. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. February 14, 1984.

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

Dated: February 8, 1984.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 84-3915 Filed 2-13-84; 8:45 am]

BILLING CODE 4160-01-M

VETERANS ADMINISTRATION

38 CFR Part 17

Medical Treatment During Rehabilitation

AGENCY: Veterans Administration.

ACTION: Final regulation amendments.

SUMMARY: The Veterans Administration is amending a series of its Medical regulations (38 CFR Part 17) to incorporate amendments made by public law which expanded the scope and circumstances under which eligible veterans may be provided medical and dental services. Pub. L. 96-466, Veterans' Rehabilitation and Education Amendments of 1980, amended 38 U.S.C. chapter 31 expanding the scope and circumstances under which services are available to veterans under that chapter, including the periods during which eligible veterans may be provided medical and dental services. Previously, these services were available only to those veterans under chapter 31 who were approved for vocational training or education. Consistent with the public law, medical and dental examination and treatment may now be provided to accomplish the purposes of the initial evaluation, as well as to facilitate the achievement of rehabilitation goals, including needed treatment during the period while assistance is provided in seeking employment.

EFFECTIVE DATE: January 31, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph Fleckenstein, Department of Medicine and Surgery (136F), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-3785.

SUPPLEMENTARY INFORMATION: On pages 38007 to 38009 of the **Federal Register** of August 22, 1983, the proposed new regulation and amended regulations were published for title 38, Code of Federal Regulations. Interested persons were given 30 days to submit comments, suggestions or recommendations. No comments were received. An editorial change has been made to § 17.37 by deleting the words "or medical services," since this specific regulation concerns hospital care. Medical services are covered elsewhere. A change was also made to § 17.60(c) to correct the statement dealing with transportation expenses so as not to inappropriately restrict payment to veterans eligible to receive medical treatment services, per se. The final regulations are adopted as set forth below.

The Administrator has determined that these amendments to VA regulations are considered nonmajor under the criteria of Executive Order 12291, Federal Regulation. They will not have an annual effect on the economy of $100 million or more; nor result in major increases in costs for consumers, individual industries, Federal, State or local government agencies, or geographic regions, nor have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator certifies that these amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the amendments will directly regulate only the entitlement of individual veterans and their beneficiaries.

The Catalog of Federal Domestic Assistance Numbers are 64.009 and 64.011.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs—health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Dated: January 31, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 17—[AMENDED]

38 CFR Part 17, MEDICAL, is amended as follows:

1. In § 17.36, paragraph (b) is revised to read as follows:

§ 17.36 Hospital care and medical services in foreign countries other than the Philippines.

* * * * *

(b) Hospital care or medical services for a veteran who is participating in a rehabilitation program under 38 U.S.C. chapter 31 and who is medically determined to be in need of hospital care or medical services for any of the reasons enumerated in § 17.48(g). (38 U.S.C. 624)

2. Section 17.37 is revised to read as follows:

§ 17.37 Hospital care in the Philippines in facilities other than Veterans Memorial Medical Center.

Hospital care may be authorized in the Republic of the Philippines in facilities other than the Veterans Memorial Medical Center for any United States veteran who is eligible for hospital care under § 17.47 (a) or (b), or a veteran who is participating in a rehabilitation program under 38 U.S.C. chapter 31 and who is medically

determined to be in need of hospital care for any of the reasons enumerated in § 17.48(g). (38 U.S.C. 624)

3. In § 17.45, paragraph (a) is revised to read as follows:

§ 17.45 Persons entitled to hospital observation and physical examination.

(a) Claimants or beneficiaries of the VA for purposes of disability compensation, pension, participation in a rehabilitation program under 38 U.S.C. chapter 31, and Government insurance. (38 U.S.C. 611(a))

* * * * *

4. Section 17.48 is amended by adding a new paragraph (g) to read as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital, nursing home or domiciliary care.

* * * * *

(g) "Participating in a rehabilitation program under 38 U.S.C. chapter 31" refers to any veteran

(1) Who is eligible for and entitled to participate in a rehabilitation program under chapter 31.

(i) Who is in an extended evaluation period for the purpose of determining feasibility, or

(ii) For whom a rehabilitation objective has been selected, or

(iii) Who is pursuing a rehabilitation program, or

(iv) Who is pursuing a program of independent living, or

(v) Who is being provided employment assistance under 38 U.S.C. chapter 31, and

(2) Who is medically determined to be in need of hospital care or medical services (including dental) for any of the following reasons:

(i) Make possible his or her entrance into a rehabilitation program; or

(ii) Achieve the goals of the veteran's vocational rehabilitation program; or

(iii) Prevent interruption of a rehabilitation program; or

(iv) Hasten the return to a rehabilitation program of a veteran in interrupted or leave status; or

(v) Hasten the return to a rehabilitation program of a veteran placed in discontinued status because of illness, injury or a dental condition; or

(vi) Secure and adjust to employment during the period of employment assistance; or

(vii) To enable the veteran to achieve maximum independence in daily living. (38 U.S.C. 1504(a)(9); Pub. L. 96-466, sec. 101(a))

5. In § 17.49, paragraph (a)(3)(i)(C) is revised to read as follows:

§ 17.49 VA policy on priorities for hospital, nursing home and domiciliary care.

(a) * * *

(3) * * *

(i) * * *

(C) A veteran who is participating in a rehabilitation program under 38 U.S.C. chapter 31 and is medically determined to be in need of hospital care for any of the reasons enumerated in § 17.48(g). (38 U.S.C. 610)

* * * * *

6. In § 17.50(b), paragraph (c) is revised to read as follows:

§ 17.50b Use of public or private hospitals for veterans.

* * * * *

(c) *For veterans participating in a rehabilitation program under 38 U.S.C. chapter 31.* The veteran is participating in a rehabilitation program under 38 U.S.C. chapter 31 and is medically determined to be in need of hospital care or medical services for any of the reasons enumerated in § 17.48(g). (38 U.S.C. 601(4)(C))

* * * * *

7. In § 17.60, paragraph (c) is revised, and paragraph (f) is amended by removing the words "the attending" and inserting the words "a staff". Revised paragraph (c) reads as follows:

§ 17.60 Outpatient medical services for eligible persons.

* * * * *

(c) *For veterans participating in a rehabilitation program under 38 U.S.C. chapter 31.* A veteran who is participating in a rehabilitation program under 38 U.S.C. chapter 31 is entitled to such medical services as are medically determined necessary for any of the reasons enumerated in § 17.48(g). A veteran participating in a rehabilitation program under 38 U.S.C. chapter 31 may also be furnished in a clinic operated by the VA any examination or immunization necessary to qualify him or her for admission to a training or other rehabilitation facility, except the Department of Medicine and Surgery may not authorize incidental transportation. (38 U.S.C. 612)

* * * * *

§ 17.76 [Amended]

8. Section 17.76 is amended by removing the word "He" at the beginning of the 5th sentence and inserting "The patient"; by removing the words "hospital or" in the 7th sentence and inserting the word "medical"; and by deleting the word "his" in the last sentence.

§ 17.77 [Amended]

9. Section 17.77 is amended by removing the words "he" and "him" and inserting in those places the words "the patient."

§ 17.78 [Amended]

10. Section 17.78 is amended by removing the word "station" in paragraph (a) and inserting the words "medical center"; by adding the words "or her" after "his" in paragraph (a)(1); and by removing the word "his" in paragraph (a)(2).

11. In § 17.80, paragraph (a)(4) is revised to read as follows:

§ 17.80 Payment or reimbursement of the expenses of hospital care and other medical services not previously authorized.

* * * * *

(a) * * *

(4) For any illness, injury or dental condition in the case of a veteran who is participating in a rehabilitation program under 38 U.S.C. chapter 31 and who is medically determined to be in need of hospital care or medical services for any of the reasons enumerated in § 17.48(g). (38 U.S.C. 628); and

12. In § 17.81, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 17.81 Payment or reimbursement of the expenses of repairs to prosthetic appliances and similar devices furnished without prior authorization.

The expenses of repairs to prosthetic appliances, or similar appliances, therapeutic or rehabilitative aids or devices, furnished without prior authorization, but incurred in the care of a service-connected disability (or, in the case of a veteran who is participating in a rehabilitation program under 38 U.S.C. chapter 31 and who is determined to be in need of the repairs for any of the reasons enumerated in § 17.48(g)) may be paid or reimbursed on the basis of a timely filed claim, if: (38 U.S.C. 628)

* * * * *

13. In § 17.100, paragraph (g)(2) is revised to read as follows:

§ 17.100 Transportation of claimants and beneficiaries.

* * * * *

(g) * * *

(2) Outpatient treatment for service-connected conditions, including adjunct treatment thereof; for veterans under § 17.60 (h) and (i); and for nonservice-connected disabilities of veterans who are participating in a rehabilitation program under 38 U.S.C. chapter 31 and who are medically determined to be in need of medical services for any of the reasons enumerated in § 17.48(g), subject to exceptions defined in paragraph (h) of this section. (38 U.S.C. 111(b))

* * * * *

14. In § 17.120, paragraph (f) is revised to read as follows:

§ 17.120 Authorization of dental examinations.

* * * * *

(f) Veterans who are participating in a rehabilitation program under 38 U.S.C. chapter 31 are entitled to such dental services as are professionally determined necessary for any of the reasons enumerated in § 17.48(g). (38 U.S.C. 612(b); ch. 31)

* * * * *

15. In § 17.123, paragraph (i) is revised to read as follows:

§ 17.123 Authorization of outpatient dental treatment.

* * * * *

(i) *Class V.* A veteran who is participating in a rehabilitation program under 38 U.S.C. chapter 31 may be authorized such dental services as are professionally determined necessary for any of the reasons enumerated in § 17.48(g). (38 U.S.C. 612(b); chapter 31)

* * * * *

[FR Doc. 84-3974 Filed 2-13-84; 8:45 am]
BILLING CODE 8320-01-M

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38 CFR Part 17

VA/DOD Contingency Plan

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The VA is setting forth a final regulation to implement VA/DOD Health Care Resources Sharing and Emergency Operations Act (Pub. L. 97-174), enacted into law on May 4, 1982. Section 4 of this law establishes the VA health-care system as the primary backup to the Department of Defense in time of war or national emergency. This final regulation took effect on August 11, 1983, because of the importance of instructing staff to plan for the provision of proper medical treatment to active duty personnel of the United States Armed Forces in time of war or national emergency. Although the regulations were for immediate use, they were subject to change based on comments received during the comment period.

DATE: The regulation was effective August 11, 1983.

FOR FURTHER INFORMATION CONTACT: Anthony Ilardi, Acting, Emergency Preparedness Planning Officer (10B/EMS), Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-2322).

SUPPLEMENTARY INFORMATION: This regulation implements Section 4 of Pub. L. 97-174.

Interim final regulations were published on August 26, 1983 at pages 38821 and 38822 of the **Federal Register.** Interested persons were given 30 days to comment, however, no comments were received. The Veterans Administration hereby adopts this regulation as final.

Pub. L. 97-174 is explicit and this regulation is not discretionary since it is limited to implementing the letter and the clear legislative intent of the law. In addition, this regulation comes within the good cause exception to the general VA policy of obtaining prior public comment on proposed regulatory development and a prior proposed notice is unnecessary. Also, the Regulatory Flexibility Act (Pub. L. 96-354) is not applicable since it applies only to regulations for which a general notice of proposed rulemaking is published.

The Veterans Administration has determined that this regulation is not a "major rule" as defined by E.O. 12291, Federal Regulation. It will not have an effect on the economy of $100 million and will not result in any major increases in costs or prices for anyone; nor will they have significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This regulation is for the purpose of implementing a law intended to establish the VA as the principal backup to the health-care resources of the Department of Defense in time of war or national emergency. Consequently, this regulation is issued "with respect to a military * * * function of the United States," and comes within an exception to the definition of regulations covered by E.O. 12291, (Section 1(a)(2)). Even if a portion of this regulation is considered to deal with a nonmilitary function, it will clearly not have any sizeable economic impact in itself. This regulation pertains to contingency planning and under peacetime conditions there is no effect on any segment of the economy. In the event of war or national emergency, the effect on the economy is potentially significant, dependent on the level of the emergency. Nonservice-connected veterans could be displaced from or denied admission to VA health facilities. The number of these veterans would depend on the level of the emergency. To ease the burden on these veterans, the VA is authorized to place nonservice-connected veterans in community health facilities at VA expense. Under the law, the extent to which the VA could place these veterans depends on the availability of funds and the authorization of the President. However, all of these potential economic effects would result from the war or national emergency and from Pub. L. 97-174, not from implementing this regulation. Therefore, even if this regulation is considered subject to E.O. 12291, it does not qualify as a "major rule."

The Catalog of Federal Domestic Assistance Number are 64.009 (Veterans Hospitalization); 64.010 (Veterans Nursing Home Care); 64.011 (Veterans Outpatient Care); and, 64.018 (Sharing Specialized Medical Resources).

List of Subjects in 38 CFR Part 17

Health care, Health facilities, Nursing home care, Veterans.

These final regulations are adopted under the authority granted the Administrator by sections 210(c) and 620(a) of Title 38, United States Code.

Dated: January 31, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 17—[AMENDED]

38 CFR Part 17, MEDICAL, is amended by adding a new § 17.190 to read as follows:

§ 17.190 Contingency backup to the Department of Defense.

(a) *Priority care to active duty personnel.* The Administrator, during and/or immediately following a period of war or national emergency declared by the Congress or the President that involves the use of United States Armed Forces in armed conflict, is authorized to furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty. The Administrator may give higher priority in the furnishing of such care and services in VA facilities to members of the Armed Forces on active duty than to any other group of persons eligible for such care and services with the exception of veterans with service-connected disabilities. (38 U.S.C. 5011A, Pub. L. 97-174)

(b) *Contract authority.* During a period in which the Administrator is authorized to furnish care and services to members of the Armed Forces under paragraph (a) of this section, the Administrator, to the extent authorized by the President and subject to the availability of appropriations or reimbursements, may authorize VA facilities to enter into contracts with private facilities for the provision during such period of hospital care and medical services for certain veterans. These veterans include only those who are receiving hospital care under 38 U.S.C.

610 or, in emergencies, for those who are eligible for treatment under that section, or who are receiving care under 38 U.S.C. 612 (f) and (g). This authorization pertains only to circumstances in which VA facilities are not capable of furnishing or continuing to furnish the care or services required because of the furnishing of care and services to members of the Armed Forces. (38 U.S.C. 5011A, Pub. L. 97-174)

[FR Doc. 84-3975 Filed 2-13-84; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2525-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On January 21, 1981, Indiana submitted its revised malfunction regulation, 325 IAC 1.1-5, to EPA as a revision to the Indiana State Implementation Plan (SIP). EPA proposed to approve it on December 3, 1982 (47 FR 54476). Comments were received from various Indiana companies and the State. Based on EPA's analysis of the regulation and the comments received, EPA today is approving 325 IAC 1.1-5.

EFFECTIVE DATE: This final rulemaking becomes effective on March 15, 1984.

ADDRESSES: Copies of this revision to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V Office.)

Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On January 21, 1981, Indiana submitted its revised malfunction regulation, 325 IAC 1.1-5, to EPA.[1] On July 2, 1982, Indiana clarified its intent concerning 325 IAC 1.1-5, as discussed below.

Revised 325 IAC 1.1-5 applies to sources which have the potential to emit the following amounts of pollutants before controls: Total suspended particulate (TSP)—25 pounds/hour or more; sulfur dioxide (SO_2) and volatile organic compound (VOC)—100 pounds/hour or more; and all other pollutants—2,000 pounds/hour or more.

The regulation requires a source:

(1) To develop a preventive maintenance plan and to prepare and maintain a malfunction emission reduction program,

(2) To correct a malfunction as expeditiously as practicable and to minimize the impact of the excess emissions,

(3) To keep records of all malfunctions which cause the source's emission limits to be violated, and

(4) To notify Indiana immediately of such malfunctions which last for more than one hour.

The regulation also prescribes actions which the State can take to address malfunction situations. Except for certain reporting requirements, the regulation does not address excesses due to start-ups and shutdowns. Start-ups and shutdowns are not malfunctions as defined in the definition section of Indiana's regulations, 325 IAC 1.1-1. However, malfunctions occurring during start-ups and shutdowns would fall within the scope of 325 IAC 1.1-5.

EPA reviewed 325 IAC 1.1-5 and requested that Indiana clarify two points. Indiana responded in a July 2, 1982 letter as follows:

(1) Sections 2 and 4 require information to be submitted to the State if a malfunction occurs. EPA asked the State whether it is considered to be a violation of the regulation if a source provides incomplete or inaccurate information. Indiana responded that incomplete or erroneous malfunction reports would be treated as violations of the regulation.

(2) Sections 4(a)(3) and 5(a) refer to sources where malfunctions occur more than 5% of the normal operational time [2] for any one control device or combustion or process equipment. EPA asked the State whether these provisions automatically exempt sources which malfunction less than 5% of the time or are only a guideline to be used in conjunction with the other criteria listed in Section 4(a) in determining a violation. The State responded that the 5% figure is only a guideline to be used in determining appropriate action.

Based on EPA's excess emissions policy and the clarifications supplied by the State, EPA proposed to approve revised 325 IAC 1.1-5 on December 3, 1982 (47 FR 54476).[3] EPA noted in this proposal that, if it ultimately approved 325 IAC 1.1-5, it would treat any incomplete or erroneous information provided by a source as a violation of this regulation. Additionally, it would use the 5% criterion as a guideline only, in conjunction with the other criteria given in the regulation. Any malfunction which causes the applicable emission limits to be exceeded would be treated as a violation of the SIP, but the four criteria would be used in determining an appropriate enforcement response. Finally, EPA would not be bound by any exemption granted by the State.

Comments were received from Indiana industrial sources and the State. All agreed that EPA should approve the regulation, but the industrial commenters questioned some of the points made in the proposal. Below is a summary of the comments and EPA's responses:

Comment: Several of the commenters stated that EPA was unilaterally modifying 325 IAC 1.1-5 when it stated that it would not be bound by any exemption granted by the State. They

[1] Indiana submitted its original malfunction regulation, APC 11, to EPA on June 26, 1979. EPA proposed to disapprove it on March 27, 1980 (45 FR 20432) because of specific enumerated deficiencies. In response to this notice, Indiana committed to revise its malfunction regulation on June 25, 1980 and did resubmit one on January 21, 1981.

[2] In the December 3, 1982 (47 FR 54476) notice of proposed rulemaking, EPA combined the two different provisions of 325 IAC 1.1-5(a) to imply that a 12-month time frame would be used to determine the "normal operational time of the facility." In actuality, compliance with Indiana's malfunction regulations is determined on a quarterly basis. The 12-month time frame in 325 IAC 1.1-5 is used to determine whether curtailment of operations of a facility is an appropriate remedy to a malfunction problem.

[3] Several documents describing EPA's excess emissions policy were cited in the December 3, 1982 proposal. EPA's policy has been described in a more recent EPA memorandum. ("Policy on Excess Emissions During Start-up, Shutdown, Maintenance, and Malfunction," from Kathleen M. Bennett, Assistant Administrator for Air, Noise, and Radiation, to Regional Administrators I-X, dated February 15, 1983.) The action taken today is entirely consistent with the February 15, 1983 memorandum as well as the documents cited in the proposal.

further asserted that this "modification" is inconsistent with the Clean Air Act in that EPA is limited to only approving or disapproving a State regulation. Any other EPA action requires Federal promulgation.

Response: EPA's approach is entirely consistent with the Act. In stating that it would not be bound by any exemption granted by Indiana, EPA intended to make clear that its approval of the criteria and procedures for the exercise of enforcement discretion with respect to malfunctions did not constitute approval in advance of the outcome of any application of these criteria and procedures by the State. Because Indiana's regulation contains no specific exemptions but only the criteria and procedures to be used in determining whether to exercise enforcement discretion, EPA's action is in no way an attempt to modify the regulation.

Comment: Several commenters stated that the Clean Air Act gives primacy to the states. They noted that it is EPA's policy to defer to the states and concluded that EPA should not take independent action against a source where the State has granted an exemption.

Response: The Clean Air Act does give the states the primary responsibility for the control of air pollution, and EPA often defers to states in determining an appropriate response in implementing the Act.

However, in order to assure that violations of SIPs do not jeopardize the attainment and maintenance of the ambient standards, the Act provides not only for State enforcement action, but also federal enforcement authority under Sections 113 and 120. In approving state regulations containing criteria and procedures for determining whether to take enforcement action, EPA does not, and cannot, relinquish its enforcement authority under the Act. Of course, in determining whether to take an enforcement action, EPA will use the same enforcement criteria it is approving for the State.

This approach is not inconsistent with any of the cases cited by various commenters. In fact, in one case, *Bethlehem Steel* v. *EPA*, 638 F.2d 994 (7th Cir. 1980), the court recognized that EPA would not be bound by a state waiver issued under the provisions of a federally approved Delayed Compliance Order (DCO).

Comment: One commenter mentioned that EPA's statement in the Notice of Proposed Rulemaking that EPA "may take an independent action against a source regardless of any action taken by the State" overstated EPA's authority.

Response: Implicit in EPA's statement was that EPA can take an independent action against a source so long as such action is consistent with Section 113 and any other applicable provision of the Clean Air Act.

Comment: One commenter stated that EPA's proposed action on the Indiana regulation did not comport with its proposed action on the Montana malfunction regulation (December 14, 1982, 47 FR 55965).

Response: EPA's proposed action on the Montana regulation was consistent with its proposed action on the Indiana regulation. Although the commenter did not state how the two proposals differed, he may be referring to the fact the EPA did not explicitly state in the Montana proposal as it did in the Indiana proposal that EPA reserves the right to take independent action from the State on malfunctions. However, as discussed in a previous comment, whether stated or not, this right is inherent in the dual enforcement scheme established by the Act and is always available to the EPA.

Comment: Several commenters note that EPA's new source performance standards (NSPS) under Section 111 of the Act excuse certain violations of emission limitations during periods of start-up, shut-down, and malfunction. They state that EPA should not require more stringent performance from existing sources than from new sources, and, therefore, conclude that EPA should not require existing sources to comply with the SIP during periods of start-up, shut-down, and malfunction.

Response: It should first be noted that Indiana is not required by the Clean Air Act to promulgate any regulations which would allow exemptions from SIP requirements during malfunction or start-up and shut-down. As a matter of policy, EPA will approve narrowly circumscribed malfunction and start-up and shut-down regulations. However, EPA has no authority to disapprove a State malfunction or start-up and shut-down regulations on the grounds that it is too stringent.

In addition, EPA believes it is reasonable to require narrower malfunction and start-up and shut-down regulations for SIP noncompliance than for NSPS noncompliance. The new source performance standards under § 111—unlike the ambient standards promulgated under § 110—are technology based. Attainment of the ambient air quality standards is not a relevant consideration in establishing the NSPS standards; i.e., emissions limits under NSPS are the same, whether the new source is going into a pristine area or into an area which just attains the NAAQS. Therefore, violation of the NSPS standards *per se* does not necessarily interfere with attainnent or maintenance of the national ambient air quality standards.[4] In contrast, the Clean Air Act requires that SIP emission limitations assure the attainment and maintenance of NAAQS. Because noncompliance with a SIP emission limit may interfere with such attainment or maintenance, it follows that the use of enforcement discretion with respect to such noncompliance should be narrowly circumscribed.

Comment. One commenter held that a case-by-case consideration of each routine start-up and shut-down, in addition to each malfunction, would result in a great deal of effort and paperwork and is, therefore, neither practical nor equitable.

Response: Indiana, through adopting the reporting requirements of 325 IAC 1.1–5–2, requires a record to be kept of all malfunctions, as well as excess emissions during periods of start-up and shut-down, at any facility where the applicable emission limits are violated. Although complying with this requirement admittedly could take certain resources, this type of operating record is often maintained by sources for their own purposes anyway. The type of record required should facilitate case-by-case review and is a practical method to minimize the effort needed to determine if impermissible emissions have taken place. The requirement is equitable because it applies to all sources in Indiana. In any event, the Clean Air Act provides no grounds for disapproval on the basis cited by the commenter.

Comment: One commenter stated that if EPA treats excess emissions during start-ups and shut-downs as violations, sources which are unable to comply with the applicable emission limitations because of equipment limitations would be unfairly penalized.

Response: The Clean Air Act does not require start-up and shut-down exemptions with respect to SIP limits. Therefore, the absence of a provision for such exemptions in the State malfunction regulation is not grounds for disapproving the malfunction regulation. It should be noted that under EPA's enforcement policy, if the source adequately demonstrates that excess emissions during periods of start-up and shut-down could not have been prevented through careful planning and

[4] Of course, noncompliance with NSPS may interfere with attainment or maintenance of the NAAQS if the NSPS emission limit or requirement is adopted for a specific source as a SIP limit in order to assure such attainment or maintenance.

design and that bypassing of control equipment was unavoidable to prevent loss of life, personal injury, or severe property damage, then exceedances of emission limits during periods of start-up and shutdown need not be treated as violations. (See Memorandum on "Policy on Excess Emission During Start-up, Shutdown, Maintenance, and Malfunction," from Kathleen M. Bennett, Assistant Administrator for Air, Noise and Radiation to Regional Administrators I–X, dated February 15, 1983.) Therefore, EPA's enforcement policy does not unfairly penalize sources during start-up and shutdown periods.

Comment: Several commenters note that EPA's excess emissions policy has not gone through formal rulemaking procedures, i.e., proposal followed by final rulemaking action. One commenter additionally concluded that EPA cannot rulemake based on this policy.

Response: The Clean Air Act provides the basis for all EPA actions concerning the SIPs. EPA periodically issues reasoned policy memoranda which clarify sections of the Act and provide guidance to the States as to the meaning of these sections. Because these are merely clarifications of the Act, rulemaking procedures are not required. In any event, EPA is not disapproving Indiana's malfunction regulation, but rather is approving it. The consistency of this regulation with EPA's policy provides no grounds for disapproval.

Comment: One commenter noted EPA's statement in the proposal that, "Any malfunction which causes the applicable emission limits to be exceeded will be treated as a violation of the SIP." The commenter thought this statement to be inherently inconsistent with Indiana's ability to exempt sources from its normal regulatory emission limits by means of an exemption within the source's operating permit conditions. The commenter concludes that this is an example of EPA unilaterally modifying Indiana's regulations without going through promulgation procedures.

Response: In actuality, EPA's statement is not inconsistent with the State's ability to provide an exemption to a source through its operating permit mechanism. EPA stated in its proposal that it cannot approve any regulatory provision which automatically exempts sources from complying with their applicable emission limits. This does not necessarily mean that a source-specific exemption, as opposed to a generic regulatory provision, cannot be approved.

Indiana's operating permit regulation, 325 IAC Article 2, requires discretionary actions by the Indiana Air Pollution Control Board to be submitted to EPA as revisions to the SIP. See 325 IAC 2–1–12. If the State put such an exemption within an operating permit, this would constitute a Board discretionary action and would be submitted as a revision to the SIP. EPA can and will approve all such source-specific actions as long as the requirements of section 110 are met, including a demonstration that the NAAQS would be maintained with such an exemption. Once this exemption is a part of the SIP, the identified occurrence would not be a violation of the SIP and would be allowable. Therefore, EPA has not unilaterally modified Indiana's regulations by its statement.

Comment: One commenter noted that EPA stated in its December 3, 1982 proposal that it had asked the State whether Sections 4(a)(3) and 5(a) automatically exempt sources which malfunction less than 5% of the time or is this number only a guideline to be used in conjunction with the other criteria listed in Section 4(a) in determining a violation. The State responded that the 5% figure is only a guideline to used in determining appropriate action.

The commenter further noted that EPA concluded that it was proposing to approve the four criteria exemption within Indiana's regulation because the criteria listed, including the 5% guideline, do not operate to automatically exempt a source, but instead require discretionary judgment on the part of the enforcing party to determine if enforcement action is appropriate. The commenter stated that the State in its July 2, 1982 letter only mentioned Section 4(a)(3) (the 5% figure) and did not address Sections 4(a) (1), (2), and (4). The commenter implied with this comment that the State may only consider Section 4(a)(3) to be a guideline, with the other elements listed in Sections 4(a) (1), (2), and (4) considered to be absolute standards.

Response: EPA in its letter asked the State to confirm that the 5% criterion is only a guideline to be used in conjunction with the other reporting requirements in Section 4(a) (1), (2), and (4) in determining a violation. Although these Sections were not explicitly mentioned in the State's July 2, 1982 letter, the State concluded that letter by stating: "Therefore, we believe our interpretation of the rule is consistent with that expressed in your letter." From this, EPA concludes that the State concurred with the question asked and does agree that all four criteria must be considered in determining an appropriate enforcement response. Additionally, although Section 4(a)(3) could arguably be considered an absolute standard, Sections 4(a) (1), (2), and (4) all require a judgment call by the enforcing party and, therefore, cannot automatically exempt a source. They, too, then meet the requirements of EPA's excess emissions policy.

In conclusion, after careful review of Indiana's malfunction regulation and the comments received in response to EPA's December 3, 1982 proposal, EPA is approving 325 IAC 1.1–5 as a revision to the SIP. As was noted in the December 3, 1982 proposal, EPA will treat any incomplete or erroneous information provided by a source as a violation of this regulation. Additionally, it will use the 5% criterion as a guideline only, in conjunction with the other criteria given in the regulation. As was also noted in the proposal, EPA's action does not constitute advance approval of any exemptions which might be issued under Indiana's malfunction regulation. Thus, EPA may take independent enforcement action to the extent allowed by Section 113 and any other applicable provisions of the Act, notwithstanding the issuance of an exemption by the State. In determining whether enforcement action is warranted, in the case of malfunctions, EPA will use the enforcement criteria contained in the Indiana regulation.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

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

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Incorporation by Reference.

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

This notice is issued under authority of section 110 of the Clean Air Act, as amended.

Dated: February 3, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Indiana

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. Section 52.770 is amended by adding paragraph (c)(46) as follows:

§ 52.770 Indentification of plan.

* * * * *

(c) * * *

(46) On January 21, 1981, Indiana submitted its revised malfunction regulation, 325 IAC 1.1–5, to EPA. Indiana clarified its intent concerning 325 IAC 1.1–5 on July 2, 1982.

* * * * *

[FR Doc. 84–3829 Filed 2–13–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 61 and 75

Changes in Assignments of Officials in FEMA Regulations

Correction

In FR Doc. 84–3353 beginning on page 4750 in the issue of Wednesday, February 8, 1984, make the following corrections:

1. On page 4751, first column, in the fourth line of paragraph 5. amending § 61.1, "Administrative" should have read "Administrator".

2. On page 4751, third column, paragraph 21. should have read:

"21. 44 CFR Part 75 is amended by removing the words "Associate Director" and adding "Administrator" in place thereof in the following sections: §§ 75.1, 75.10, 75.11(a) (2 times) and 75.13(c)."

BILLING CODE 1505–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83–386; RM–4363]

TV Broadcast Station in Austin, Texas; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 54 to Austin, Texas, as that community's sixth television broadcast service, in response to a request from the Allandale Baptist Church of Austin.

EFFECTIVE DATE: April 9, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.606(b), Table of Assignments, TV broadcast stations (Austin, Tex.); MM Docket No. 83–386, RM–4363.

Adopted: January 27, 1984.

Released: February 2, 1984.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 18846, published April 26, 1983, issued in response to a request filed by the Allandale Baptist Church of Austin ("petitioner"), proposing the assignment of UHF television Channel 54 to Austin, Texas, as that community's sixth television allocation. Petitioner filed supporting comments in which it reiterated its intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Austin (population 345,496),[1] the seat of Travis County (population 419,335), and the capital of Texas, is located approximately 240 kilometers (150 miles) northwest of Houston. Currently, it is served by commercial Stations KTBC–TV (Channel 7); KVUE–TV (Channel 24), KTVV(TV) (Channel 36), and KBVO–TV (Channel 42). Additionally, it is served by noncommercial educational Station KLRU(TV) (Channel *18).

3. As indicated in the *Notice*, UHF television Channel 54 can be assigned to Austin in conformity with the applicable mileage separation requirements of §§ 73.610 and 73.698 of the Commission's Rules.

4. In view of the above, and having found no policy objection to the proposal, we believe the public interest would be served by assigning UHF television Channel 54 to Austin, Texas, since it could provide a sixth television broadcast service to the community.

5. Since Austin is located within 320 kilometers (199 miles) of the common U.S.-Mexican border, concurrence of the Mexican government was obtained.

6. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective April 9, 1984, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with respect to the community listed below, as follows:

City	Channel No.
Austin, Texas	7+, *18+, 24, 36, 42–, and 54.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84–3898 Filed 2–13–84; 8:45 am]

BILLING CODE 6712–01–M

[1] Population figures were taken from the 1980 U.S. Census.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 574

[Docket No. 70–12; Notice 25]

Tire Identification and Recordkeeping

Correction

In FR Doc. 84–3421 beginning on page 4755 in the issue of Wednesday, February 8, 1984, make the following correction.

On page 4760, third column, second line of § 574.7(a)(2)(iv), "16 inches" should have read "6 inches".

BILLING CODE 1505–01–M

Proposed Rules

Federal Register
Vol. 49, No. 31
Tuesday, February 14, 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 JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The proposed rule would require the district director to cancel a public charge bond posted on behalf of an immigrant following review after the fifth anniversary of an immigrant's admission to the United States, unless the immigrant became a public charge within five years of admission for permanent residence. This change would reduce the liability of an obligor from the current indefinite period to a period of five years, which coincides with the limit of liability of an immigrant to deportation as a result of becoming institutionalized at public expense.

DATE: Comments must be received on or before March 15, 1984.

ADDRESS: Please submit written comments in duplicate to the Director of Policy Directives and Instructions, Immigration and Naturalization Service, Room 2011, 425 I Street NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

For Specific Information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3946.

SUPPLEMENTARY INFORMATION: Public charge bonds are required of certain immigrants to the United States in order to assure the government that the immigrant will not become a public charge which would render the immigrant excludable under section 212(a)(15) of the Immigration and Nationality Act, 8 U.S.C. 1182(a)(15). An immigrant is excludable if found likely to become a public charge prior to entry into the United States. An immigrant becomes deportable under section 241(a)(3) of the Act, 8 U.S.C. 1251(a)(3), if institutionalized at public expense within five years after entry as a result of a disease or mental defect in existence prior to the immigrant's entry.

The current regulation at 8 CFR 103.6(c)(1) provides for cancellation of the bond if review shows that the alien has not become a public charge or the alien immigrant has died, departed permanently from the United States or become naturalized, or if the Service is satisfied that the alien will not become a public charge. The Service believes that the public will be adequately protected by limiting the duration of liability of public charge bonds to a five-year period, which parallels the deportation liability. This shortened period also appears to be reasonable jeopardy to impose upon the obligor. If an arriving immigrant is self-sustaining for a five-year period, it is not probable that the alien will become a public charge after the five years. Also, it is unlikely that the reason for becoming a public charge will be based upon factors in existence prior to admission as an immigrant. The proposed regulation therefore provides that a public charge bond be cancelled if a Service district director finds that the immigrant did not become a public charge within the five years following admission. This regulation would make it clear that the district director must review each public charge bond as quickly as possible following the fifth anniversary and cancel the bond if Form I–356, Request for Cancellation of Public Charge Bond, has been filed and the evidence indicates that the immigrant did not become a public charge prior to the fifth anniversary of the immigrant's admission to the United States.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because only a few hundred public charge bonds are posted yearly.

This order would not be a major rule within the definition of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Archives and record, Authority delegations (government agencies), Bonding, Forms, Surety bonds.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Accordingly, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations as follows:

In § 103.6, paragraph (c)(1) would be revised as follows:

§ 103.6 Surety bonds.

* * * * *

(c) *Cancellation*—(1) *Public charge bonds.* A public charge bond posted for an immigrant shall be cancelled when the alien dies, departs permanently from the United States, or is naturalized, provided the immigrant did not become a public charge prior to death, departure, or naturalization.

The district director may cancel a public charge bond at any time if he finds that the immigrant is not likely to become a public charge. A bond may also be cancelled in order to allow substitution of another bond. A public charge bond shall be cancelled by the district director upon review following the fifth anniversary of the admission of the immigrant, provided that the alien has filed Form I–356, Request for Cancellation of Public Charge Bond, and the district director finds that the immigrant did not become a public charge prior to the fifth anniversary. If Form I–356 is not filed, the bond shall remain in effect until the form is filed and the district director reviews the evidence supporting the form and renders a decision to breach or cancel the bond.

* * * * *

(Sec. 103 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103)

Dated: January 23, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84–3993 Filed 2–13–84; 8:45 am]
BILLING CODE 4410–10–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 338

Fair Housing

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is proposing to amend § 338.4 of its regulations to eliminate the current requirement that insured State nonmember banks collect and record in a log-sheet certain data concerning home loan inquiries while retaining the requirement that information on all such applications be recorded and retained for 25 months. This proposal is being made because log-sheet entries about inquiries have not been effective in identifying those banks needing special attention in the fair housing lending monitoring program. The proposed revision will bring about cost savings for both banks and regulatory authorities and possible improvements in the quality of compliance examinations through the more efficient use of examiner time.

In addition to the foregoing proposal, the FDIC is requesting comments on a possible reduction in the number of banks required to maintain log-sheets by raising from $10 million in total assets the size under which banks are exempt from maintaining log-sheets or by changing the exemption threshold to another measure more closely associated with home loan application activity.

DATE: Comments must be submitted on or before April 16, 1984.

ADDRESS: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Comments may be hand delivered to Room 6108 between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Rex J. Morthland, Director, Office of Consumer Programs, Division of Bank Supervision (202/389–4353), Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

Background

Insured State nonmember banks which have an office in a primary metropolitan statistical area ("PMSA"), metropolitan statistical area ("MSA"), or a consolidated metropolitan statistical area ("CMSA") that is not comprised of designated primary metropolitan statistical areas [1] and which had total assets exceeding $10 million on December 31 of the preceding calendar year are required to keep a log-sheet in accordance with the provisions of § 338.4(a)(2)(iv) of the FDIC's regulations. Specific information is recorded by each bank office for all home loan inquiries and applications received. A sample form of the log-sheet is included in Appendix A of § 338.4.

Part 338 was adopted in 1978 to provide a basis for a more effective FDIC fair housing lending enforcement program under the Fair Housing Act (42 U.S.C. 3601 *et seq.*) and Regulation B (12 CFR Part 202), the implementing regulation under the Equal Credit Opportunity Act of 1974 (15 U.S.C. 1691 *et seq.*). The Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 *et seq.*) ("HMDA") and FDIC's Part 345 (12 CFR Part 345), the implementing regulation for the Community Reinvestment Act of 1977 (12 U.S.C. 2901 *et seq.*), are also consumer protection laws relating to home loans.

Proposal

FDIC is reviewing Part 338 as a part of a systematic review of all its regulations. FDIC intends to publish a comprehensive set of recommended amendments when the review of Part 338 is completed. Meanwhile, it proposes to eliminate the requirement that data concerning home loan inquiries be recorded in the log-sheets while retaining the requirement that information on all such applications, oral and written, both approved and rejected, be recorded and retained for 25 months.

Reasons for Proposal

At the time Part 338 was written, inquiry-related information was seen as a necessary monitoring component to the execution of an effective fair housing lending program. This type of information was intended for use by compliance examiners as a tool for discovering possible efforts by banks to prescreen through discouragement potential home loan applicants on a prohibited basis.

By proposing to discontinue the collection of inquiry-related information, the FDIC is not discounting the possibility that prescreening may exist. However, the use of inquiry-related data has not been effective as a means for detecting such practices.

[1] The foregoing terms will replace the phrase "standard metropolitan statistical area" wherever it appears in the current version of Part 338 in order to reflect new terminology being used by the United States Office of Management and Budget.

The proposal to omit inquiry-related information from log-sheets is based upon the following reasons:

1. The inquiry-related data recorded on log-sheets frequently are incomplete and therefore unreliable. One reason for this may be the reluctance of inquirers to provide all or parts of the personal information requested by the bank in compliance with Part 338. Entries onto the logs by bank staff members only incidentally responsible are less satisfactory than those of the relatively few staff members whose principal responsibilities may be the receipt and processing of home loan application and who are more familiar with the requirements of Part 338.

The result is log-sheets with omissions and apparent or actual errors (not necessarily deliberate errors but those resulting from required guesswork). Consequently, follow-up investigation as to reasons why an inquirer may not have made an application cannot be concluded since recorded entries are not always traceable.

2. The complete omission of recorded inquiry-related information is unverfiable. Possibly due to the brief and spontaneous nature of responses sometimes expected by bank customers to an oral question about home loans, it is not always feasible to record in whole or in part the required information. Therefore, the requirement in Part 338 for this information from inquirers is believed to be neither realistic nor fully enforceable.

3. Alternative sources exist for investigating indications of possible prescreening. These include demographic data contained in the aggregation tables of HMDA reports filed by banks with assets exceeding $10 million and with offices in MSAs and PMSAs prepared for the Federal Financial Institutions Examination Council; outside interviews conducted as a part of the Community Reinvestment Act portion of compliance examination; and complaints filed with the FDIC.

4. It has been the experience of compliance examiners that the time spent examining, commenting upon, and writing up violations for technical inconsistencies on log-sheets for inquiry-related data, could be better utilized in other aspects of compliance examination activity.

5. The Office of Management and Budget, pursuant to its authority under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), is requiring the FDIC to reduce by nearly 34,000 the number of burden hours placed on banks by the

collection of information requirement contained in Part 338. For the reasons outlined in paragraphs 1 through 4 above, the FDIC's Board of Directors believes that compliance with the OMB-required reduction in burden hours be deleting inquiry-related information from the log-sheet will not harm FDIC's ability to carry out its fair housing lending enforcement program. At the same time, the collection of information requirements imposed on banks by Part 338 will have been reduced while the burden hour reduction set forth by OMB will have been met.

Consumers, regulatory authorities, and banks may benefit from improvements in the quality of compliance examinations made possible by allocating to other compliance examination activities the time previously used in examining the inquiry entries and in writing up violations resulting from incompleteness of or inaccuracies in them. Regulatory authorities and especially banks may realize cost savings in terms of increased efficiency through reductions in this recordkeeping requirement.

The proposed amendments also contain four technical changes. First, the listing of data required on home loan applicants in paragraph (a)(1)(i) of § 338.4 is reordered to improve its clarity and expanded to include the category "Date of application," while the listing in paragraph (a)(2)(i) is expanded and reordered to reflect log-sheet categories more accurately. Second, footnote 2 of § 338.4 is relocated from paragraph (a)(2) to paragraph (a)(2)(ii) where it is more appropriate. Third, the Equal Housing Lending Poster in § 338.3 will reflect a change in terminology renaming the FDIC's Office of Consumer Affairs and Civil Rights the Office of Consumer Programs. Finally, the authority citation for Part 338 will be revised to correct an erroneous citation.

Solicitation of Comments on Exemption Threshold

A primary purpose of log-sheets is to assist examiners in formulating a sampling plan to select individual loan applications for detailed, comparative treatment and statistical analysis in the larger banks having so many applications that analysis of all applications is impractical. Sampling generally is not needed in smaller banks. They normally have a small enough number of home loan applications for examiners to analyze all of the rejected applications and many of the approved ones. Furthermore, conclusions based on a sample drawn from a universe with a small number of cases are not statistically persuasive. Consequently, FDIC is considering reducing the number of banks required to maintain log-sheets. This could be done by either (1) raising the threshold of the banks exempted from maintaining log-sheets from $10 million in total assets to $25 million (or some other figure); or (2) by changing the exemption threshold to another measure more closely associated with home loan application activity (e.g., exempting banks receiving less than a total of 100 home loan applications annually). No specific amendments are being proposed now on this subject because several aspects of it remain to be evaluated. However, respondents are invited to comment also on this issue at the same time comments are being submitted in response to the notice of proposed rulemaking relating to the omission of inquiries from log-sheets.

Suggested Issues for Comment

I. Comments regarding the proposal to delete inquiry-related information from the log-sheet.

A. Form the standpoint of both neighborhood/consumer groups and banks, comments would be helpful regarding perceived possible effects on bank compliance with fair housing lending laws of omitting inquiry-related data from the log-sheets.

B. From the standpoint of banks, comments on the following would be helpful.

1. What problems, if any, have banks had in recording on log-sheets complete, accurate information concerning inquires?

2. How many hours of staff time are estimated to be required in a year to maintain log-sheet information on inquiries? What are the estimated dollar costs? Please explain the way in which these estimates were made.

II. Comments regarding changing the criteria for determining the exemption threshold.[2] From the standpoint of neighborhood/consumer groups and banks, comments are sought in particular on which of the following criteria is most desirable to use for determining which banks must maintain log-sheets.

A. *Asset size.* If this is used, should the level be raised from $10 to $25 million or some other total?

B. *Volume of home loan applications originated.* If this is used, should the level be 25, 50, or 100 or some other number of home loan applications originated in the prior year?

C. *Size of home loan mortgage portfolio.* If this is used, indicate the minimum level to be reached in the portfolio at the end of the prior year before a log-sheet must be maintained.

D. *A combination of the above.* For example, log-sheets could be required to be maintained only in banks:

(1) With $25 million in assets and which had a minimum of 50 home loan originations;

(2) With a specified minimum level in the home loan mortgage portfolio and with a minimum number of loan originations or applications; or

(3) Another option.

The changes discussed in this notice are a part of FDIC's continuing effort to achieve an effective and efficient fair housing lending enforcement program. Periodic evaluation to asess the reliability and adequacy of existing procedures are directed toward attainment of this goal.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Board of Directors of the FDIC hereby certifies that the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed amendments would ease the existing collection of information requirements. The effect of the amendments is expected to be beneficial rather than adverse, and small entities are generally expected to share the benefits of the amendments equally with larger institutions.

Paperwork Reduction Act

The collection of information requirements contained in the proposed rule have been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h)). Written comments may be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the FDIC, Washington, D.C. 20503.

List of Subjects in 12 CFR Part 338

Advertising, Bank, banking, Fair Housing, Mortgages, Reporting and recordkeeping requirements, Signs and symbols, State nonmember banks.

In consideration of the foregoing, the FDIC hereby proposes to amend Part 338 as follows:

[2] An insured State nonmember bank is exempt from keeping a log-sheet if it is not located in an MSA, PSA, or CMSA not comprised of designated PMSAs, regardless of any other threshold it exceeds.

PART 338—FAIR HOUSING

1. The authority citation for Part 338 is revised to read as follows:

Authority: Sec. 2, Pub. L. 86-671, 74 Stat. 547 (12 U.S.C. 1817); sec. 8, Pub. L. 797, 64 Stat. 879, as amended by sec. 202, 204, Pub. L. 89-695, 80 Stat. 1046, 1054, and sec. 110, Pub. L. 93-495, 88 Stat. 1506 (12 U.S.C. 1818); sec. 9, Pub. L. 797, 64 Stat. 881, as amended by sec. 205, Pub. L. 89-695, 80 Stat. 1055 (12 U.S.C. 1819); sec. 203, Pub. L. 89-695, 80 Stat. 1053 (12 U.S.C. 1820(b)); sec. 805, Pub. L. 90-284, 82 Stat. 83, 84, as amended by sec. 808, Pub. L. 93-383, 88 Stat. 729 (42 U.S.C. 3605, 3608); sec. 501, Pub. L. 93-495, 88 Stat. 1521, as amended by sec. 2, Pub. L. 94-239, 90 Stat. 251 (15 U.S.C. 1691, et seq.); 40 FR 49306, 12 CFR Part 202; 37 FR 3429, 24 CFR Part 110.

§ 381.1 [Amended]

2. Section 338.1 is amended by removing paragraphs (g) and (h).

§ 381.3 [Amended]

3. In paragraph (b) of § 338.3, the term "The Office of Consumer Affairs and Civil Rights" found in the Equal Housing Lender Poster is changed to read "The Office of Consumer Programs."

4. In § 338.4, paragraphs (a)(1), (a)(2)(i), the heading for (a)(2)(ii), (a)(2)(iii) (A) and (B), (a)(2)(iv), (b) and (c) are revised to read as follows:

§ 338.4 Recordkeeping requirements.

(a) *Records to be retained.*[2] (1) A bank which has no office located in a primary metropolitan statistical area ("PMSA"), a metropolitan statistical area ("MSA"), or a consolidated metropolitan statistical area ("CMSA") that is not comprised of designed PMSAs, as defined by the Office of Management and Budget, or which has total assets as of December 31 of the preceding calendar year of $10 million or less is not required to keep a log-sheet described in paragraph (a)(2)(iv) of this section but shall request and retain the following information:

(i) *Data on home loan applicants.* (A) Date of application.

(B) Case identification.

(*1*) Name.

(*2*) Address.

(*3*) Location (street address, city, State, and zip code) of property being purchased, constructed, improved, repaired, or maintained.

(C) Sex.

(D) Race/national origin, using the categories American Indian or Alaskan Native; Asian or Pacific Islander; Black; Hispanic; White; or other (specify).

(E) Age.

(F) Marital status, using the categories married, unmarried, and separated.

(ii) *Collection of data:* No bank shall engage in any activity which discourages an applicant from providing the information in paragraph (a)(1)(i) of this section. Each bank shall attempt to collect such information during the initial contact with the applicant. If the applicant refuses to furnish all or part of this information, the bank shall note the fact or have the applicant note the fact on the form used for recording the information. If the information regarding race and sex is not voluntarily furnished, the bank shall, on the basis of visual observations or surnames, separately note the information on the form or an attached document.

(2) A bank which has an office in a PMSA, MSA, or CMSA that is not comprised of designated PMSAs, and which had total assets exceeding $10 million as of December 31 of the preceding calendar year shall request and retain on a log-sheet described in paragraph (a)(2)(iv) of this section the following information:

(i) *Data on home loan applicants.* (A) Date of application.

(B) Case identification:

(*1*) Name.

(*2*) Address.

(*3*) Location (street address, city, State, and zip code) of property being purchased, constructed, improved, repaired, or maintained.

(C) Sex.

(D) Race/national origin, using the categories American Indian or Alaskan Native; Asian or Pacific Islander, Black; Hispanic; White; or other (specify).

(E) Age.

(F) Marital status, using the categories married, unmarried, and separated.

(G) Loan type, using the following categories: purchase of existing dwelling; refinancing of existing home loan; construction loan only; construction-permanent; home improvement, repair or maintenance; or other (specify).

(H) Case disposition (e.g., accepted, rejected).

(ii) *Additional data on applications for home loans.*[3]

* * * * *

(iii) * * *

(A) Each bank shall attempt to collect that information in paragraph (a)(2)(i) of this section during the initial contact with the applicant. If the applicant refuses to furnish all or part of this information, the bank shall note the fact or have the applicant note the fact on the form used for recording the information. If the information regarding race and sex is not voluntarily furnished, the bank shall on the basis of visual observation or surnames, separately note the information on the form or an attached document.

(B) No bank shall engage in any activity which discourages an applicant from providing the information in paragraphs (a)(2)(i) and (a)(2)(ii) of this section. If the bank is unable to obtain any part of the information requested of the applicant under paragraph (a)(2)(ii) of this section, it shall note the reason in the application file. Also, if the bank rejects an application before it has had the opportunity to collect all of the information under paragraph (a)(2)(ii) of this section, it shall note the reason for the rejection in the application file and need not obtain the remaining information.

(iv) *Log-sheet.* In addition to the other recordkeeping requirements specified in this paragraph (a)(2) of this section, each bank covered by the provision shall keep a log-sheet on its home loan applications by bank office. The log-sheet shall contain the information reflected on the sample form in Appendix A. The bank shall be able to trace each entry on the log-sheet to the relevant application file, using the name of the inquirer or applicant or unique case number assigned by the bank.

(b) *Disclosure to applicant.* The bank shall advise an applicant that:

(1) The information regarding race/national origin, marital status, age, and sex in paragraphs (a)(1) and (a)(2) of this section is being requested to enable the Federal Deposit Insurance Corporation to monitor compliance with the Fair Housing and Equal Credit Opportunity Acts which prohibit creditors from discriminating against applicants on these bases;

(2) The Federal Deposit Insurance Corporation encourages the applicant to provide the information requested; and

(3) If the applicant refuses to provide the information concerning race/national origin or sex, the bank is required, where possible, to note the information on the basis of visual observations or surnames.

(c) *Record retention.* Each bank shall retain the records required by this section for 25 months after the bank

[2] These records are to be retained for the purpose of monitoring compliance and may not be used for the purpose of extending or denying credit or fixing terms where prohibited by law.

[3] Except for census tract information in paragraph (a)(2)(ii)(B)(*5*), all information is listed on the Residential Loan Application Form contained in Appendix B of Regulation B of the Board of Governors of the Federal Reserve System (12 CFR Part 202, Appendix B). The information may be recorded on the Regulation B model Residential Loan Application Form or one or more existing form or forms used by the bank.

notifies an applicant of action taken on an application. This requirement applies to records of home loans which are originated by the bank and subsequently sold. The Federal Deposit Insurance Corporation may by written notice extend the retention period.

* * * * *

5. Section 338.5 is revised to read as follows:

§ 338.5 Mortgage lending of a controlled entity.

Any bank which refers any applicants to a controlled entity and which purchases any home loans originated by the controlled entity, as a condition to transacting any business with the controlled entity, shall require the controlled entity to enter into a written agreement with the bank. The written agreement shall provide that the controlled entity (a) shall comply with the requirements of §§ 338.2, 338.3, and 338.4, (b) shall open its books and records to examination by the Federal Deposit Insurance Corporation, and (c) shall comply with all instructions and orders issued by the Federal Deposit Insurance Corporation with respect to its home loan practices.

6. The sample form in Appendix A to Part 338 is revised to appear as follows:

Appendix A

Bank Name	FAIR HOUSING LENDING HOME LOAN APPLICATION LOG SHEET	Branch or Office
FDIC Number		Other Designation

Use the codes listed below in the appropriate columns. Indicate by an asterisk (*) if the information recorded is the bank officer's observation rather than borrower's statement.

RACE CODES
I American Indian or Alaskan Native
A Asian or Pacific Islander
B Black
H Hispanic
W White
O Other

MARITAL STATUS CODE
M Married
U Unmarried
S Separated

LOAN TYPE CODES
P Purchase of existing dwelling
R Refinancing of existing home loan
I Construction loan only
C Construction permanent
H Home improvement, repair or maintenance
O Other

CASE DISPOSITION CODES
A Accepted
R Rejected
O Other Action
D Other Adverse Action as defined in FRB Regulation B, Sec. 202.2

	Date of Application	CASE IDENTIFICATION a) Name b) Present Address c) Address of Property for Which Applied	BORROWER Sex (F or M)	Race	Age	Marital Status	CO-BORROWER Sex (F or M)	Race	Age	Marital Status	Loan Type	Case Disposition	Examiner Use Only
1		a) b) c)											
2		a) b) c)											
3		a) b) c)											
4		a) b) c)											
5		a) b) c)											
6		a) b) c)											
7		a) b) c)											
8		a) b) c)											

FDIC 6500/70

Dated: February 6, 1984.

By Order of the Board of Directors.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-3802 Filed 2-13-84; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9168]

PharmTech Research, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a San Francisco, Calif. manufacturer of nutritional supplements, among other things, to cease representing that findings of a 1982 National Academy of Sciences report entitled *Diet, Nutrition and Cancer* support the claim that Daily Green, a dehydrated vegetable tablet, reduces the incidence of any type of cancer. The order would require the company to substantiate representations concerning benefits to health with

reliable and competent scientific evidence, and to maintain accurate records which either support or contradict such claims. Further, the company would be prohibited from misrepresenting the purpose, content or conclusion of any scientific test, research article or scientific opinion.

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

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PA, Andrew B. Sacks, Washington, D.C. 20580, (202) 724–1524.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practices (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subject in 16 CFR Part 13

Nutritional supplements, Trade practices.

[Docket No. 9168]

PharmTech Research, Inc.; Agreement Containing Consent Order to Cease and Desist

The agreement herein, by and between PharmTech Research, Inc., a corporation, by its duly authorized officer, hereafter sometimes referred to as respondent, and its attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent PharmTech Research, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the state of California, with its office and principal place of business located at 1750 Montgomery Street, in the City of San Francisco, State of California.

2. Respondent has been served with a copy of the complaint issued by the Federal Trade Commission charging it with violation of Section 5 and Section 12 of the Federal Trade Commission Act and has filed answers to said complaint denying said charges.

3. Respondent admits all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with related materials pursuant to Rule 3.25(f), will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondent, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may without further notice to respondent: (1) Issue its decision containing the following order to cease and desist in disposition of the proceeding; and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondent's address as stated in this agreement shall constitute service. Respondent waives any right it might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or to contradict the terms of the order.

8. Respondent has read the complaint and the order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing it has fully complied with the order. Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent PharmTech Research, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale, or distribution of Daily Greens, or any other product containing dehydrated vegetables, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, contrary to fact, that findings of the National Academy of Sciences, or findings contained in the 1982 Report entitled *Diet, Nutrition, and Cancer*, support the claim that use of the product is associated with a reduction in incidence of any type of cancer.

II

It is further ordered that respondent, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale, or distribution of any product for personal or household use, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting in any manner, directly or by implication, the purpose, content, sample, reliability, results or conclusions of any scientific test, research article, or any other scientific opinion or data.

III

It is further ordered that respondent, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, packaging, offering for sale, sale, or distribution of any product for

personal or household use, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or by implication, concerning any benefit to health to be derived from using any such product unless, at the time of such representation, respondent possesses and relies upon reliable and competent scientific evidence that substantiates such representation. "Reliable and competent" shall mean for purposes of this Order those tests, analyses, research, studies, or other evidence conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession or science to yield accurate and reliable results.

IV

It is further ordered that respondent or its successors or assigns maintain accurate records:

1. Of all materials that were relied upon by respondent in disseminating any representation covered by this order.

2. Of all test reports, studies, surveys, or demonstrations in its possession or control or of which it has knowledge that contradict any representation made by respondent that is covered by this order.

Such records shall be retained by respondent or its successors or assigns for three years from the date that the representations to which they pertain are last disseminated. It is further ordered that any such records shall be retained by respondent or its successors or assigns and that respondent or its successors or assigns shall make such documents available to the Commission for inspection and copying upon request.

V

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

VI

It is further ordered that respondent shall forthwith distribute a copy of this order to each of its operating divisions, and to all present and prospective distributors of products manufactured or marketed by respondent.

VII

It is further ordered that respondent shall, within sixty (60) days after service of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from PharmTech Research, Inc. (PharmTech). The Commission issued a Part III complaint against PharmTech on July 28, 1983.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint in this matter charged PharmTech with disseminating advertisements containing false, misleading and unsubstantiated representations regarding "Daily Greens" tablets. The complaint challenged three claims; first, that a report of the National Academy of Sciences (NAS) supports the claims that use of Daily Greens is associated with a reduction in the incidence of certain cancers. According to the complaint, this claim is false because the Report made no such finding.

The complaint also alleged that PharmTech falsely represented that an unidentified National Research Council Report provided support for the claim that "Daily Greens" helps build "important biological defenses." The complaint alleged this claim is false, because neither the cancer Report nor any other Council or NAS Report supports such a claim.

The complaint further alleged that PharmTech lacked a reasonable basis for claiming that use of "Daily Greens" is associated with a reduction in the incidence of certain cancers.

The consent order contains several provisions prohibiting future misrepresentations and unsubstantiated claims by PharmTech. Part I of the order prohibits PharmTech from falsely representing that either the NAS report or any findings of the NAS support the claim that use of the product is associated with a reduction in the incidence of any type of cancer. This provision is intended to prohibit in the future the specific misrepresentations alleged in the complaint.

Part II of the order prohibits PharmTech in the future from misrepresenting the purpose, content, sample, reliability, results or conclusions of any scientific test, research article or any other scientific opinion or data with regard to any products sold for personal or household use.

Part III of the order requires PharmTech to have a reasonable basis for all future representations concerning any benefit to health to be derived from using any product sold for personal or household use. "Reasonable basis" is defined as reliable and competent scientific evidence that substantiates the representation. Such evidence consists of those tests, analyses, research, studies, or other evidence conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession or science to yield accurate and reliable results.

Parts IV–VII of the order require PharmTech to notify the Commission of any proposed changes in its corporate structure, to distribute copies of the order to its operating divisions and distributors, and to file a compliance report.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 84–3965 Filed 2–13–84; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[Notice No. 502]

Retention of Firearms Transaction Records

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to issue regulations to allow some records of transactions that occurred prior to December 16, 1968 to be disposed of immediately and some records older than twenty years may be disposed of beginning on or after December 16, 1988. Licensees are now required to keep records pertaining to

firearms transactions indefinitely. The proposed regulations would liberalize that requirement, and provide that licensed dealers and licensed collectors would not be required to retain records for longer than 20 years and licensed manufacturers and licensed importers to retain disposition records for no longer than 20 years.

DATE: Comments must be received on or before April 16, 1984.

ADDRESS: Send comments to: Chief, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 189, Washington, D.C. 20044 (Notice No. 502).

FOR FURTHER INFORMATION CONTACT: J. Barry Fields, Firearms and Explosives Operations Branch, 202–566–7591.

SUPPLEMENTARY INFORMATION:

Background

Since enactment of the Gun Control Act of 1968, the regulations have required that records of firearms transactions be permanently maintained by all licensees. Where a firearm business is discontinued and not succeeded by a new licensee, the permanent records must be delivered to ATF, unless State law or local ordinance requires otherwise. The record retention requirement has been based on two principal foundations. The maintenance of records on a permanent basis enables the Government to establish the movement of firearms in interstate or foreign commerce, which is frequently critical in the prosecution of criminal cases, and allows the Government to trace the ownership of firearms used in criminal activity, a function particularly important in support of State and local law enforcement.

Proposed Regulations

This notice proposes amendments to the regulations that will change the length of time that records of firearms transactions will be required to be retained by licensees. All licensees are now required to maintain records of firearms transactions on a permanent basis.

ATF proposes that the requirement for the retention of permanent records for licensed dealers and licensed collectors be changed to a retention period of not more than 20 years beginning on December 16, 1968, the effective date of the Gun Control Act of 1968. Licensed manufacturers and licensed importers may dispose of their disposition records after retaining such records for 20 years beginning December 16, 1968. However, importers and manufacturers would be required to retain on a permanent basis their records of importation, manufacture and other acquisition of firearms.

Records of firearms transactions that occurred prior to December 16, 1968, with the exception of records of importation, manufacture or other acquisitions by manufacturers and importers, will no longer be required to be retained by this proposal.

The experience gained over the past 15 years in administering the Gun Control Act of 1968 indicates that the requirement to maintain permanent records of all firearms transactions may not be justifiable because of the cost and administrative burden to both the firearms industry and the Government.

Approximately 225,000 Federal firearms licensees have been faced with ever-increasing storage costs in order to maintain on a permanent basis the large volume of these records. In addition, ATF is experiencing increasing costs of storing and maintaining voluminous records of out-of-business licensees.

A study conducted by ATF established that relatively few requests for traces of guns involved transactions older than 20 years. Accordingly, a 20-year record retention period would not have a significant impact on ATF's capability to trace crime-related firearms.

Requiring licensed manufacturers and licensed importers to permanently maintain the records of the manufacture, importation, or other acquisition of firearms will enable the Government to continue to be able to prove the requisite interstate or foreign commerce element in the prosecution of felons and other prohibited categories of persons charged with unlawful shipment, transportation, receipt or possession of firearms. In addition, these records are of invaluable assistance in identifying firearms for purposes of their proper classification, e.g., determination of the status of firearms as curios and relics and as weapons under the National Firearms Act (26 U.S.C. Chapter 53).

Public Participation—Written Comments

ATF requests comments concerning this proposal to change the retention period for firearms transaction records of licensees from all interested persons. ATF is especially interested in comments on whether the retention period should be more or less than 20 years.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting the comment is not exempted from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request in writing to the Director within the 60-day comment period. The Director, however, reserves the right to determine in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this notice of proposed rulemaking is J. Barry Fields, Firearms and Explosives Operations Branch, Bureau of Alochol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 178

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, and Transportation.

Executive Order 12291

It has been determined that this proposed rule is not classified as a "major rule" within the meaning of Executive Order 12291 of February 17, 1981 (46 FR 13193), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the proposed rule, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will allow licensees to destroy certain records that are now required to be retained on a permanent basis. The proposal will not impose, or otherwise

cause, any increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact nor compliance burden on a substantial number of small entities.

Paperwork Reduction Act

The collection of information requirements contained in this proposal have been submitted to the Office of Management and Budget pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Comments on these requirements should be directed to ATF at the address specified herein and to the Office of Information and Regulatory Affairs, OMB, Washington, D.C. 20503, Attn: Desk Officer for the Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority in 18 U.S.C. 926 (82 Stat. 1226), the Director proposes the amendment of 27 CFR Part 178 as follows:

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

Paragraph 1. The table of sections in 27 CFR Part 178, Subpart H, is amended to add a new § 178.128 to read as follows:

Subpart H—Records

Sec.

* * * * *

178.128 Record retention.

* * * * *

Par. 2. Section 178.121(a) is revised to change the retention period for records to read as follows:

§ 178.121 General.

(a) The records pertaining to firearms transactions prescribed by this part shall be retained on the licensed premises in the manner prescribed by this subpart and for the length of the time prescribed by Sec. 178.128. The records pertaining to ammunition prescribed by this part shall be retained on the licensed premises in the manner prescribed by § 178.125.

* * * * *

Par. 3. Section 178.124(b) is revised to change the retention period for firearms transaction records to read as follows:

§ 178.124 Firearms transaction record.

* * * * *

(b) Licensees shall retain in alphabetical (by name of purchaser), chronological (by date of disposition), or numerical (by transaction serial number) order, and as a part of the required records, each Form 4473 obtained in the course of transferring custody of the firearms.

* * * * *

Par. 4. The first sentence of § 178.125(e) is revised to change the retention period for firearms receipt and disposition records to read as follows:

§ 178.125 Record of receipt and disposition.

* * * * *

(e) *Firearms receipt and disposition.* Each licensed dealer and each licensed collector shall enter into a record each receipt and disposition of firearms or firearms curios or relics.* * *

* * * * *

Par. 5. Subpart H is amended by adding a new § 178.128 to read as follows:

§ 178.128 Record retention.

(a) *Records prior to Act.* Licensed importers and licensed manufacturers may dispose of records of sale or other disposition of firearms prior to December 16, 1968. Licensed dealers and licensed collectors may dispose of all records of firearms transactions that occurred prior to December 16, 1968.

(b) *Firearms transaction record.* Licensees shall retain each Form 4473 for a period not less than 20 years after the date of the transaction.

(c) *Records of importation and manufacture.* Licensed importers and licensed manufacturers shall maintain permanent records of the importation, manufacture or other acquisition of firearms. Licensed importers' and licensed manufacturers' records of the sale or other disposition of firearms after December 15, 1968, shall be retained through December 15, 1988, after which records of transactions over 20 years of age may be discarded.

(d) *Records of dealers and collectors under the Act.* The records prepared by licensed dealers and licensed collectors under the Act of the sale or other disposition of firearms and the corresponding record of receipt of such firearms shall be retained through December 15, 1988, after which records of transactions over 20 years of age may be discarded.

Signed: November 3, 1983.

Stephen E. Higgins,

Director.

Approved: December 14, 1983.

John M. Walker, Jr.,

Assistant Secretary, Enforcement and Operations.

[FR Doc. 84-3927 Filed 2-13-84; 8:45 am]

BILLING CODE 4810-31-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-72; RM-4644]

FM Broadcast Station in Houston, Alaska; Proposed Change Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Channel 237A to Houston, Alaska, in response to a petition filed by the Evangelistic Alaskan Missionary Fellowship. The assignment could provide the community with its first local broadcast service.

DATES: Comments must be filed on or before March 29, 1984, and reply comments must be filed on or before April 13, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Houston, Alaska); MM Docket No. 84-72, RM-4644.

Adopted: January 27, 1984.

Released: February 6, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed by the Evangelistic Alaskan Missionary Fellowship ("petitioner"), seeking the assignment of FM Channel 237A to Houston, Alaska, as its first FM assignment. Petitioner failed to state that it would apply for the channel, if it is assigned, and is requested to do so in its comments.

2. In view of the fact that the proposed assignment could provide a first FM broadcast service to Houston, Alaska, the Commission proposes to amend the FM Table of Assignments, Sec. 73.202(b)

of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Houston, Alaska		237A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments or or before March 29, 1984, and reply comments on or before April 13, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, or its consultant, as follows: Cecil S. Bidlock, Engineering Consultant, Evangelistic Alaskan Missionary Fellowship, 8200 Showville Rd., Cleveland, Ohio 44141.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published Feb. 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s), who filed the comment to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84–3894 Filed 2–13–84; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 84–74; RM–4669]

FM Broadcast Station in Blue Hill, Maine; Proposed Change Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign and reserve FM Channel *258 at Blue Hill, Maine, as that community's first noncommercial educational FM service, in response to a petition filed by the Word Corporation.

DATES: Comments must be filed on or before March 29, 1984, and reply comments on or before April 13, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73 affected

Radio broadcasting.

Proposed Rulemaking

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Blue Hill, Maine), (MM Docket No. 84–74 RM–4669).

Adopted: January 27, 1984.
Released: February 6, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by the Word Corporation ("petitioner"), proposing the assignment of Class B FM Channel *258 [1] to Blue Hill, Maine, and reservation of that channel for noncommercial educational use. The petitioner submitted information in support of the petition and expressed an interest in applying for the channel, if assigned.

2. The channel can be assigned in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules, provided there is a site restriction of 0.8 miles south of Blue Hill to prevent short spacing to Channel 257A in Lincoln, Maine.

3. Generally commercial channels are not reserved for noncommercial educational use. However petitioner indicates that there are no noncommercial educational channels available to Blue Hill which meet both the spacing requirements and the proposals set forth in Docket No. 20735. Thus, the assignment and reservation of a commercial channel is the only way to establish a noncommercial educational station to serve the Blue Hill area. The Commission has in similar situations reserved a commercial frequency for noncommercial educational use. See, *e.g., Comobabi, Arizona,* 47 FR 32717 published July 29, 1982, and *Burlington and Newport, Vermont,* 45 R.R. 2d 786 (1979).

4. In view of the above, we are proposing the assignment and the reservation of Channel *258 to Blue Hill, Maine, for noncommercial educational use. Since Blue Hill is located within 400 kilometers (250 miles) of the common U.S.-Canadian border, the Commission must obtain Canadian concurrence in the proposal.

5. In view of the fact that the proposed assignment could provide a first noncommercial educational FM service to Blue Hill, Maine, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Blue Hill, Maine		*258

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

[1] Petitioner originally requested Class B Channel *278. On November 2, 1983, petitioner filed an amendment to his petition requesting Class B Channel *258 in place of Channel *278.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before March 29, 1984, and reply comments on or before April 13, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Stuart B. Mitchell and Associates, 803 West Broad Street, Suite 240, Falls Church, Virginia 22046, (Attorney to the petitioner).

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), (5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. [See § 1.420(d) of the Commission's Rules.]

(b) With repsect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to the effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the

Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be funished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commision's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-3896 Filed 2-13-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-73; RM-4640]

FM Broadcast Station in Mio, Michigan; Proposed Change Made in Table of Assignments

AGENCY: Federal Communications Commission..

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 280A to Mio, Michigan, as its first FM assignment, in response to a petition filed by Midwest Radio Consultants, Inc.

DATES: Comments must be filed on or before March 29, 1984, and reply comments on or before April 13, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73 affected

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Mio, Michigan), (MM Docket No. 84-73 RM-4640).

Adopted: January 27, 1984.
Released: February 6, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Midwest Radio Consultants, Inc. ("petitioner"), proposing the assignment of FM Channel 280A to Mio, Michigan, as that community's first FM service. Petitioner expressed an interest in applying for the channel, it assigned.

2. The channel can be assigned in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules. However, the assignment is contigent upon Station WKJC (Channel 280A), Tawas City, Michigan, switching to Channel 257A as previously ordered in BC Docket 81-854, which is currently under review by the Commission.

3. Canadian concurrence must be obtained since the proposed assignment is within 320 kilometers (200 miles) of the common U.S.-Canadian border.

4. In view of the fact that the proposal could provide a first FM service to Mio, Michigan, the Commission believes it appropriate to propose amending the FM Table of Assignments, 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Mio, Michigan		280A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before March 29, 1984, and reply comments on or before April 13, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: D.C. Schaberg, on behalf of Midwest Radio Consultants, Inc., Post Office Box 11101, Lansing, Michigan 48901-1101.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 F. R. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is deirected, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Section 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings, Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a

different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-3895 Filed 2-13-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 83

[PR Docket No. 84-29; RM-4559; FCC 84-22]

Update of Commission's Rules Governing Requirements for Radiotelegraph Auto Alarm Receivers, Automatic-Alarm-Signal Keying Devices and Ship Radar Installations in the Maritime Mobile Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice, as it applies to the radiotelegraph auto alarm receiver, responds to a petition for rulemaking filed by SAIT Incorporated. The petitioner requested that the Commission's rules be amended to bring the requirements of radiotelegraph auto alarm receivers into conformance with those of other maritime nations to preclude dual equipment inventories and production lines. In response to the petition, the Commission is proposing new standards for radiotelegraph auto alarm receivers while permitting equipment currently in service to be used for an indefinite period. This item also proposes changes to requirements applicable to radio-telegraph automatic-alarm-signal keying devices and specifications for ship radar installations. The intended effect of this proposed action is to establish equipment standards which will promote efficient use of the spectrum with no adverse impact upon safety considerations, to establish equipment requirements consistent with modern technology and to provide for more standardized ship radar specifications. The Commission also proposes to delete the laboratory test procedures to permit manufacturers more freedom in testing their equipment. The FCC laboratory will issue a bulletin detailing the test procedures used by the FCC to evaluate auto alarm receivers and automatic-alarm-signal keying devices.

DATES: Comments must be received on or before March 26, 1984 and reply comments must be received on or before April 10, 1984.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert E. Mickley, Private Radio Bureau, (202) 632-7175.

List of Subjects in 47 CFR Part 83

Communication equipment, Marine safety, Radio, Ship stations, Telegraph, Vessels.

Proposed Rule Making

In the matter of requirements for radiotelegraph auto alarm receivers, radiotelegraph automatic-alarm-signal keying devices and ship radar installations in the Maritime Mobile Service, PR Docket No. 84-29; RM-4559.

Adopted: January 19, 1984.
Released: February 3, 1984.

By the Commission.

1. In this Notice we propose to amend Part 83 of our rules with regard to the requirements for radiotelegraph auto alarm receivers, radiotelegraph automatic-alarm-signal keying devices and ship radar installations in the Maritime Mobile Service.

Auto Alarm Receiver

2. Cargo ships subject to the radiotelegraph provisions of Title III, Part II of the Communications Act of 1934, as amended, which carry only one radio officer, are required by the Act to be fitted with radiotelegraph auto alarm receivers. Such auto alarm receivers are required to be capable of receiving radiotelegraph signals transmitted on 500 kHz, the international distress and calling frequency, and to be in operation when the radio officer is not on watch.

3. The Commission's rules mandate that a radiotelegraph auto alarm receiver respond without adjustment and with the same sensitivity to signals on the frequencies from 492 kHz to 508 kHz inclusive. This provision has been in existence for many years and is based upon the Safety of Life at Sea (SOLAS) Convention Regulations. The SOLAS regulations are flexible in that they provide for uniform sensitivity over a band extending not less than 4 kHz and not more than 8 kHz on each side of the frequency 500 kHz. As indicated, the Commission's rules specify the maximum bandwidth allowable.

The World Administrative Radio Conference (WARC), Geneva, 1979, adopted a 10 kHz guardband from 495 kHz to 505 kHz for the frequency 500 kHz. [1] The rationale for this action was that technical progress has led to the production of more stable and reliable equipment and that the radio frequency spectrum should be used in the most efficient way possible. While the date of entry into force for the new guardband arrangements has not been established, plans are being made to establish such a date, not earlier than January 1, 1990, at the next competent WARC scheduled for 1987. [2]

4. SAIT, Incorporated has filed a petition requesting that Part 83 of the rules be amended to bring the requirements for radiotelegraph auto alarm receivers into conformance with the 10 kHz (495 to 505 kHz) guardband arrangement adopted by the WARC, Geneva, 1979. The petitioner recommended that the pass-band of the receiver be reduced from 16 kHz to 8 kHz and that new and compatible minimum attenuation requirements be established. The petitioner also suggested that provision be made in the rules to permit the phasing out of auto alarm receivers covered by type approval grants made prior to the effective date of the proposed amendment.

5. In justification of the petition, SAIT, Inc., pointed out that:

a. The proposal would be consistent with SOLAS Regulations,

b. The recommended narrower pass-band would make the receiver less susceptible to unwanted sideband

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[1] See Recommendation 200 of the World Administrative Radio Conference, Geneva, 1979.

[2] See Resolution COM 4/5 of the World Administrative Radio Conference for Mobile Services, Geneva, 1983.

signals/noise and more responsive to alarm signals, and that

c. Standardized auto alarm receiver requirements would eliminate the cost of a double inventory and a double production line which is now required to meet the requirements of both United States and foreign flag vessels.

6. This rulemaking proceeding proposes a United States national standard for radiotelegraph auto alarm receivers and a transition plan which will provide for the use of new equipment while taking into account an adequate amortization period for equipment currently in service. The intended effect is to establish equipment standards which will promote efficient use of the spectrum with no adverse impact upon safety considerations. With respect to new auto alarm installations, a cutoff date which would preclude installation of currently type approved auto alarms has not been proposed. We consider that a manufacturer's inventory of older equipment coupled with a stock depletion rate would be essential data upon which to establish a reasonable cut-off date if one is to be established. Comments and data regarding this aspect of auto alarm regulation are specifically invited.

7. This proceeding also proposes to amend the rules applicable to the auto alarm receiver by removing the requirement for manufacturer's tests and the FCC laboratory test procedures. The design specifications previously found in the manufacturers' tests and the FCC laboratory test procedures have been incorporated into the auto alarm technical requirements. The FCC laboratory test procedures will be issued by the Commission in the form of an Office of Science and Technology (OST) Bulletin.

8. In order to accommodate the new rule provisions discussed above, it will be necessary to amend the rules to reflect §§ 83.453, 83.554, 83.555, 83.556 and 83.557, as shown in the Appendix.

Automatic-Alarm-Signal Keyer

9. The automatic-alarm-signal keyer is required to be fitted on board vessels subject to Title III, Part II of the Communications Act of 1934, as amended. The function of the automatic-alarm-signal keyer is to generate the radiotelegraph alarm signal and to provide a means to key this alarm signal into the 500 kHz main or reserve transmitter.

10. The output of the automatic-alarm-signal keyer contains a relay, the contacts of which must be capable of carrying the current/voltage used in the keying circuits of shipboard transmitters. Section 83.555 of the Commission rules provides that such equipment shall be tested for a direct current carrying capacity of two amperes through a noninductive resistance of 115 ohms.

11. The keying circuits of automatic-alarm-signal keyers used on nearly all newly installed shipboard main and reserve transmitters are designed to operate at 12 and/or 24 volts of direct current with a carrying capacity of less than 0.5 amperes (500 milliamperes). Therefore, it appears that the two ampere, 115 ohm test required by the Commission's rules is outdated and should be amended. We are proposing revised technical requirements with respect to the current/voltage capacity of the output relay of automatic-alarm-signal keyers while retaining provisions in the rules for those cases involving more demanding shipboard transmitters. Specifically, the standard contained in § 83.555(c)(5)(i) of the rules would be amended to require the transmitter keying circuit of the device to have a direct current carrying capacity of 2.0 amperes through a noninductive resistance of 115 ohms, or 0.75 amperes through a noninductive resistance of 32 ohms, whichever is appropriate. This standard would ensure that the keying circuit of type approved automatic-alarm-signal keyers would be sufficient to key all type approved shipboard transmitters. This revision would be contained in a renumbered § 83.562, as shown in the Appendix.

12. This rulemaking proceeding proposes to amend the rules applicable to the automatic-alarm-signal keyer by removing the requirement for manufacturers' tests and the FCC laboratory test procedures. The design specifications previously found in the manufacturers' test and the FCC laboratory test procedures have been incorporated into the automatic-alarm-signal keyer technical requirements. The FCC laboratory test procedures will be issued by the Commission in the form of an Office of Science and Technology (OST) Bulletin.

13. In order to accommodate the new rule provisions discussed above, it will be necessary to amend the rules to reflect §§ 83.451, 83.561, 83.562 and 83.564, as shown in the Appendix.

Ship Radar

14. Ship radar specifications are incorporated in the rules by reference to the Radio Technical Commission for Marine Services (RTCM) Final Report of Special Committee No. 65-Ship Radar. Change 1 to Volume II of the RTCM Final Report amended the RTCM performance specifications for general purpose navigational radar sets for ocenangoing ships of 1600 tons gross tonnage and upwards for new radar installations. The net result of the change is that the RCTM radar specifications now meet or exceed the International Maritime Organization's (IMO) performance standards for radar equipment as contained in IMO Resolution A.477 (XII) adopted November 19, 1981. Proposed amendments to §§ 83.405 and 83.465, as shown in the Appendix, consolidate special provisions applicable to ship radar stations and incorporate RTCM Change 1 into the radar performance specifications.

Comments

15. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, Whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

16. The proposed amendments to the rules, as set forth in the Appendix, are issued under authority contained in section 4(i) and 303 (a), (b), (c), and (r) of the Communications Act of 1934, as amended.

17. Under the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 26, 1984 and reply comments on or before April 10, 1984. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and order.

18. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

19. This item proposes rules amendments which will modify the technical and laboratory testing standards applicable to automatic alarm receivers/keying devices and the specifications for radar to be used upon large oceangoing vessels compelled by law to be fitted with radiotelegraph and radar equipment meeting specified standards. Since no equipment currently in service will be excluded from use as a result of the proposed amendments, and since there are no small entities which manufacture this type of equipment, we certify, pursuant to Section 605 of the Regulatory Fexibility Act of 1980 (Pub. L. 96–354), that the proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities.

20. For further questions on matters covered in this document, contact Robert E. Mickley, (202) 632–7175.

21. It is ordered, That a copy of this Notice of Proposed Rule Making shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

§ 83.141 [Amended]

1. In § 83.141, the reference to "§ 83.557(b)(4) (i), (ii), (v) and (vi)" in paragraph (c) is revised to read "§ 83.568(b)(4) (i), (ii), (v) and (vi)".

2. Section 83.405 is amended by revising paragraphs (b)(1) and (b)(3)(vi), as shown below, and by removing the hyphen between "ship" and "radar" in paragraph (c).

§ 83.405 Special provisions applicable to ship radar stations.

* * * * *

(b) * * *

(1) The station licensee of each ship radar station shall provide and require to be kept at the station a permanent installation and maintenance record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, and the station licensee shall have joint responsibility with the responsible operator for the accurate making of the required entries.

* * * * *

(3) * * *

(vi) An entry shall be made without undue delay in the ship radar station log whenever:

(A) the radar becomes inoperative or its output becomes in any way suspect;

(B) a radar is cleared (including the means by which the clearance was accomplished); or

(C) any maintenance is carried out.

* * * * *

3. Section 83.443 is amended by revising paragraphs (a) and (c) to read as follows:

§ 83.443 Radio installations.

(a) The main radiotelegraph installation includes a main transmitter, a main receiver, a main power supply, and a main antenna system.

* * * * *

(c) The radiotelephone installation includes a radiotelephone transmitter, a radiotelephone receiver, a radiotelephone distress frequency watch receiver and an appropriate antenna system.

§ 83.444 [Amended]

4. Section 83.444 is amended by removing paragraph (h).

§ 83.445 [Amended]

5. Section 83.445 is amended by removing the Footnote 1 symbol following the section heading and by removing Footnote 1 associated therewith.

§ 83.451 [Amended]

6. In § 83.451, the reference "§ 83.555" is revised to read "§ 83.561".

7. Section 83.453 is amended by revising paragraph (b) to read as follows:

§ 83.453 Radiotelegraph auto alarm.

* * * * *

(b) The following radiotelegraph auto alarms are acceptable for use pursuant to § 83.205:

(1) A radiotelegraph auto alarm that was type approved by the Commission, prior to (effective date of Report and Order associated with this rulemaking item).

(2) A radiotelegraph auto alarm that was type approved by the Commission subsequent to (effective date of Report and Order associated with this rulemaking item), pursuant to § 83.554, to be compatible with a 10 kHz guardband.

* * * * *

§§ 83.463a and 83.464 [Amended]

8. Section 83.464 is removed and § 83.463a is redesignated § 83.464.

9. Section 83.465 is revised to read as follows:

§ 83.465 Radar installation requirements and specifications.

(a) All radar installations provided to meet the requirements of the Safety Convention shall comply with the following requirements in addition to all other applicable requirements of Part 83:

(1) The main display position of the radar station shall be located in the wheelhouse and the radar shall be capable of being switched on and off and operated from that position.

(2) A reflection plotter shall be available and facilities for plotting provided as necessary.

(b) All compulsorily installed ship radar stations shall, in addition to meeting all other relevant provisions of this chapter, comply with the applicable radar specifications issued by the Radio Technical Commission for Marine Services under date of July 18, 1978, as given in the Final Report of Special Committee No. 65–Ship Radar, as amended by Change 1 to Volume II. These requirements took effect on April

27, 1981, and were not retroactive. These specifications may be obtained from the commercial duplication firm awarded a contract by the Commission to make copies of Commission records and offer them for sale to the public. The name and address of the current Contractor is contained in Section. 0.465 of the Commission rules. The applicable specifications hereby incorporated by reference in this subpart are as follows:

(1) For radar equipment installed after May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set for Oceangoing Ships of 1600 Tons Gross Tonnage and Upwards, For New Radar Installations." This specification including its Appendix A—Design and Testing Specifications—may be found in Part I of Volume II of the SC–65 Final Report.

(2) For equipment installed before May 25, 1980, the applicable document is entitled "Performance Specification for a General Purpose Navigational Radar Set For Oceangoing Ship of 1600 Tons Gross Tonnage and Upwards For Ships Already Fitted." This specification may be found in Part II of Volume II of the SC–65 Final Report.

(3) Recommendations for tools, test instruments, spares and technical manuals may be found in Appendices I, II, III and IV of Part IV of Volume III of the SC–65 Final Report.

(4) Specifications for reliability testing may be found in Part V of Volume III of the SC–65 Final Report under the title "Equipment Reliability Specification for Design and Production of Radar, Collision Avoidance, and Marine Radar Interrogator-Transponder Equipment".

§ 83.467 [Amended]

10. In § 83.467, the reference "§ 8.466" is corrected to read "§ 83.466".

§ 83.469 [Amended]

11. In § 83.469, the reference to "§§ 83.556 and 83.558" in paragraph (b) is revised to read "§§ 83.567 and 83.569" respectively.

§ 83.472 [Amended]

12. In § 83.472, the reference to "§§ 83.556 and 83.557" in paragraph (a) is revised to read "§§ 83.567 and 83.568", and the reference to "§ 83.557" in paragraph (c) is revised to read "§§ 83.568".

§ 83.488 [Amended]

13. In § 83.488, the reference to "§ 83.559" is revised to read "§ 83.570".

14. Section 83.554 is revised to read as follows:

§ 83.554 Requirements for radiotelegraph auto alarm.

(a) To be type approved by the Commission pursuant to Section 3(x) of the Communications Act, radiotelegraph auto alarms must comply with the requirements contained in §§ 83.555 through 83.557 of the Commission's rules.

(b) No change may be made in any auto alarm under the type approval authorization issued by the Commission, except as specifically authorized by the Commission. An application with pertinent detailed information must be submitted to the Commission for consideration and action before making any changes in an auto alarm.

15. Section 83.555 is revised to read as follows:

§ 83.555 Basic technical requirements for radiotelegraph for auto alarm.

(a) The auto alarm shall be capable of being operated by four consecutive dashes when the dashes vary in length from 6.0 to 3.5 seconds, and the intervening spaces vary in length between 1.5 seconds and 10 milliseconds.[1] It shall not respond to dashes longer than 6.31 seconds or shorter than 3.33 seconds, nor to spaces longer than 1.58 seconds or shorter than 5 milliseconds except as folllows:

(1) Auto alarms of the non-digital type employing resistance-capacitance timing covered by type approval granted before October 1, 1969, and placed in service on or before January 1, 1975, need only satisfy the following limits: the auto alarm shall not respond to dashes longer than 7.40 seconds or shorter than 2.80 seconds, nor to spaces longer than 1.80 seconds or shorter than 5 milliseconds.

(2) Auto alarms of the digital type employing a stable clock as the basic timing device covered by type approval granted before May 1, 1968, and placed in service on or before December 1, 1975, may accept dashes whose lower limit extends down to 3.0 seconds.[1]

(b) In the absence of any interference, without manual adjustment during operation, the auto alarm must be capable of positive and reliable operation with a minimum available signal of 100 microvolts RMS applied to an artificial antenna consisting of a 20 microhenry inductance, a 500 picofarad capacitor, and a 5 ohm resistor connected in series. It must be capable under these conditions of operations on signals of the following classes of emission:

(1) A1;

(2) A2 (carrier modulated at any modulation percentage from 30 through 100 percent at any modulation frequency from 300 through 1350 hertz);

(3) A2H (carrier keyed and emitted at any power level from 3 through 6 decibels below peak envelope power, modulated at any modulation frequency from 300 through 1350 hertz).

(c) The overload capacity must enable the auto alarm to operate with signal levels up to 1 volt under normal operating conditions.

(d) The auto alarm must respond to the alarm signal through noncontinuous interference caused by atmospherics and powerful signals other than the alarm signal. In the presence of atmospherics or interfering signals, the auto alarm must automatically adjust itself within a reasonable time to the condition in which it can most readily distinguish the alarm signal.

(e) The auto alarm receiver must be capable of operating when the received alarm signals have a frequency of 500 kilohertz with sensitivity as set forth in paragraph (b) of this section and must respond, without adjustment, with practically uniform sensitivity to signals over a band extending no less than 4 kHz on each side of the 500 kHz radiotelegraph frequency and with a minimum attenuation of:

6 db at 495.0 kHz and 505.0 kHz
40 db at 487.0 kHz and 513.0 kHz
80 db at 475.0 kHz and 525.0 kHz

(f) The auto alarm warning device must not be activated by atmospherics or by any signal from the antenna circuit other than the alarm signal.

(g) When the auto alarm is activated by a valid alarm signal, it must cause a continuous audible warning to be given in the principal radiotelegraph operating room, in the radio operator's cabin and on the bridge. Insofar as may be practicable, the audible alarm must also be given in the event of any failure of the auto alarm system, as a whole, which results in the auto alarm becoming inoperative.

(h) For the purpose of regularly testing the auto alarm without connection to the antenna, the apparatus must include a generator pretuned to the 500 kHz distress frequency and a keying device by means of which an alarm signal of minimum strength as indicated in paragraph (b) of this section is produced solely for actuating the particular auto alarm and is not radiated beyond the immediate area of the vessel.

§§ 83.556, 83.557, 83.558, and 83.559 [Redesignated]

16. Sections 83.556, 83.557, 83.558 and 83.559 are redesignated §§ 83.567, 83.568,

[1] The acceptability of an auto alarm during field inspection under the limits specified in this exception will be determined in the absence of any interference.

83.569 and 83.570, respectively. In the newly designated § 83.567, the reference to "§ 83.557 and 83.558" in the introductory text is revised to read "§§ 83.568 and 83.569".

17. A new § 83.556 is added to read as follows:

§ 83.556 Requirements for radiotelegraph auto alarm.

(a) The auto alarm shall consist of:

(1) A radio receiver capable of receiving emissions of classes A1, A2 and A2H over the entire frequency range 496 through 504 kHz.

(i) The receiver must reject signals +106 dB/uv at ±150 kHz from the center frequency and +88 dB/uv at ±40 kHz from the center frequency.

(ii) The receiver must respond to signals from 100 microvolts to 1 volt on the center frequency. There must be less than 6 db variation in sensitivity from 496 kHz through 504 kHz.

(2) A device capable of selecting the alarm signal specified under paragraph (a) and (b) of § 83.555.

(3) An audible alarm (minimum of 3 units, to meet the three location installation requirements of § 83.555(g)).

(4) A testing device to determine locally that the auto alarm system is operative.

(b) The auto alarm may be constructed in one or more units, but must be independent of the ship's regular radio receiving apparatus.

(c) A telephone jack must be provided to permit reception by a telephone receiver.

(d) Tuning and timing controls must not be accessible to the exterior of the device and must permit adjustment only by special tools designed solely for this purpose.

(e) Once set into operation the audible alarms must continue to function until switched off in the principal radiotelegraph operating room.

(f) A nonlocking or momentary-throw switch must be provided to permit temporary disconnection of the audible alarm on the bridge and in the operator's quarters when the auto alarm system is being tested.

(g) Failure of the auto alarm power supply must activate the aural warning device.

(h) The auto alarm system must operate within the sensitivity specifications throughout the temperature range 0–50 degrees Celsius at relative humidities as high as 95%.

(i) Condensers, transformers, or other units must not contain compounds which will flow at temperatures below 85 degrees Celsius, which will crack at temperatures above 0° Celsius, which are hygroscopic or which contain any corrosive substance.

(j) Provisions must be made to protect the auto alarm system from excessive currents, power supply reversals and voltage variations which could cause damage to any component.

(k) The auto alarm must be capable of operating when subjected to vibrations having a frequency between 20 and 30 Hertz and an amplitude of 0.03 inch in a direction at an angle of 30 to 40 degrees with the base of the auto alarm.

18. A new § 83.557 is added to read as follows:

§ 83.557 Requirements for testing and approval of radiotelegraph auto alarm.

Before an auto alarm receiver is approved by the Commission a working unit of such auto alarm receiver must be submitted for testing. Such tests will be conducted by the Commission and other cooperating United States Government agencies as may be appropriate.

19. A new § 83.561 is added to read as follows:

§ 83.561 Requirements for automatic-alarm-signal keying device.

(a) To be approved by the Commission for use as specified in §§ 83.451 and 83.452, each type of automatic-alarm-signal keying device must comply with the requirements contained in §§ 83.562 and 83.564.

(b) No change may be made in any automatic-alarm-keying device under the type approval authorization issued by the Commission, except as specifically authorized by the Commission. An application with pertinent detailed information must be submitted to the Commission for consideration and action before making any change in an automatic-alarm-keying device.

20. A new § 83.562 is added to read as follows:

§ 83.562 Technical requirements for automatic-alarm-signal keying device.

(a) The automatic-alarm-signal keying device may consist of one or more units.

(b) The device must be designed to activate the keying circuits of any transmitter approved by the Commission for use as a main or reserve transmitter in compliance with section 355 of the Communications Act of 1934, as amended.

(c) Timing-adjustment controls must not be accessible from the exterior of the device and must be designed and housed so as to prevent adjustment by unauthorized persons.

(d) The keying mechanism must be able to repeatedly transmit the alarm signal. For this purpose the dashes transmitted must have a duration of 3.8 to 4.2 seconds, and spaces between each of the twelve dashes constituting a series must have a duration of 0.8 to 1.2 seconds. Spaces between each series of twelve dashes must have a duration of 0.8 second to one minute. This operation must be sustainable with power supply voltage variations of ±15%.

(e) A signal control, protected to avoid accidental manipulation, must be provided for placing the device into full operation within a maximum period of 30 seconds. Once in operation, the device must be capable of continuous operation without attention for at least one hour.

(f) The automatic-alarm-signal keying device must be capable of operation from the ship's reserve source of electrical energy.

(g) Instructions concerning the proper adjustment of the device and the correct indication of any instrument incorporated to reveal improper operation must be inscribed in a durable manner on a plate mounted on the device in a position to be easily read by the operator.

(h) Means must be provided to insure that when the "on-off" control of the device is placed in the "off" position, the keying circuit to the radio transmitter(s) is automatically opened.

(i) The keying circuit must be capable of switching 0.75 amperes DC through a non-inductive resistance of 32 ohms. If the automatic alarm-signal-keying device is also intended to be usable in conjunction with transmitters requiring a keying circuit capability of 2 amperes DC through 115 ohms non-inductive resistance, the keying circuit of the device shall comply with this latter requirement.

(j) The automatic-alarm-signal keying device must operate within specifications throughout the temperature range 0–50 degrees Celsius at relative humidities as high as 95%.

(k) Provisions must be made to protect the automatic alarm-signal-keying device from excessive currents, power supply reversals and voltage variations which could cause damage to any component.

(l) The automatic alarm-signal-keying device must be capable of operating when subjected to vibrations having a frequency between 20 and 30 Hertz and an amplitude of 0.03 inch in a direction at an angle of 30 to 40 degrees with the base of the automatic alarm-signal-keying device.

21. A new § 83.564 is added to read as follows:

§ 83.564 Requirements for testing and approval of automatic-alarm-signal keying device.

An automatic alarm-signal-keying device shall be type approved by the Commission. Application for type approval may be made by following the procedure set forth in Subpart J of Part 2 of the Commission's rules. The type approval procedure requires, among other things, that a working unit of the type for which approval is desired must be submitted to the Commission for testing. Such tests will be conducted by the Commission and other cooperating United States Government agencies as may be appropriate.

[FR Doc. 84-3907 Filed 2-13-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 84-30; RM-4444; FCC 84-23]

Reserve Frequencies for Emergency Electrical Alarm Protection

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making which proposes to amend Part 90 to permit central station electrical protection companies to have the first right to use the interstitial frequencies between the 5 frequency pairs reserved for their exclusive use, and to use antenna heights in excess of the current 20 foot limitation. This will enable these entities to continue to provide security alarm services to commercial customers and the public.

DATES: Comments are due by March 16, 1984, and replies by April 2, 1984.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Keith A. Plourd, Rules Branch, Land Mobile & Microwave Division, Private Radio Bureau (202) 634-2443.

List of Subjects in 47 CFR Part 90

Business radio service, Radio.

Proposed Rule Making

In the Matter of amendment of Part 90 of the Commission's rules and regulations to reserve frequencies for emergency electrical alarm protection; PR Docket No. 84-30, RM-4444.

Adopted: January 19, 1984.
Released: February 6, 1984.

By the Commission.

1. On April 18, 1983, the Central Station Electrical Protection Association (CSEPA) submitted a petition requesting the Commission to set aside frequencies in the 450–470 MHz, 928–929 MHz and 952–960 MHz bands exclusively for the transmission of electrical alarm signals.[1] CSEPA is the national association of operators of central alarm stations which are listed or approved by various insurance risk rating agencies, including Underwriters' Laboratories, Inc. and Factory Mutual.

2. In the 450–470 MHz band, CSEPA asks the Commission to set aside three pairs of 12.5 kHz offset frequencies for use nationwide and three pairs for use within urbanized areas of 200,000 or more population.[2] CSEPA seeks authority to operate on these frequencies with antenna heights exceeding 20 feet above ground, but not more than 20 feet above man-made structures. At 900 MHz, in spectrum allocated for utility distribution systems and other multiple address systems, CSEPA requests that seven paired and four single frequencies be reserved exclusively for electrical alarm signalling use. It also requests a relaxation of frequency stability requirements at 952–960 MHz to keep remote units economically viable.

Background

3. In characterizing the needs of the electrical alarm protection industry for additional spectrum, CSEPA cites inflation and reduction of manpower in the nation's public safety enforcement agencies as causing a growing reliance on the private sector for security services. CSEPA also indicates that the Law Enforcement Assistance Administration (LEAA) of the United States Department of Justice has recognized the ability of the electrical alarm industry to "greatly improve the potential for reducing unauthorized entries * * *."[3] CSEPA claims that these observations, coupled with the insurance industry's endorsement of electrical alarms through reduced premiums and the numerous statistics on the inceasing occurrences of unauthorized entry and other crimes, establish the need for effective, low cost electrical alarm protection systems.

3. Part of CSEPA's goal is "to secure maximum utilization of available modes for transmitting alarm signals." CSEPA indicates that this goal is becoming increasingly more difficult to attain because direct current (DC) telephone lines, upon which many alarm systems rely, are being removed from service. In addition, CSEPA claims that the cost of available telephone circuits is rising, making electrical protection services more costly and out of reach of many who need them.

Comments

4. Comments were filed by the National Association of Business and Educational Radio (NABER), the Special Industrial Radio Service Association (SIRSA), and the Central Committee on Telecommunications of the American Petroleum Institute (API). CSEPA and the National Burglar and Fire Alarm Association (NBFAA) filed reply comments.

5. NABER, SIRSA and API strongly object to the petition, particularly to its 900 MHz provisions. They claim that CSEPA's request exceeds Public Safety Radio Service accommodations at 900 MHz; would severely limit access by the other radio services; and would promote the inefficiencies of the block allocation system of spectrum management. API notes that the 900 MHz proposal runs counter to the sharing philosophy of spectrum management because it seeks an exclusive allocation. NABER contends CSEPA has not made an adequate showing of the current use of central station protection frequencies to justify any such allocation.[4] The commentors also ask waht accommodations would be made to satisfy the needs of the licensees, now operating on offset frequencies in the 450–470 MHz band, who would be displaced by CSEPA's exclusive use of those frequencies. At the very least, according to API, these licensees should be permitted to continue operations on these frequencies.

6. NBFAA, in its reply comments, fully supported the CSEPA petition. It argues the commentors under-value "the high public interest objectives that would be advanced by grant of the radio

[1] CSEPA requests the Commission to set aside the following frequencies (MHz) which currently are available for use by eligibles in the Business Radio Service, including CSEPA members: 460.8875, 460.9125, 460.9375, 460.9625, 460.9875, 461.0125, 465.8875, 465.9125, 465.9375, 465.9625, 465.9875 and 466.0125 MHz. These frequencies have a two watt power limitation and their use is on a secondary, non-interference basis to operations on channels 12.5 kHz removed. CSEPA also requests seven paired and four single frequencies (a total of 18) from the Private Operational-Fixed Microwave Service bands 928–929 and 952–960 MHz which are allocated for multiple address radio systems.

[2] These frequencies, located interstitially between primary channels, are allocated for secondary, low power use. *Report and Order*, PR Docket No. 80-605, 46 FR 45953 (September 16, 1981).

[3] CSEPA cites an August 1976 LEAA paper entitled, "Survey and System Concepts for a Low Cost Burglary Alarm System for Residences and Small Business," prepared by the Aerospace Corporation for the National Institute of Law Enforcement and Criminal Justice.

[4] See § 90.75(c) (27) and (28) of the Commission's Rules and Regulations, 47 CFR 90.75(c) (27) and (28).

frequency operating privileges requested by CSEPA."

7. CSEPA, in its reply comments, stated that these activities would be appropriate in the proposed 900 MHz allocation because this spectrum has been allocated for such multiple address systems. It pointed to recent actions by the Commission in allocating geographic and service-specific rules in various radio services, including Special Industrial, in refuting the commentors' stance on block allocation practices.[5] CSEPA claimed that its needs are more justified than many others, particularly in view of the Commission's consideration of large allocations for what CSEPA calls "convenience radio services" at 900 MHz frequencies.[6] CSEPA reaffirmed its concern for the current and future availability of radio channels for electrical alarm use and stated that now is the appropriate time to reserve offset frequencies in the 450–470 MHz band because of their availability. CSEPA stated that to grandfather current users of those frequencies would not unduly inpede its goals.

Discussion and Proposal

8. On July 26, 1961, the Commission allocated four frequencies and four frequency pairs at 900 MHz to central station protection eligibles.[7] In 1975, when Part 94 was codified, the Commission re-allocated these frequencies generally to all Private Land Mobile Radio Services eligibles because the central station protection industry had made little or no use of the channels in the intervening 14 year period.[8] In the re-allocation the Commission concluded that the spectrum made available at 900 MHz on a non-exclusive basis would be sufficient to accommodate the requirements of CSEPA's members.[9] We are still unable, at this time, to justify a reallocation of the 900 MHz channels to CSEPA and to the exclusion of others when the use of this spectrum by others is also clearly in the public interest, but we ask for further information which might lead us to a clearer determination of whether an exclusive allocation at 900 MHz would be appropriate. Our desire to prevent spectrum from lying fallow resulted in our decisions governing interservice frequency sharing, and granting CSEPA's exclusive request in this band would contravene the philosophy of those decisions.[10] However, we have made exceptions in the past for public safety related uses and we ask for comments on the merits of an exclusive allocation for CSEPA at 900 MHz. We stress that CSEPA's members remain eligible for operations in the 928–92 9/952–960 MHz band. The technical limitations of these bands do not conflict with the needs stated in CSEPA's Petition and central station protection equipment is available and type accepted to operate in this band.[11] We see no impediment to the growth of the electrical alarm industry as a consequence of this action.

9. With regard to the 450–470 MHz band, we believe some relief for CSEPA can be obtained without detriment to other licensees in the band. To this end we propose to amend the rules to permit CSEPA to coordinate the eight offset frequencies which are located between the 5 frequency pairs now allocated to CSEPA on a primary basis. This approach is a logical extension of the decision which established the 12.5 kHz offset frequencies in the 450–470 MHz band.[12] Because other services could be affected adversely, however, we do not propose to reserve the offset channel pairs immediately adjacent to this block of 5 frequency pairs. This is also consistent with the 12.5 kHz offset frequency decision.

10. In proposing this action, we continue to voice our concern that spectrum allocated to a specific service or use not be allowed to lie fallow for protracted periods of time. Therefore, we propose to subject CSEPA's use of these offset frequencies to the interservice frequency sharing provisions of our rules.[13] Further, we anticipate grandfathering existing licensees on these offsets, which would preclude harm to any currently licensed operations. In situations in which CSEPA members did not use this spectrum, others would be permitted to do so in the public interest.

11. We do not propose to establish primary status for these offset frequencies because we believe the low-power, secondary status protects the higher power uses on the primary frequencies and permits system options not available on the primary frequencies. Moreover, as a result of the secondary status, we find it possible to propose permitting licensees on these 8 offset frequencies to exceed the 20 foot above ground antenna height limit. We would allow, as CSEPA requested, antennas up to 20 feet above man-made supporting structures, excluding antenna structures.[14] Interference from systems with elevated antennas on these offsets would affect only systems which would also be coordinated by CSEPA. Therefore, since all the affected channels would be coordinated by CSEPA, we see no significant interference problems in permitting this variance to the 20 foot rule.

12. In summary, the Commission proposes to reserve eight frequencies located 12.5 kHz between the 5 primary channel pairs in the 450–470 MHz band which are currently allocated for central station protection operation. The 8 frequencies (four channel pairs) would be coordinated by CSEPA, would be subject to secondary use, and would further be subject to interservice frequency sharing requirements set out in § 90.176 of the Rules, 47 CFR 90.176. Licensees would be permitted to use antennas with heights less than 20 feet above man-made supporting structures, excluding antenna structures. Current licensees as of the effective date of adoption of these proposed rules would be grandfathered indefinitely.

Regulatory Flexibility Act Initial Analysis

13. The Commission certifies that Section 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding because the rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Commission affirms that current licensees will not be required to incur any obligations, financial or otherwise, and will be permitted to renew their authorizations indefinitely. The rules, if ultimately adopted, would further the public interest, convenience and necessity by promoting radio systems which can be used to deter crime. No additional reporting requirements would be imposed.

Ordering Clauses

14. Accordingly, notice is hereby given of rule making to amend Part 90 of the Commission's Rules and Regulations, in

[5] CSEPA refers to the Commission's *Report and Order*, PR Docket No. 79–167, FCC 80–194, released April 24, 1980.

[6] See *Notice of Proposed Rule Making*, General Docket No. 83–26, 48 FR 12228, March 23, 1983.

[7] *Report and Order*, Docket No. 13953, 42 FCC 1122 (July 26, 1961).

[8] *Report and Order*, Docket No. 19869, 52 FCC 2d 894 (May 6, 1975).

[9] *Memorandum Opinion and Order*, Docket No. 19869, 56 FCC 2d 646 (Nov. 14, 1975).

[10] *Report and Order*, PR Docket No. 80–605, 46 FR 45953 (September 16, 1981).

[11] Transmitters operated at remote sites as part of a central station electrical alarm system are permitted a tolerance of 0.002%. See 47 CFR 94.67(a), footnote 1.

[12] *Report and Order*, PR Docket No. 80–605, 46 FR 45953 (September 16, 1981).

[13] See 47 CFR 90.176.

[14] Our experience in licensing offset frequencies in New York suggests that tall buildings do pose certain communications problems at ground level. See 47 CFR 90.267.

accordance with the proposal set forth in the attached appendix. CSEPA's Petition is granted to the extent proposed herein and denied in all other respects.

15. The proposed amendment to the Rules is issued pursuant to authority contained in section 4(i), 303(f), 303(g) and 303(r) of the Communications Act, as amended.

16. It is further ordered that the Secretary shall cause a copy of this Notice of Proposed Rule Making to be served upon the Chief Counsel for Advocacy of the Small Business Administration. The Secretary shall also cause a copy to be published in the **Federal Register.**

17. We encourage all interested parties to respond to this Notice of Proposed Rule Making since such information as they may provide often forms the basis for further Commission action. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that ex-parte contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an ex-parte presentation is any written or oral communication (other than formal written comments/pleadings or formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written ex-parte presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral ex-parte presentation addressing matters not fully covered in any previously filed written comments for the proceeding, must prepare a written summary of that presentation. On the day of that oral presentation, a written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each ex-parte presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

18. Pursuant to applicable procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before March 16, 1984 and reply comments on or before April 2, 1984. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public files and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

19. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

20. For further information on this proceeding, contact Keith Plourd, Private Radio Bureau, Washington, D.C. 20554, (202) 634-2443.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—[AMENDED]

The Federal Communications Commission proposes to amend 47 CFR Part 90 as follows:

1. Revise § 90.267(a)(6)(ii) to read as follows:

§ 90.267 Assignment and use of 12.5 kHz frequency offsets.

(a) * * *

(6) * * *

(ii) Sea-based stations and stations which operate on frequencies exclusively allocated for central station protection operations may utilize antennas mounted not more than 7m. (20 ft.) above the man-made supporting structure, excluding antenna structures.

2. Amend the table in § 90.267(b) entitled "Offset Channels Available in Services Indicated" by adding the entry for 460.8875 and revising the entries for 460.9125–461.0125 and 465.8875–466.0125 to read as follows:

§ 90.267 Assignment and use of 12.5 kHz frequency offsets.

* * * * *

(b) Frequencies available for assignment under this section are as follows:

OFFSET CHANNELS AVAILABLE IN SERVICES INDICATED

*	*
460.8875	IB., Central Station Protection.
460.9125	IB., Central Station Protection.
460.9375	IB., Central Station Protection.
460.9625	IB., Central Station Protection.
460.9875	IB., Central Station Protection.
461.0125	IB., Central Station Protection.
*	*
465.8875	IB., Central Station Protection.
465.9125	IB., Central Station Protection.
465.9375	IB., Central Station Protection.
465.9625	IB., Central Station Protection.
465.9875	IB., Central Station Protection.
466.0125	IB., Central Station Protection.
*	*

[FR Doc. 84-3906 Filed 2-13-84; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 49, No. 31
Tuesday, February 14, 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.

CIVIL RIGHTS COMMISSION

California Adisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on March 3, 1984, at the Sainte Claire Hilton Hotel, 302 South Market Street, San Jose, California 95112. The purpose of this meeting is to discuss the status of current projects and plan future program activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Maurice B. Mitchell, at (303) 444–3541 or the Western Regional Office at (213) 688–3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 9, 1984.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 84–4021 Filed 2–13–84; 8:45 am]
BILLING CODE 6335–01–M

Illinois Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 3:00 p.m., on March 2, 1984, at the Sangamon State University, PAC-Room 3–F, Springfield, Illinois 62708. The purpose of this meeting is to discuss the status of projects on industrial revenue bonds and contract compliance, as well as future Committee activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Thomas J. Pugh, at (309) 671–7475 or the Midwestern Regional Office at (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 9, 1984.

John I. Binkley,
Advisory Committee Management Officer..

[FR Doc. 84–4020 Filed 2–13–84; 8:45 am]
BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.
Title: June 1984 Fertility Survey.
Form numbers: Agency—CPS–1, OMB–N/A
Type of request: New Collection.
Burden: 31,000 respondents; 517 reporting hours.
Needs and uses: This survey is to be conducted as a supplement in conjunction with the June 1984 Current Population Survey (CPS). The data on childbearing will be utilized to update estimates of current birth rates and to examine trends in family development, as well as to project population growth in future years. These data improve the Government's projections of the population that are necessary for adequate housing, recreation, educational facilities, and other human necessities.

Affected public: Individuals or Households.
Frequency: Annually.
Respondent's obligation: Voluntary.
OMB desk officer: Timothy Sprehe, 395–4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: February 7, 1984.

Edward Michals,
Department Clearance Officer.

[FR Doc. 84–4010 Filed 2–13–84; 8:45 am]
BILLING CODE 3510–CW–M

Foreign-Trade Zones Board

[Order No. 241]

Resolution and Order Approving the Application of the New Hampshire State Port Authority for a Special-Purpose Subzone in Colebrook, New Hampshire, Within the Norton Customs Port of Entry

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the New Hampshire State Port Authority, grantee of Foreign-Trade Zone 81, filed May 5, 1983, requesting special-purpose subzone status for the apparel plant of Manchester Manufacturing, Inc., in Colebrook, New Hampshire, within the Norton Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal would be in the public interest if activity on mechandise to be imported is limited to the types of non-manufacturing operations discussed in the application, approves the application subject to the conditions that no activity shall be conducted under zone procedures that would change Customs classifications or country of origin on merchandise destined for the domestic market.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is herby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority; to Establish a Foreign-Trade Subzone in Colebrook, New Hampshire, Within the Norton Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce,and for other purposes", as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States.

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the New Hampshire State Port Authority, grantee of Foreign-Trade Zone No. 81 in Portsmouth, has made application (filed May 5, 1983, FTZ Docket No. 14–83, 48 FR 21609) in due and proper form to the Board requesting a special-purpose subzone at the apparel processing and storage facility of Manchester Manufacturing, Inc. in Colebrook, New Hampshire, within the Norton Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied and that the proposal would be in the public interest if approval is given subject to the conditions stated in the resolution accompanying this action;

Now, therefore, in accordance with the application filed May 5, 1983, the Board hereby authorizes the establishment of a subzone at Manchester Manufacturing's facility in Colebrook, New Hampshire, designated on the records of the Board as Foreign-Trade Subzone No. 81B at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations, and also to the following express conditions and limitations:

Activities conducted under zone procedures shall be limited to the non-manufacturing processes described in the application.

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this *1st* day of *February* 1984 pursuant to Order of the Board.

Foreign-Trade Zones Board.

William T. Archey,

Acting Assistant Secretary of Commerce for Trade Administration Chairman, Committee of Alternates.

Attest:

John DaPonter,

Executive Secretary.

[FR Doc. 84–3948 Filed 2–13–84; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

Portland Cement, Other Than White, Nonstaining Portland Cement, From the Dominican Republic; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on portland cement, other than white, nonstaining portland cement, from the Dominican Republic. The review covers the one known exporter of this merchandise to the United States and the period June 1, 1982 through May 31, 1983.

As a result of the review, because that firm failed to respond to our questionnaire, the Department has preliminarily determined to assess dumping duties on that firm's sales during the period using the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 14, 1984.

FOR FURTHER INFORMATION CONTACT: Edward F. Haley or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–3601

SUPPLEMENTARY INFORMATION:

Background

On August 5, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 35685–35686) the final results of its last administrative review of the antidumping finding on portland cement, other than white, nonstaining portland cement, from the Dominican Republic (28 FR 4507–4508, May 4, 1963) and announced its intent to begin immediately the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of portland cement, other than white, nonstaining portland cement, currently classifiable under items 511.1420 and 511.1440 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of portland cement, other than white, nonstaining portland cement, from the Dominican Republic to the United States, Fabrica Dominicana de Cemento, C. por A., and the period June 1, 1982 through May 31, 1983. Fabrica Dominicana de Cemento failed to respond to our questionnaire. For that non-responsive firm the Department used the best information available to determine the assessment and estimated antidumping duties cash deposit rates. The best information available is the most recent rate for that firm.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 10.33 percent exists for the period June 1, 1982 through May 31, 1983.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by §353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 10.33 percent shall be required on all shipments of portland cement, other than white, nonstaining portland cement, from the Dominican Republic entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: February 8, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-4014 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-028]

Roller Chain, Other Than Bicycle, From Japan; Final Results of Administrative Review of Antidumping Finding; Correction

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of correction to notice of final results of administrative review of antidumping finding.

SUMMARY: On November 14, 1983, the Department of Commerce published the final results of its administrative review of the antidumping finding on roller chain, other than bicycle, from Japan (48 FR 51801–51808).

Due to an error in composition, that notice made two contradictory statements regarding the scope of the finding. Under "Scope of the Review" we stated that roller chain model number 25 and 35 are within the scope of the finding. In the Department's position to Comment one, we stated that model number 25 bushed chain is not within scope of the finding.

The second reference is incorrect. Both model number 25 and 35 are within the scope of the finding. Other bushed chain models are not within the scope of the finding.

EFFECTIVE DATE: February 14, 1984.

FOR FURTHER INFORMATION CONTACT: Linnea Bucher or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–5255.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

February 3, 1984.

[FR Doc. 84-3942 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-433-064]

Railway Track Maintenance Equipment From Austria; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on railway track maintenance equipment from Austria. The review covers the one known exporter of this merchandise to the United States, Plasser and Theurer GmbH, and the period February 1, 1982 through January 31, 1983. There were no known shipments of this merchandise to the United States during the period, and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined not to require a cash deposit of estimated antidumping duties on future entries. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 14, 1984.

FOR FURTHER INFORMATION CONTACT: Edward F. Haley or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–3601.

SUPPLEMENTARY INFORMATION:

Background

On June 10, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 26852) the final results of its last administrative review of the antidumping finding on railway track maintenance equipment from Austria (43 FR 6937, February 17, 1978) and announced its intent to begin immediately the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of ballast regulators and tamping machines, two specific types of railway track maintenance equipment. Any other types of machinery used in the maintenance of railway track are excluded from the finding. Railway track maintenance equipment is currently classifiable under item 690.2000 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of Austrian railway track maintenance equipment to the United States, Plasser and Theurer GmbH, and the period February 1, 1982 through January 31, 1983. There were no known shipments of this merchandise to the United States during the period, and there are no known unliquidated entries.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that we will not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of Austrian railway track maintenance equipment entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter.

The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1))

and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

February 3, 1984

[FR Doc. 84-3943 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-DS-M

Importers and Retailers' Textile Advisory Committee; Closed Meeting

SUMMARY: The Importers and Retailers' Textile Advisory Committee was established on August 13, 1963 and rechartered on February 23, 1983, in accordance with the Federal Advisory Committee Act.

Time and Place

February 29, 1984, at 10:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. The meeting will continue to its conclusion on February 29, 1984 in Room 3708, Herbert C. Hoover Building.

Agenda

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356 dealing with implementation of the U.S. textile import restraint program.

Summary Information

A Notice of Determination to close this meeting of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 10, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central; Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202/377-4212.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, telephone (202) 377-3737.

Dated: February 10, 1984.

Walter C. Lenahan,

Deputy Assistant Secretary for Textile and Apparel.

[FR Doc. 84-4149 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Closed Meeting

SUMMARY: The Management-Labor Textile Advisory Committee was established on October 18, 1961 and rechartered on February 23, 1983, in accordance with the Federal Advisory Committee Act.

Time and Place

February 28, 1984, at 1:00 p.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C. The meeting will continue to its conclusion on February 28, 1984 in Room 6802, Herbert C. Hoover Building.

Agenda

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356 dealing with implementation of the U.S. textile import restraint program.

Summary Information

A Notice of Determination to close this meeting of the Committee to the public on the basis of 5 U.S.C. 552(b)(1) was approved on February 10, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central; Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202/377-4212.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, telephone (202) 377-3737.

Dated: February 10, 1984.

Walter C. Lenahan,

Deputy Assistant Secretary for Textile and Apparel.

[FR Doc. 84-4148 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Issuance of Permit; Dr. Daniel P. Costa

On December 14, 1983, Notice was published in the **Federal Register** (48 FR 55604) that an application had been filed with the National Marine Fisheries Service by Dr. Daniel P. Costa, Center for Coastal Marine Studies, University of California, Santa Cruz, California 95064, to take up to 25 California sea lions (*Zalophus californianus*) for scientific research.

Notice is hereby given that on February 3, 1984, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientic Research Permit to Dr. Costa for the above taking subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 7, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-4015 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-22-M

Issuance of a Letter of Exemption

An amendment made in 1981 to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*) (MMPA) directs the Secretary of Commerce during any period of five consecutive years to allow the incidental but not intentional taking of small numbers of non-depleted species or stocks of marine mammals by citizens of the United States while engaged in commercial fishing operations. This exemption to the permit requirements of Section 104 of the MMPA can be granted only if after notice and opportunity for public comment, the Secretary: (1) Finds that the total of such taking will have a negligible impact on such species or stocks and (2) provides guidelines pertaining to the establishment of a cooperative system among the fishermen involved in the operation to monitor and report any such taking.

On December 13, 1983 (48 FR 55493-55496), the National Marine Fisheries Service (NMFS) published final guidelines pertaining to the requirements for applying for the exemption and the reporting of any incidental takes. These guidelines became effective on January 12, 1984. On December 13, 1983 (48 FR 55496), the NMFS also published a notice of receipt of an application for a small take-commercial fishing exemption that was received from Mr. Lawrence P. Greenlaw, Jr.

During the thirty day comment period, one comment was received. Greenpeace U.S.A. recommended the following conditions be attached to the granting of a Letter of Exemption: (1) The authorization be limited to one year, (2) an analysis of cumulative impacts be conducted by the applicant, and (3) an intensive mortality reduction campaign be undertaken.

The Letter of Exemption has been issued for a five year period as allowed by Section 101(a)(4) of the MMPA.

However, an annual review of the Exemption has been incorporated as a condition to a continuation of the exemption over the five year period. This has been done to assure that the reporting system is installed and that the mortality remains small so that the determination can continue to be made that the taking is having a negligible impact on the species. A requirement that an analysis of the cumulative impacts caused by other fisheries and human activities be conducted by that applicant is probably beyond the ability of the applicant, a fisherman, to supply. However, whenever new biological data or information on harbor porpoise, harbor seals, or any other impacted marine mammal is obtained by scientists or others and is subsequently published or made available to the NMFS, this information is incorporated into the Status of Stocks Report, an annual report required of the NMFS by the MMPA. It is then available for use during any annual review of the fishery.

Before a mortality reduction program can be undertaken, studies must be conducted on interactions between marine mammals and bottom anchored gillnets. These studies are currently being conducted by Dr. James Gilbert under both this Letter of Exemption and a scientific research permit issued under the MMPA. In addition, research in the North Pacific Ocean on acoustic harassment devices for seals, and on making monofilament gillnets acoustically visible to porpoises may prove relevant on the East Coast. However, we must wait for the completion of testing on the West Coast and for baseline data on the East Coast to be completed before imposing a mortality reduction program in this fishery.

The NMFS, in reviewing the application, has determined that the request is consistent with the guidelines and that the level of taking will have a negligible impact on the harbor porpoise and harbor seal populations of the Gulf of Maine. Therefore, notice is given that pursuant to Section 101(a)(4) of the MMPA, a Letter of Exemption was issued on February 7, 1984, to Mr. Lawrence P. Greenlaw, Jr., representing the New England groundfish gillnetters to incidentally take 180 harbor porpoise (*Phocoena phocoena*) and 50 harbor seals (*Phoca vitulina*) annually during commercial fishing operations in the Gulf of Maine.

This Letter of Exemption is valid until December 31, 1988, subject to annual review by the Assistant Administrator for Fisheries. Under this exemption, the Division of Wildlife, College of Forestry Resources, in cooperation with the Marine Advisory Board, Office of Sea Grant (both of the University of Maine, at Orono), will serve as receiver for reports from fishermen of their marine mammal takes. Dr. James R. Gilbert, Division of Wildlife, will have overall responsibility for collecting and collating the information and the Marine Advisory Board will serve as an informational contact to fishermen to inform them of the program.

The Letter of Exemption is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. and in the Office of the Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts.

Dated: February 8, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-4017 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-22-M

Marine Fisheries Advisory Committee; Public Meeting With Partially Closed Session

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Announces a change to a previously announced meeting.

Federal Register Citation of Previous Announcement: 49 FR 4963, February 9, 1984.

Previously Announced Time and Date of Meeting: Convene February 22, 1984, at 9:00 a.m. and adjourn at approximately 4:00 p.m. on February 23, 1984.

Changes in Meeting: The meeting will convene February 22, 1984, at 9:00 a.m. and adjourn at approximately 12:00 noon on February 23, 1984. The closed session of the meeting will commence at 10:45 a.m. on February 23, 1984, and adjourn at 12:00 noon.

Agenda

Open session—February 22, 1984 (9:00 a.m.–11:30 a.m.) Interjurisdictional Fisheries Management panel presentation.

Open session—February 22, 1984 (1:00 p.m.–5:15 p.m.) Discussion of interjurisdictional fisheries management issues; Year of the Ocean; and Subcommittee reports.

Open session—February 23, 1984 (8:30 a.m.–10:45 a.m.) Mitigation banking.

Closed session—February 23, 1984 (10:45 a.m.–12:00 noon) Consider and discuss the living marine resources proposals of the NOAA FY 1986 budget.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, NOAA, Washington, D.C. 20235; Telephone (202) 634–9563.

Dated: February 9, 1984.

William G. Gordon,

Assistant Administrator for Fisheries.

[FR Doc. 84-4019 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 1 to Permit No. 254]

Marine Mammal Permit; David K. Mattila

Notice is hereby given that pursuant to the provisions of § 216.33 of the Regulations Governing the Taking and Importing of Marine Mammals and § 222.26 of the regulations governing endangered species permits, Scientific Research Permit No. 254, issued to David K. Mattila, Provincetown Center for Coastal Studies, Cetacean Research Program, 59 Commercial Street, Box 826, Provincetown, Massachusetts 02657, on January 30, 1979 (44 FR 6975), is modified to extend the period of authorized taking for two years.

Accordingly, Secton B–8 is deleted and replaced by:

8. This permit is valid with respect to the taking authorized herein until December 31, 1985.

This modification became effective on January 1, 1984.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: February 7, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-4016 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; Dr. Robert W. Hastings

Notice is hereby given that an Applicant has applied in due form for a Permit to take endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:

a. Name: Dr. Robert W. Hastings (P331).

b. Address: Department of Biology, Rutgers, The State University of New Jersey, Camden, New Jersey 08102.

2. Type of Permit: Scientific Purposes.

3. Names and Numbers of Animals: Shortnose sturgeon (*Acipenser brevirostrum*), 500–1000/yr.

4. Type of Take: Capture by fishing devices and by hand, sonic tagging and captive maintenance and release for spawning and growth studies.

5. Location of Activity: Lower Delaware River.

6. Period of Activity: 5 years.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marines Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Bldg., Gloucester, MA 01930.

Dated: February 7, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-4018 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Bilateral Textile Consultations With the Government of Pakistan To Review Trade in Category 334 (Men's and Boys' Cotton Coats)

February 9, 1984.

On January 29, 1984 the Government of the United States requested consultations with the Government of Pakistan with respect to Category 334. This request was made on the basis of the agreement between the Governments of the United States and Pakistan relating to trade in Cotton textiles and Cotton textile products of March 9 and 11, 1982. The agreement provides for consultations when the orderly development of trade between the two countries may be impeded by imports due to market disruption, or the threat thereof.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, CITA, pursuant to the Agreement, may establish a prorated specific limit of 29,170 dozen for the entry and withdrawal from warehouse for consumption of cotton textile products in Category 334, produced or manufactured in Pakistan and exported to the United States during the period which began on Janaury 29, 1984 and extends through December 31, 1984.

The Government of the United States has decided, pending a mutually satisfactory solution, to control imports in this category during the 90-day consulation period which began on January 29 and extends through April 28, 1984 at a limit of 9,240 dozen.

In the event the limit established for Category 334 during the ninety-day period is exceeded, such excess amount, if allowed to enter, may be charged to the limit established during the period which began on January 29 and extends through December 31, 1984.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of Pakistan, further notice will be published in the **Federal Register.**

A summary market statement for this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

Anyone wishing to comment or provide data or information regarding the treatment of Category 334 under the Bilateral Cotton Textile Agreement with the Government of Pakistan, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in this category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Commitee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

SUPPLEMENTARY INFORMATION: On December 16, 1983 a letter was published in the **Federal Register** (48 FR 55892) to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1984. In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, pending agreement on a different solution, to prohibit entry for cosumption or withdrawal from warehouse for consumption, of cotton textile products in Category 334, produced or manufactured in Pakistan and exported during the indicated ninety-day period, in excess of 9,240 dozen.

Effective date: February 15, 1984.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Pakistan—Market Statement

Category 334—Men's and Boys' Cotton Coats, Other

January 1984.

U.S. imports of Category 334 from Pakistan were 25,492 dozen during the January–November 1983 period, up 64.4 percent from the 15,507 dozen imported a year earlier. This eleven-month 1983 level far exceeds the 1981 imports of 1,618 dozen. This is a sharp and substantial increase of imports in a sector already adversely affected by imports.

Domestic production of Category 334 declined from 903,000 dozen in 1981 to 809,000 dozen in 1982. Imports also declined, dropping from 1,016,000 dozen in 1981 to 925,000 dozen in 1982. However, imports for the first eleven months of 1983 were 1,057,000 dozen which was higher than any previous calendar year. The January–November imports were up 23.2 percent from a year earlier. The imports of Category 334 exceeded domestic production by 12.5 percent in 1981 and 14.3 percent in 1982. The excess in 1983 probably ranged from 30 to 40 percent.

February 9, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 13, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry of certain cotton textile products, produced or manufactured in Pakistan and exported during 1984.

Effective on February 15, 1984, paragraph one of the directive of December 13, 1983 is hereby amended to include a limit of 9,240 dozen [1] for cotton textile products in Category 334, exported during the period which began on January 29 and extends through April 28, 1984.

Textile products in Category 334 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

[1] The level has not been adjusted to account for any imports exported after January 28, 1984.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-4011 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Government of the Republic of Indonesia To Review Trade in Category 319 (Cotton Duck)

February 9, 1984.

On January 31, 1984, the Government of the United States requested consultations with the Government of the Republic of Indonesia with respect to Category 319. This request was made on the basis of the agreement, as amended, between the Governments of the United States and the Republic of Indonesia relating to trade in Cotton, Wool and Man-Made Fiber Textiles and Textile Products of October 13 and November 9, 1982. The agreement provides for consultations when the orderly development of trade between the two countries may be impeded by imports due to market disruption, or the threat thereof.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, CITA, pursuant to the agreement, as amended, may establish a prorated specific limit of 1,704,163 square yards for the entry and withdrawal from warehouse for consumption of cotton textile products in Category 319, produced or manufactured in Indonesia and exported to the United States during the period which began on January 31, 1984 and extends through the end of the agreement year, June 30, 1984. The limit may be adjusted to include prorated swing and carryforward.

The Government of the United States has decided, pending agreement on a mutually satisfactory solution to involve import controls on this category during the 90-day consultation period (January 31–April 29, 1984) at a level of 1,194,826 square yards. In the event the limit established for the ninety-day period is exceeded, such excess amount, if allowed to enter, may be charged to the level established during the period which began on January 31 and extends through June 30, 1984.

A summary market statement for this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (49 FR 55607), and December 30, 1983 (48 FR 57584).

Anyone wishing to comment or provide data or information regarding the treatment of Category 319 under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with the Government of the Republic of Indonesia, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in this category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Effective Date: February 15, 1984.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Indonesia—Market Statement

Category 319—Cotton Duck

January 1984.

U.S. imports of Category 319 from Indonesia amounted to 3.3 million square yards during the year ending November 1983, up 63.5 percent from the 2.0 million square yards imported a year earlier. Indonesia was the seventh largest supplier of Category 319, accounting for 4.5 percent of the total year ending November 1983 imports. U.S. imports from Hong Kong, the largest supplier, were subject to an agreed limit resulting from a consultation call in 1983. Imports from three suppliers, Pakistan, Brazil, and Thailand, are subject to specific limits. Other major suppliers are controlled by agreed levels or designated consultation levels or have been called for consultations.

Domestic production of Category 319 declined from 95.1 million square yards in 1981 to 93.6 million in 1982.

Imports declined from 92 million square yards in 1981 to 68 million in 1982. Imports for the first eleven months of 1983 were up to 68 million square yards from 62 million during the same period in 1982. Imports were equal to 72.2 percent of production in 1982 and were probably higher in 1983.

February 9, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982, as amended and extended, between the Governments of the United States and Republic of Indonesia; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 15, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 319 produced or manufactured in Indonesia, and exported during the ninety-day period which began on January 31, 1984 and extends through April 29, 1984, in excess of 1,194,826 square yards.[1]

Textile products in Category 319 which have been exported to the United States prior to January 31, 1984 shall not be subject to this directive.

Textile products in Category 319 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United states for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of the Republic of Indonesia and with respect to imports of cotton textile products from Indonesia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-4012 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-DR-M

[1] The level of restraint has not been adjusted to reflect any imports exported after January 30, 1984.

Soliciting Public Comment on Bilateral Textile Consultations With the Government of the Republic of Indonesia To Include a Review of Trade in Category 315 (Cotton Printcloth)

February 9, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the letter published below to the Commissioner of Customs to be effective on February 15, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377-4121.

Background

On December 6, 1983 a notice was published in the **Federal Register** (48 FR 54678) requesting public comment on bilateral textile consultations with the Government of the Republic of Indonesia concerning cotton printcloth in Category 315 under Article 3 of the Arrangement Regarding International Trade in Textiles. Since that time the Governments of the United States and the Republic of Indonesia have exchanged diplomatic notes amending their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982 to include a formal consultation provision within the terms of the agreement. The new consultation provision establishes a 90-day period for consultations, dating from the date of the original request.

The purpose of this notice is to announce that, under the terms of the amended bilateral agreement, the consultation period with respect to Category 315 is now the 90-day period which began on November 30, 1983 and extends through February 27, 1984. During this period, Indonesia is obligated to limit its exports to the United States of textile products in Category 315 to 3,277,763 square yards. If no mutually satisfactory solution is reached during consultations, the United States may establish a prorated specific limit of 6,563,019 square yards for the period which began on November 30, 1983 and extends through the end of the agreement year, June 30, 1984. The new limit may be adjusted to include prorated swing and carryforward. The United States Government has decided, pending a mutually satisfactory solution, to control imports of cotton textile products in Category 315 for the ninety-day period at the level described above.

In the event the limit established for Category 315 during the ninety-day period is exceeded, such excess amount, if allowed to enter, may be charged to the level established for the specific limit during the period which began on November 30, 1983 and extends through June 30, 1984.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the Republic of Indonesia, further notice will be published in the **Federal Register.**

A summary market disruption statement concerning this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

Anyone wishing to comment or provide data or information regarding the treatment of Category 315 under the agreement with Indonesia, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response of this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implemenation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption

contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

SUPPLEMENTARY INFORMATION: On June 30, 1983 a letter was published in the Federal Register (48 FR 30181) to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on July 1, 1983. In the letter published below, pursuant to the bilateral agreement, as amended, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, pending agreement on a different solution, to prohibit entry for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 315, produced or manufactured in Indonesia and exported during the indicated ninety-day period, in excess of 3,277,763 square yards.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Indonesia—Market Statement

Category 315—Cotton Printcloth

November 1983.

U.S. imports of Category 315 from Indonesia were 12,627,000 square yards during the year ending September 1983 and for the January-September 1983 period, more than nine times the year ending September 1982 level of 1,398,000 and more than 18 times the January-September 1982 level of 698,000 square yards. During the January-September 1983 period Indonesia's import share increased from 0.6 percent to 5.6 percent. Indonesia jumped from the eleventh to the fifth largest supplier of Category 315 imports. This is a sharp and substantial increase of imports in a sector already adversely affected by imports. These imports from Indonesia are imported at duty-paid values below the U.S. producer prices of comparable fabrics. The import to domestic production ratio reached 57.0 percent during the first half of 1983 and is expected to reeach 57.7 percent for the year.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on Decemberr 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Nan-Made Fiber Textile Agreement of October 13 and November 9, 1982, as amended, between the Governments of the United States and the Republic of Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 15, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 315, produced or manufactured in Indonesia, and exported during the ninety-day period which began on November 30, 1983 and extends through February 27, 1984, in excess of 3,277,763 square yards.[1]

Textile products in Category 315 which have been exported to the United States prior to November 30, 1983 shall not be subject to this directive.

Textile products in Category 315 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. number was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of the Republic of Indonesia and with respect to imports of cotton textile products from Indonesia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Texile Agreements.

[FR Doc. 84-4013 Filed 2-13-84; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Government of the Arab Republic of Egypt To Review Trade in Category 313 (Cotton Sheeting)

February 9, 1984.

On January 31, 1984, the Government of the United States requested consultations with the Government of the Arab Republic of Egypt with respect to cotton sheeting in Category 313. This request was made on the basis of the Bilateral Cotton Textile Agreement of December 7 and December 28, 1977, as extended, between the Governments of the United States and the Arab Republic of Egypt, which provides for consultations when the orderly development of trade between the two countries may be impeded by imports due to market disruption, or the threat thereof.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations between the two governments within 60 days of the receipt of this request, the Committee for the Implementation of Textile Agreements, pursuant to the terms of the agreement, may establish a limit of 9,755,663 square yards for the entry and withdrawal from warehouse for consumption of cotton textile products in Category 313, produced or manufactured in Egypt and exported during 1984.

A summary market statement follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

The Government of the United States reserves the right under the bilateral agreement to invoke import controls on this category during the 60-day consultation period.

Anyone wishing to comment or provide data or information regarding the treatment of Category 313 under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with the Government of the Arab Republic of Egypt, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the Category 313, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

[1] The level of restraint has not been adjusted to reflect any imports exported after November 29, 1983.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitue "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Egypt—Market Statement

Category 313—Cotton Sheeting

January 1984.

U.S. imports of Category 313 from Egypt during the year ending November 1983 were 10.9 million square yards, up 23.0 percent from the 8.8 million imported a year earlier. Imports for the first eleven months of 1983 were up 39.7 percent to 10.4 million square yards from 7.4 million imported during the same period in 1982.

These imports from Egypt are entered at duty-paid landed values which are below the U.S. producer prices for comparable fabrics. These and other factors lead the United States Government to conclude that imports from Egypt create a real threat of market disruption in the United States.

The domestic industry producing cotton sheeting has been adversely affected by imports. Production in 1982 was down 12.5 percent from 1981. Imports were equal to 88.1 percent of domestic production in 1982.

[FR Doc. 84-3937 Filed 2-9-84; 8:45 am]

BILLING CODE 3510-DR-M

Soliciting Public Comment on Bilateral Textile Consultations With the Dominican Republic on Women's, Girls' and Infants' Wool Sweaters in Category 446

February 9, 1984.

On January 31, 1984, the United States Government, under Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), requested the Government of the Dominican Republic to enter into consultations concerning exports to the United States of women's, girls' and infants' wool sweaters in Category 446, produced or manufactured in the Dominican Republic.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations with the Government of the Dominican Republic, the Committee for the Implementation of Textile Agreements may later establish a limit of 19,550 dozen for the entry and withdrawal from warehouse for consumption of wool textile products in Category 446, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on January 31, 1984 and extends through January 30, 1985.

A summary market statement follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

Anyone wishing to comment or provide data or information regarding the treatment of Category 446 is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Dominican Republic—Market Statement

Category 446—Women's Girls' and Infants' Wool Sweaters

U.S. imports of Category 446 from the Dominican Republic were 25,572 dozen during January–November 1983, up 176.6 percent from the 9,245 dozen imported a year earlier. This sharp and substantial increase of imports is in a market sector already adversely affected by imports. These imports from the Dominican Republic are imported at duty-paid values below the U.S. producer prices for comparable sweaters.

U.S. imports of Category 446 were equal to two and one-half times the domestic production in 1982. Imports for the first eleven months of 1983 were up 23.8 percent from 1982 to a level of 1,836,470 dozen. This eleven month total exceeded the full-year 1982 imports by 17.6 percent.

Domestic production of Category 446 has been severely affected by imports for a number of years. Domestic production has been below imports for a decade. The ratio of imports to domestic production was 250.7 in 1982 and will be higher in 1983 due to the substantial increase in imports.

[FR Doc. 84-3938 Filed 2-9-84; 1:03 pm]

BILLING CODE 3510-DR-M

Soliciting Public Comment on Bilateral Textile Consultations With Haiti on Category 350 (Cotton Dressing Gowns)

February 9, 1984.

On January 30, 1984, the United states Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, requested the Government of Haiti to enter into consultations concerning exports to the United States of cotton dressing gowns in category 350, produced or manufactured in Haiti.

The purpose of this notice is to advise that, if no solution is agreed upon with the Government of Haiti during the sixty-day consultation period which began on January 30, 1984, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of cotton textile products in Category 350, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on January 30, 1984 and extends through January 29, 1985 at a level of 18,754 dozen.

A summary market statement follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

Anyone wishing to comment or provide data or information regarding the treatment of Category 350, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Ch airman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information

submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Haiti—Market Statement

January 1984.

Category 350—Cotton dressing Gowns

U.S. imports of Category 350 from Haiti totaled 18,613 dozen during the year ending November 1983, up 38.4 percent from the same period a year earlier and 75.7 percent above the 1981 imports. Haiti is the fifth largest supplier of Category 350. The four larger suppliers are subject to specific limits, designated consultation levels, or agreed limits on Category 350.

Domestic production of Category 350 declined from 616,000 dozen in 1981 to 518,000 in 1982. Imports increased from 250,000 dozen in 1981 to 360,000 in 1982 and to 415,000 during the first eleven months of 1983. The 1981 ratio of imports to production was 40.6 percent, and the 1982 ratio was 69.5. The sharp 1983 import increase, 27 percent, indicates a 1983 ratio between 85 and 95 percent.

[FR Doc. 84-3941 Filed 2-9-84; 1:03 pm]

BILLING CODE 3510-DR-M

Soliciting Public Comment on Bilateral Textile Consultations with Peru on Category 319 (Cotton Duck Fabric)

February 9, 1984.

On January 31, 1984, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textlies, requested the Government of Peru to enter into consultations concerning exports to the United States of cotton duck fabric in Category 319, produced or manufactured in Peru.

The purpose of this notice is to advise that, if no solution is agreed upon with the Government of Peru during the sixty-day consultation period, which began on January 31, 1984, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of cotton textile products in Category 319, produced or manufactured in Peru and exported to the United States during the twelve-month period which began on January 31, 1984, and extends through January 30, 1985, at a level of 15,076,495 square yards.

A summary market statement follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

Anyone wishing to comment or provide data or information regarding the treatment of Category 319, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the implementation of Textile Agreements. International Trade Administration, U.S Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Peru—Market Statement

January 1984.

Category 319—Cotton Duck

U.S. imports of Category 319 from Peru amounted to 15.6 million square yards during the year ending November 1983, up 43.5 percent from the 10.9 million square yards imported a year earlier. Peru was the second largest supplier of Category 319, accounting for 21.3 percent of the total year ending November 1983 imports. U.S. imports from Hong Kong, the largest supplier, were subject to an agreed limit resulting from a consultation call in 1983. Imports from three suppliers, Pakistan, Brazil, and Thailand, are subject to specific limits. Other major suppliers are controlled by agreed levels or designated consultation levels.

Domestic production of Category 319 declined from 95.1 million square yards in 1981 to 93.6 million in 1982.

Imports of Category 319 have disrupted the domestic market for a number of years. Imports were equal to 72.2 percent of production in 1982.

[FR Doc. 84-3940 Filed 2-9-84; 1:03 am]

BILLING CODE 3510-DR-M

Soliciting Public Comment on Bilateral Textile Consultations With Uruguay on Categories 410 (Woolen and Worsted Fabric) and 435 (Wool Coats)

February 9, 1984.

On January 31, 1984, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, requested the Government of Uruguay to enter into consultations concerning exports to the United States of woolen and worsted fabric in Category 410 and wool coats in Category 435, produced or manufactured in Uruguay.

The purpose of this notice is to advise that, if no solution is agreed upon with the Government of Uruguay in consultations during the sixty-day period which began on January 31, 1984, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of wool textile products in Categories 410 and 435, produced or manufactured in Uruguay and exported to the United States during the twelve-month period which began on February 1, 1984 and extends through January 31, 1985 at a level of 1,117,011 square yards for Category 410 and 30,934 dozen for Category 435.

A summary market statement follows this notice.

Anyone wising to comment or provide data or information regarding the treatment of Categories 410 and 435 is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will

be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Uruguay—Market Statement

Category 410—Wool Broadwoven Fabrics

U.S. imports of Category 410 from Uruguay were 1.2 million square yards during the year ending November 1983. This was 265 percent higher than a year earlier. This is a sharp and substantial increase of imports in a sector already severely affected by imports. These imports from Uruguay are imported at duty-paid values below the U.S. producer prices for comparable fabrics. These and other factors lead the United States Government to conclude that imports from Uruguay are disrupting the domestic market for such fabrics and constitute a threat for further market disruption in the United States, as provided for in Article 3 of the Arrangement Regarding International Trade in Textiles. The rapid escalation of low priced imports from Uruguay, if continued, provides a real threat for continued and more substantial market disruption.

Production of wool broadwoven fabrics declined from 160.3 million square yards in 1981 to 115.5 million in 1982. The industry continued in a depressed state in 1983.

Imports increased from 20.9 million square yards in 1981 to 24.3 million in 1982. Imports for the first eleven months of 1983 were up 17.2 percent at 27.4 million square yards.

Imports as a percentage of production increased from 13.1 percent in 1981 to 21.0 percent in 1982. The ratio of imports to domestic production increased to 22.3 percent during the first half of 1983. Due to the substantial increase in imports during the last half of 1983, the ratio is expected tor each 26 percent in 1983.

Category 435—Wool Coats

U.S. imports of Category 435 from Uruguay amounted to 29,873 dozens during January-October 1983, up 14 percent from a year earlier. Uruguay was the third largest supplier of Category 435. These imports were entered at duty-paid values below the U.S. producer prices for similar and comparable garments.

Domestic production of Category 435 declined from 1,118,000 dozens in 1981 to 1,095,000 dozens in 1982. Imports from all sources also declined in 1982 but sharply expanded in 1983. Imports for 1981 were 191,000 dozen; for 1982, 186,000 dozens; and, for January-October 1983, 246,000 dozens. The ratio of imports to domestic production was 17.0 percent in 1982 and is expected, due to the sharp increase in imports, to range from 25 to 30 percent in 1983.

[FR Doc. 84-3939 Filed 2-9-84; 1:03 pm]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Navy

Determination to Relocate and Construct a New Entrance Gate in the Base Coastal Floodplain, U.S. Naval Air Station, South Weymouth, Massachusetts

I. Background

The Naval Reserve Force is proposing to relocate and construct a new main entrance gate at Naval Air Station (NAS) South Weymouth, Massachusetts. The local community has long expressed concern and displeasure over heavy vehicular traffic that now transects an adjacent residential neighborhood and which has been involved in the death of one child and injuries to others in recent years. The Navy accordingly has concluded traffic studies to ascertain alternative gate arrangements and has selected a preferred alternative. The proposed site is located within a 100-year floodplain zone.

A Preliminary Environmental Assessment was prepared for the proposed project. The assessment concluded that the preferred location for the new entrance at the northwest corner of the installation off State Route 18 and parallel to the existing Calnan Road satisfied both the Navy's and the community's needs and that construction/operation will not pose a "significant effect on the quality of the human environment."

II. Alternatives Evaluated in the Preliminary Environmental Assessment

A. No action

B. Alternative site locations

III. Statement of Conformity to State and Local Floodplain Protection Standards

It has been determined that the proposed action is consistent with the State of Massachusetts Coastal Zone Management Plan to the maximum extent practicable.

IV. Reasons Action is Proposed To Be Located in Floodplain

A. Safety.

The major advantage to be realized from construction of a new main gate will be to remove the hazard to the civilian community that now exists. The site chosen also preserves security for the Station, minimizes travel through the clear zone (aircraft travel), and eliminates the need for a traffic signal that would be required at other locations.

B. Cost

The cost of constructing the preferred alternative is not considered to be in excess of the other alternatives considered.

C. General

Consideration of economic, environmental and operational factors led to selection of one of eight sites on the Main Base. The preferred site is below the 500-year flood elevation, but above the 100-year flood elevation. This action is therefore subject to the provisions and requirements of Executive Order 11988, the stated objective of which is to reduce the risk of flood loss and to minimize the impact floods on human safety, health, and welfare.

V. Determination

Based on the Preliminary Environmental Assessment and for the reasons cited above, it has been determined that location of the proposed replacement main gate in the Base Coastal Floodplain is the only practicable alternative to the Navy.

Dated: February 8, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve Federal Register Liaison Officer.

[FR Doc. 84-3923 Filed 2-13-84; 8:45 am]

BILLING CODE 3810-AE-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 22, 1984, beginning at 1:30 p.m. in the 24th Floor Conference Room of 1250 Broadway, at 32nd Street and Broadway, New York City, New York. The hearing will be a part of the Commission's regular business meeting, which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:00 a.m. at the same location.

The subjects of the hearing will be as follows:

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

1. *North Wales Water Authority (D–77–90 CP).* An application for renewal of a ground water withdrawal from Well No. 23 of the North Wales Water Authority. The well is located near the intersection of Morris Road and Broad Street in Upper Gwynedd Township, Montgomery County, Pennsylvania. Commission approval was limited to five years and will expire unless renewed. The applicant has requested approval to continue operation of Well No. 23 in accordance with existing approval limitations.

2. *Borough of Hatfield (D–78–84 CP).* An application for renewal of a ground water withdrawal from Well No. 8 of the Borough of Hatfield. The well is located near Fairgrounds Road and Cowpath Road in Hatfield Township, Montgomery County, Pennsylvania. Commission approval was limited to five years and will expire unless renewed. The applicant has requested approval to continue operation of Well No. 8 in acordance with existing approval limitations.

3. *North Wales Water Authority (D–78–94 CP).* An application for renewal of a ground water withdrawal from Well No. 25 of the North Wales Water Authority. The well is located near the intersection of Route 309 and McKean Road in Lower Gwynedd Township, Montgomery County, Pennsylvania. Commission approval to withdraw 7.5 million gallons during any 30-day period was limited to five years and will expire unless renewed. As part of the renewal application, the applicant has requested approval to increase withdrawal from Well No. 25 to 10.8 million gallons during any 30-day period.

4. *Public Service Electric and Gas Company (D–79–66).* A well water supply project to provide an additional source of water for the existing well system at the applicant's Salem Nuclear Generating Station, Lower Alloways Creek Township, Salem County, New Jersey. Withdrawals from the new source, Well No. 6, combined with withdrawals from the existing facilities, will not exceed the existing limitation of 28.7 million gallons per 30-day period as an average during any calendar year. This hearing continues that of January 25, 1984.

5. *Township of Bordentown (D–83–43 CP).* A sewage treatment project to serve portions of Bordentown Township in Burlington County, New Jersey. The existing Laurel Run Treatment Plant will be expanded and upgraded to remove 97 percent BOD and suspended solids from an average waste flow of 0.40 million gallons per day. Treated effluent will continue to discharge to Laurel Run, a tributary to Blacks Creek, at River Mile 128.22–2.0–0.65

The hearing on Dockets Nos. D–77–90 CP D–78–84 CP, and D–78–94 CP will be continued at the Commission's next business meeting and hearing. A minimum of ten days Public Notice of the date and location of the next DRBC meeting and hearing will be provided.

Documents relating to each of these projects may be examined at the Commission's offices. Preliminary dockets are available on Dockets D–79–66 and D–84–43 CP in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

February 7, 1984

[FR Doc. 84–3920 Filed 2–13–84; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Amendment notice.

SUMMARY: This notice is to amend the announcement of a partially closed meeting of the National Advisory Council on Women's Educational Programs published January 30, 1984, [49 FR 3684]. The Executive Committee will hold an additional closed meeting February 14, from 9:30 a.m. until business is completed. The agenda of the closed sessions beginning at 8:30 p.m. on February 14, and at 11:00 a.m. on February 16, has been revised.

FOR FURTHER INFORMATION CONTACT: Sharon Petersen, Special Assistant to the Executive Director, National Advisory Council on Women's Educational Programs, 425 13th Street, NW., Suite 416, Washington, D.C., 20004, (202) 376–1038.

SUPPLEMENTARY INFORMATION: The Executive Committee will meet in closed session Tuesday, February 14, 1984, beginning at 9:30 a.m. until business is completed to interview candidates for the position of Executive Director of the National Advisory Council on Women's Educational Programs. The Executive Committee will meet in closed session Tuesday, February 14, beginning at 8:30 p.m. and the full Council will meet in closed session Thursday, February 16, beginning at 11:00 a.m. until business is completed. The agenda of both closed sessions is to consider candidates for and to select an Executive Director for the National Advisory Council on Women's Educational Programs. These interviews and discussions will touch upon matters of a personal nature disclosure of which would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemption (6) of Section 552b(c) of Title 5 U.S.C.

The open meetings of the Council and it's Committees remain unchanged.

A summary of the activities of the closed session and related matters which would be informative to the public consistent with the policy of Section 552b(c) of Title 5 U.S.C. will be available to the public within 14 days of the meeting at the Council's office, 425 13th Street, NW., Suite 416, Washington, D.C. 20004

Signed at Washington, D.C. on February 9, 1984.

Rosemary Thomson,

Executive Director.

[FR Doc. 84–4069 Filed 2–13–84; 8:45 am]

BILLING CODE 4000–01–M

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act.

DATES: Interested persons are invited to submit comments on or before March 15, 1984.

ADDRESSEES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208 New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret Webster, Department of Education, 400 Maryland Avenue SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The requirement for public consultation may be amended or waived by OMB to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform the statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information requests prior to the submission of these requests to the Office of Management and Budget. Public comment is invited from the OMB at the address specified above. Copies of the requests may be obtained from Margaret Webster at the address specified above.

Dated: February 9, 1984.

Charles L. Heatherly,

Deputy Under Secretary for Management.

Office of Educational Research and Improvement

New

Financial Status and Performance Report for Library Services and Construction Act (LSCA), Title II (Public Library Construction) Under Authorization of the Emergency Jobs Bill (Pub. L. 98–8)
ED 915–1
On Occasion; Annually
State or Local Governments
Reporting Burden—Responses: 52
Burden Hours: 520

Abstract: Expenditures of State or local funds are checked for matching requirements to determine if a grant has been expended under compliance timelines, and to review program and fiscal requirements under the Library Services and Construction Act, Title II and Pub. L. 98–8.

[FR Doc. 84–3983 Filed 2–13–84; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

National Energy Extension Service Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: National Energy Extension Service Advisory Board.

Date and Time: Monday, February 27, 1984—8:30 a.m.—5:00 p.m.

Place: Hyatt Regency Hotel, Crystal City, Washington A and B Room, 2799 Jefferson Davis Highway, Arlington, Virginia 22202.

Date and Time: Tuesday, February 28, 1984—9:00 a.m.—12:30 p.m.

Place: U.S. Department of Energy, Forrestal Building, Room 6A–081, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Contact: William H. H. King, U.S. Department of Energy, Forrestal Building, Room 6A–081, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202–252–8290.

Purpose of the Board: The Board was established to carry on a continuing review of the National Energy Extension Service and the plans and activities of each State in implementing Energy Extension Service programs.

Tentative agenda:

Monday, February 27, 1984
- Presentation on EES Administrative Costs
- EES State Overviews
- Review and Finalize Fifth Annual Report Prepared by Subcommittee
- Public Comment (19 minute rule)

Tuesday, February 28, 1984
- Review of EES/SECP Meeting, Dallas, Texas
- Update on Oil Overcharge Monies
- NEESAB Future Efforts
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his/her judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William H. H. King at 202–252–8290. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 8, 1984.

Howard H. Raiken,

Deputy Advisor Committee Management Officer

[FR Doc. 84–3947 Filed 2–13–84; 8:45 am]
BILLING CODE 6450–01–M

Economic Regulatory Administration

[Docket No. ERA-FC-84-003]

Powerplant and Industrial Fuel Use Act of 1978: Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of receipt of proposed amendment to approved electric utility conservation plans.

SUMMARY: On January 27, 1984, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) received a proposed amendment to three electric utility conservation plans previously approved by DOE pursuant to Section 808 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, as amended (FUA or the Act).

Pursuant to 10 CFR 508.4(b) and 508.6(b) DOE hereby gives Notice of Receipt of a Proposed Amendment to Approved Conservation Plans from Texas Utilities Electric Company, Dallas, Texas. The publication of this notice commences a thirty (30) day public comment period during which interested persons are invited to submit written comments concerning the content of the proposed amendment to three approved conservation plans.

The public file for Texas Utilities Electric Company containing the proposed amendment of the conservation plans and any other pertinent documents is available at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585, telephone (202) 252–6020. ERA will approve or non-approve the proposed amendment of the plan within 120 days of the receipt of the proposed amendment. Approval or non-approval of an amendment to a conservation plan will be based on the entire record of the proceeding, including any comments received during the public comment period provided herein. Notice of Approval on Non-approval of the proposed amendment to the conservation plans will be published in the **Federal Register.**

DATE: Written comments on the proposed amendment described in the SUPPLEMENTARY INFORMATION section of this notice are due on or before March 15, 1984.

ADDRESS: Five copies of written comments shall be submitted to: Case Control Unit, Coal and Electricity Division, Forrestal Building, Room GA–033, 1000 Independence Avenue, SW.,

Washington, D.C. 20585. The name of the subject utility and identifying case number should be printed on the outside of the envelope and on the documents contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fules Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073G, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–8162.

Marya Rowan, Office of the General Counsel, Forrestal Building, Room 6A–141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6739.

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (OBRA) amended the Powerplant and Industrial Fule Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) by adding a new section 808, Entitled "Electric Utility Conservation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980, and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. The plan must be fully implemented during the five-year period following DOE approval.

DOE approved a conservation plan for Dallas Power & Light Company (DP&L), FC Case No. 50736–9999–99–49, (47 FR 41163, September 17, 1982); for Texas Electric Service Company (TESCO), FC Case No. 52901–9999–99–49, (47 FR 54319, December 2, 1982); and for Texas Power & Light Company (TP&L), FC Case No. 52902–9999–99–49, (47 FR 56387, December 16, 1982). In 1982, these companies were subsidiaries of Texas Utilities Company (TU). In 1983, subsequent to DOE's approval actions, DP&L, TESCO and TP&L were merged into Texas Utilities Electric Company, another subsidiary of TU.

Texas Utilities Electric Company, as the successor to the three subsidiaries, seeks to amend each of the previously-approved conservation plans by consolidating the approved programs and conservation goals of each plan into one consolidated plan. Texas Utilities Electric Company would administer the consolidated plan, if approved by DOE, and would file the annual report of progress of each remaining year of the five-year plan.

Issued in Washington, D.C. on February 8, 1984.

Robert L. Davies,

Director, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84–3950 Filed 2–13–84; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Cleveland Electric Illuminating Co.; Filing

[Docket No. ER84–237–000]

February 9, 1984.

The filing Company submits the following:

Take notice that on February 1, 1984, Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 50 MW of power from the 345 kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI requests an effective date of January 11, 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 27, 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. 84–3994 Filed 2–13–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–238–000]

Cleveland Electric Illuminating Co.; Filing

February 9, 1984.

The filing Company submits the following:

Take notice that on February 1, 1984, Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 50 MW of power from the 345 kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI requests an effective date of December 28, 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 27, 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. 84–3995 Filed 2–13–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–239–000]

Cleveland Electric Illuminating Co.; Filing

February 9, 1984.

The filing Company submits the following:

Take notice that on February 1, 1984, Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 60 MW of power from the 345 Kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and

conditions of CEI's FERC Transmission Service Tariff.

CEI has requested an effective date of January 18, 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 petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before February 27, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-3996 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-240-000]

Cleveland Electric Illuminating Co.; Filing

February 9, 1984.

The filing Company submits the following:

Take notice that on February 1, 1984, Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 50 MW of power from the 345 Kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested an effective date of January 4, 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 petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before February 27, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-3997 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER-84-243-000]

Consumers Power Co.; Filing

February 10, 1984.

The filing Company submits the following:

Take notice that on February 2, 1984, Consumers Power Company (Consumers) tendered for filing a Transmission Agreement with the County of Antrim, Michigan. The filed agreement provides for Consumers to provide firm transmission service from Consumer's Elk Rapids Substation to the Grand Traverse Interconnection Point for the account of the City of Traverse City. The electric capacity and energy to be transmitted is the output of Antrim County's hydroelectric plant on the Elk River.

Copies of this filing were served upon the parties and the Michigan Public Service Commission.

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 27, 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. 84-3998 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-236-000]

El Paso Electric Co.; Filing

February 10, 1984.

The filing Company submits the following:

Take notice that on February 1, 1984, El Paso Electric Company (El Paso) tendered for filing changes to rate schedules under which it provides wholesale service to Rio Grande Electric Cooperative to Dell City, Texas (FERC No. 18) and Van Horn, Texas (FERC No. 19) and the Texas-New Mexico Power Company at Alamagordo (FERC No. 17) and Lordsburg (FERC No. 35). The filing provides for a first-step increase of $944,400, or 8.86%, and a second-step increase of $991,801, or an additional 0.45%, on the basis of the 12 months ending June 30, 1983 used as the test period. The claimed return on equity is increased from 15% in the first step to 16% in the second.

El Paso states that the proposed rates reflect inclusion of construction work in progress (CWIP) in rate base up to the six percent limit on CWIP-related increases provided in § 35.26(d)(1)(i) of the Commission's regulations. The amount of CWIP included in rate base other than coal conversion and pollution control CWIP, is $45.9 million for the first step and is reduced to $42.2 million for the second step. The amount included represents about 6% of the Company's current investment of $73,151,848 in the Palo Verde nuclear project, in which the Company has a 15.8% ownership interest.

El Paso further states that the proposed rates also reflect increases in cost of service above the 1980 adjusted Period I level reflected in the present rates. The filing is supported based on Period I costs for the 12 months ended June 30, 1983 as adjusted for a wage and salary increase in December 1983 and for a 345 KV transmission line between the Company's system and that of Southwestern Public Service Company (SPS) which will be placed in service by March 31, 1984.

El Paso requests effective dates of April 1 and 2, 1984, respectively, for the first and second steps of the increase.

Copies of the filing have been served on the affected customers and the New Mexico Public Service Commission and the Public Utility Commission of Texas.

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 27, 1984. Protests will be considered by the Commission in determinating the appropiate 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. 84-3999 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-245-000]

El Paso Electric Co.; Filing

February 10, 1984.

The filing Company submits the following:

Take notice that on February 3, 1984, El Paso Electric Company (EPE) submitted for filing two amendments to the power sales agreement dated September 22, 1982 between itself and the Imperial Irrigation District (IID). Amendment Number One requires EPE to use its best efforts to provide a transmission path to deliver energy from itself to IID over the facilities of the Salt River Project Agricultural Improvement and Power District. Amendment Number Two provides that IID's representative, in accordance with specified procedures, may specify varying weekly levels of contract demand associated with the interruptible capacity provided by EPE. Amendment Number Two also provides that the monthly demand charge specified in Exhibit A of the agreement shall be prorated on a daily basis. EPE has requested that the two amendments of the agreement be accepted for filing and made effective as of February 1, 1984 and requests waiver of notice requirements to accomplish such effective date.

EPE further states that copies of its filing have been served upon the Public Utility Commission of Texas, the New Mexico Public Service Commission and IID.

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 29, 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 inspecton.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4000 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-248-000]

Empire District Electric Co.; Filing

February 9, 1984.

The filing Company submits the following:

Take notice that on February 6, 1984, Empire District Electric Company (Empire) tendered for filing a proposed Service Schedule H, Peaking Power Service, as a supplement to an Electric Interchange Agreement between Empire and Kansas City Power and Light Compnay (KCP&L).

Empire states that the proposed Service Schedule H provides for the sale of 46.8 Mw of peaking capacity and related energy from Empire to KCP&L for the period beginning January 1, 1984. The capacity charge is cost plus $0.46 per Kw per month. Related energy will be furnished at cost plus 10% with an allowance for incurred losses. The schedule further provides that KCP&L will purchase no more than 56,160 Mwh during any contact year, 28,080 Mwh during any four consecutive months, 9,360 Kwh in any one month. No less than 2,808 Mwh may be purchased in any one month. This filing should clarify terms of the original schedule.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Missouri Public Service Commission, the Kansas Corporation Commission, and the Kansas City Power and Light Company.

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 27, 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 inspecton.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4001 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-29-000]

Iowa Public Service Co.; Application

February 10, 1984.

Take notice that on January 27, 1984, Iowa Public Service Company filed an application pursuant to Section 204 of the Federal Power Act seeking authority to issue up to $60 million of short-term unsecured promissory notes to commercial banks and commercial paper dealers. All proposed notes are to be issued on or before March 31, 1985, and will bear final maturity dates no later than March 31, 1986.

Any person desiring to be heard or to make any protest with reference to said application should file a motion to intervene or protest on or before February 27, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4002 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6577-001]

Kansas Electric Power Cooperative, Inc.; Surrender of Preliminary Permit

February 9, 1984.

Take notice that Kansas Electric Power Cooperative, Inc., Permittee for the proposed Glen Elder Hydro Project No. 6577, has requested that its preliminary permit be terminated. The permit was issued on December 17, 1982, and would have expired May 31, 1984. The project would have been located on the Solomon River in Mitchell County, Kansas.

The Permittee filed its request on December 19, 1983, and the surrender of the preliminary permit for Project No. 6577 is deemed accepted 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4003 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-201-000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

February 9, 1984.

Take notice that on January 18, 1984, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-201-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end-user under the authorization issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 185 Mcf of gas per day and 67,525 Mcf of gas per year, for the account of Jackson China, Inc. (Jackson), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to Jackson at Jackson's facilities in Falls Creek, Pennsylvania, pursuant to the terms of the gas transportation agreement dated November 15, 1983 (transportation agreement). Supply states that the current transportation rate is 34.15 cents per Mcf, which includes an added incentive charge of 5.0 cents per Mcf, plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T-2.

Supply states that the gas to be purchased by Jackson involves gas supplies previously under contract to and released by Supply. Jackson would use the gas transported by Supply in boilers and kilns which are qualified end-uses pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation woul commence on March 14, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective November 15, 1983, and month to month thereafter, whichever occurs first.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4004 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-247-000]

Northern States Power Co.; Filing

February 10, 1984.

The filing Company submits the following:

Take notice that on February 6, 1984, Northern States Power Company (NSP), tendered for filing the Municipal Transmission Service Agreement between NSP and the City of Granite Falls.

The Municipal Transmission Service Agreement replaces the Firm Power Resale Agreement, FERC Rate Schedule No. 355, between NSP and the City of Granite Falls which was cancelled by NSP pursuant to notice on April 30, 1983. The Municipal Transmission Service Agreement essentially provides for the wheeling of power and energy to Granite Falls from the Western Area Power Administration and alternate suppliers. The rates and charges provided for this service are on file with the Commission for similar agreements with other cities, i.e., City of St. James, FERC Rate Schedule No. 412.

NSP requests an effective date of February 20, 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 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 27, 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 insection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4005 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-246-000]

San Diego Gas & Electric Co.; Filing

February 10, 1984.

The filing Company submits the following:

Take notice that on February 3, 1984, San Diego Gas & Electric Company (SDG&E) tendered for filing as an initial rate schedule an Interchange Agreement and Service Schedule A covering Economy Energy Interchange between SDG&E and City of Farmington, New Mexico (Farmington), dated January 6, 1984.

SDG&E requests an effective date of January 6, 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, N.E., 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 27, 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 proceedings. 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. 84-4006 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-135-000]

Union Camp Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 10, 1984.

On January 17, 1984, Union Camp Corporation, (Applicant), 1600 Valley Road, Wayne, New Jersey, 07470, 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 is a topping cycle cogeneration facility located at Franklin, Virginia. The primary energy source of the facility is biomass. Coal and No. 6 fuel oil supplement the primary energy source. Steam from the facility will be used in the Applicant's paper production processes. The total power production capacity of the facility is 96 megawatts. Applicant contends that 56.5 megawatts of the capacity is "new".

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. 84-4007 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-242-000]

Western Massachusetts Electric Co.; Filing

February 9, 1984.

The filing Company submits the following:

Take notice that on February 1, 1984, Western Massachusetts Electric Company (WMECO) tendered for filing a proposed Purchase Agreement with respect to various gas turbine units (Purchase Agreement) dated December 1, 1983 between WMECO, and the Connecticut Light and Power Company (CL&P, collectively the NU Companies) and the City of Chicopee Municipal Lighting Plant (Chicopee).

WMECO states that the Purchase Agreement provides for a sale to Chicopee of specified percentages of capacity and associated energy from five gas turbine generating units during the period from December 1, 1983 to November 30, 1984, together with related transmission service.

WMECO states that the capacity charge for the proposed service was determined on a cost of service basis at the time that the sale was made and was determined in accordance with Appendix C and Exhibits thereto of the Purchase Agreement. The transmission charge rate is the annual average cost of transmission service on the Northeast Utilities (NU) system at the time that the sale was made, and was determined in accordance with Appendix E and Exhibits thereto of the Purchase Agreement. The monthly transmission charge is determined by the product of (i) the transmission charge rate divided by twelve ($/KW-product), and (ii) the number of kilowatts of winter capability which Chicopee is entitled to receive during each month. The variable maintenance charge is derived from historical costs and the additional maintenance charge is twice the variable maintenance charge, based on manufacturer's recommendations.

WMECO requests an effective date of December 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon Chicopee.

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 27, 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. 84-4008 Filed 2-13-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

Advisory Committee on Federal Assistance for Alternative Fuels Demonstration Facilities; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities.

Date and time: Friday, February 24, 1984—9:00 a.m. to 12:00 p.m.

Place: Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, VA 22209, (703) 524-6400.

Contact: Patricia Dickinson, Office of Oil, Gas, Shale and Coal Liquids, U.S. Department of Energy, Germantown, Maryland 20545, Room D-119, Mail Stop D-107, Telephone: (301) 353-2700.

Purpose: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to the development of alternative fuels.

Tentative Agenda

- Welcome.
- Great Plains Coal Gasification Project (GPCGP) Status Review Presentation.
- Panel Discussion:

—Synthetic Fuels Corporation's (SFC) Solicitation Process
—SFC Applicants' Responses
—Problem Areas
—Proposed Suggestions

- Advisory Committee Deliberations on Advisory Committee Report.
- Closing Remarks.
- Public Commentary and Discussion (10 minute rule).

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Mr. Keith N. Frye at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Less than 15 days notice is being given for the meeting due to the immediate need to finalize the Committee's report on Pioneer Synthetic Fuels Facilities for immediate advice and recommendations concerning the content of the report which will be used by the Secretary of Energy to make prudent decisions and provide sound policy guidance in this area for the Nation.

Transcripts

Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 9, 1984.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84-4070 Filed 2-13-84; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding a total of $380,347 (plus accrued interest) in consent order funds to members of the public. The funds are being held in escrow pursuant to a consent order involving Dalco Petroleum, Inc., a reseller located in Tulsa, Oklahoma.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to Case Number HEF-0060.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set forth below. The Proposed Decision related to a consent order entered into by Dalco Petroleum, Inc. which settled possible pricing violations in the firm's sales of propane during the period November 1, 1973 through March 31, 1974.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute funds remitted by Dalco and being held in escrow. The DOE has tentatively decided that the funds should be distributed in two stages in the manner utilized with respect to other consent order funds.

Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in these proceedings will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: February 3, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Dalco Petroleum, Inc.

Date of Filing: October 13, 1983.

Case Number: HEF-0060.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration (ERA) of the DOE may petition the Office of Hearings and Appeals (OHA) to formulate and implement special refund procedures in order to remedy the effect of alleged violations of the DOE price and allocation regulations. *See* 10 CFR Part 205, Subpart V. The ERA filed such a petition on October 13, 1983, requesting that OHA establish special refund procedures for the distribution of monies received pursuant to a consent order entered into by the DOE and Dalco Petroleum, Inc. (Dalco).

Dalco is a "reseller" of propane as that term was defined in 10 CFR 212.31. Dalco's propane sales were therefore subject to the Mandatory Petroleum Price Regulations, and specifically the provisions of 10 CFR Part 212, Subpart F. A DOE audit of Dalco's business records uncovered probable violations of the price regulations with respect to Dalco's sales of propane during the five month period from November 1, 1973 through March 31, 1974 (the audit period). In a Proposed Remedial Order issued to Dalco on February 19, 1981, the DOE reached the tentative conclusion that during the audit period, Dalco had overcharged its propane customers by $592,476.84. In order to settle all claims and disputes between Dalco and the DOE regarding Dalco's compliance with DOE price regulations in sales of propane during the audit period, Dalco and the DOE entered into a consent order on September 30, 1981, in which Dalco agreed to pay $380,347 to the DOE. According to the ERA's October 13 Petition, Dalco has failed to follow the agreed payment schedule, however, and has only paid $317,587 to the DOE to date.(*1*) This sum is currently being held in an interest bearing escrow account pending distribution by the DOE.

The DOE procedural regulations set forth general guidelines under which OHA may formulate and implement a plan for distribution of funds received as the result of an enforcement proceeding. The Subpart V process is intended for use in situations where the DOE is unable to readily identify persons who may have been injured by alleged or adjudicated violations. For a detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,553 (1983).

After reviewing the record developed in this proceeding, we have determined that the implementation of a Subpart V proceeding in this instance is appropriate. While the material available to us at this time indicates that the ERA has identified seven firms which purchased propane directly from Dalco during the audit period, the ERA cannot readily determine the extent to which these firms or their customers may have been injured by Dalco's pricing practices. (*2*) *See Office of Enforcement*, 9 DOE ¶ 82,508 at 85,047 (1981). Insofar as possible, the Dalco consent order fund should be distributed to Dalco customers who were adversely affected by any overcharges that may have occurred in Dalco's sales of propane during the audit period.

We propose to establish a claims procedure in which the seven identified first purchasers, and any other parties which purchased Dalco propane during the audit period, may apply for refunds. All parties which believe they are entitled to a portion of the Dalco settlement fund must submit documentation in support of their claims. As in other special refund proceedings, reseller applicants (wholesalers and retailers) will generally be required to demonstrate injury due to Dalco's pricing practices in addition to submitting documentation of their claimed purchase volumes, in order to be eligible for a refund. Injury in Subpart V proceedings has generally been construed to mean that alleged overcharges were absorbed by the claimant rather than passed along to the claimant's customers. While there are a

variety of means by which a claimant could make this showing, a reseller should generally demonstrate that market forces prevented it from increasing its sales prices to reflect any or part of the alleged overcharges. Also, a reseller advancing a refund claim must show that it maintained a "bank" of unrecouped increased product costs through the remaining period of price controls which is sufficient to demonstrate that it did not subsequently pass along the alleged overcharges. For a detailed discussion of this matter, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 9 DOE ¶ 82,521 (1982). Customers of resellers who were first purchasers of Dalco propane may also file claims. The eligibility of downstream purchasers of Dalco's propane to receive refunds will of course depend upon the extent to which the first purchasers absorbed or passed along the alleged Dalco overcharges. Because of the sequential nature of cost pass-through in such a situation, it seems clear that the claims of first purchasers must be evaluated before the claims of downstream purchasers can be considered. Comments on this aspect of the proceeding are solicited. Meritorious refund claims advanced by downstream purchasers who are resellers must satisfy the same standards as claims filed by first purchaser/resellers.

We also propose to exempt resellers who submit relatively small refund claims from the demonstration of injury requirement. In many prior cases, we have used a threshold purchase level of 50,000 gallons per month, below which reseller claimants need not demonstrate injury in order to qualify for a refund. *See, e.g., Office of Enforcement*, 8 DOE ¶ 82,597 (1981). We propose to establish the purchase threshold at this level for this proceeding. In addition, we also propose to grant refunds to end-user claimants [firms which consumed the Dalco propane] based solely upon their submission of verification of purchases. *See Standard Oil Co. (Indiana)/Union Camp Corp.*, 11 DOE ¶ 85,007 (1983); *Standard Oil Co. (Indiana)/Elgin, Joliet and Eastern Railway*, 11 DOE ¶ 85,015 (1983).

One of the firms identified by the ERA as a first purchaser of Dalco propane during the audit period, Farmland Industries, Inc., is an agricultural cooperative. In prior Subpart V Decisions, we have determined that agricultural cooperatives may qualify for a refund without demonstrating injury, regardless of the size of their purchase volume claim. *See, e.g., OKC Corp./ Chemical Express Carriers, Inc.*, 11 DOE ¶ 85,051 (1983). We propose to follow this practice in this proceeding also. We generally assume that since agricultural cooperatives serve as purchasing agents for their owner-members, any overcharges incurred by the cooperative eventually results in injury to its owner-members. Agricultural cooperatives may therefore receive refunds subject only to their submission of purchase volume verification and their agreement to distribute any refund to their owner-members.(3)

We also propose to establish a rebuttable presumption that any "spot" purchaser of propane from Dalco during the audit period was able to pass through to its customers any overcharges it incurred. *See Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,200 (1982). This determination is based upon our belief that firms which purchased Dalco's propane on a "surplus" or "spot market" basis generally had considerable discretion as to where and when to make such purchases and would therefore not have entered into such transactions unless they were confident that they could pass through the full cost of the Dalco product to their customers. To overcome this presumption regarding spot purchasers, a very persuasive justification for making the spot purchase will be required. Also, a convincing demonstration of injury will be required of all spot purchasers applying for a refund, regardless of the purchase volume involved.

We propose at this time to use a volumetric method of calculating refunds. Under this methodology, we will divide the Dalco settlement fund by the estimated total volume of propane sold by Dalco during the audit period in order to obtain a per gallon refund figure which we will apply to the purchase volume data supplied by each successful claimant. This volumetric approach permits each successful claimant to receive a pro rata share of the total available fund.(4)

The entire Dalco settlement fund may not be distributed to successful claimants in the first stage of this proceeding. At this time we are unable to determine whether procedures for a "second stage" will be necessary, or which procedures to propose. We invite comments on alternate methods to distribute residual funds once first stage claims are evaluated.

Refund applications for this proceeding should not be filed until issuance of a final Decision and Order in this matter. Detailed filing instructions will be provided in the final Decision and Order. However, comments and suggestions regarding our proposed procedures for disposition of the Dalco settlement fund are solicited at this time, and will be accepted for consideration for a 30 day period subsequent to the publication of this Proposed Decision in the **Federal Register**. In addition to that publication, a copy of this Proposed Decision will be sent to the seven identified first purchasers and the National LP Gas Association.

It Is Therefore Ordered That: The $360,347 refund amount supplied by Dalco Petroleum, Inc. pursuant to the Consent Order entered into with the Department of Energy on September 30, 1981, will be distributed in accordance with the foregoing determination.

Footnotes

1. Our present inclination is to go forward with the proceeding despite Dalco's delinquency in payment. Although it would be preferable from an administrative standpoint for the entire amount due the DOE to be in escrow before we begin to evaluate refund claims, most of the money is now held by the DOE and refund claims can certainly be processed and paid from this amount. Accordingly, we belive that we should issue this Proposed Decision and solicit comments on the proposed refund mechanism without further delay. Comments are also encouraged to address the question whether to suspend this proceeding pending the payment by Dalco of the remaining amount due.

2. The identified first purchasers of Dalco's propane during the audit period are: Kurth-Skelgas, North Central Public Service, Farmland Industries, Inc., American Oil Co. (Amoco), Redigas of Watertown, Inc., Superior Bottle Gas Co., and Pyramid Distribution Co. (Two of these firms, Kurth-Skelgas and North Central Public Service, filed refund claims with the ERA in March of 1981).

3. Farmland and any other cooperatives will also be required to notify their member-owners that any refund is expressly conditioned upon redistribution of the refund by the local cooperatives to their members. *See Standard Oil Co. (Indiana)/Agway, Inc.* 11 DOE ¶ 85,166 (1983).

4. The volumetric method, which attributes injury on a uniform basis to each gallon of product sold, recognizes that the computation of specific overcharges in individual transactions would be impossible to establish and contrary to the purpose of the consent order, which is to resolve the DOE enforcement action against Dalco by means of a negotiated settlement. Since the volumetric method places all refund claimants on an equal footing and is relatively easy to administer, previous special refund Decisions have concluded that it is equitable, efficient, and the best available method of distributing refund

monies. *Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,198–99 (1982).

[FR Doc. 84–3951 Filed 2–13–84; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE–FRL–2526–2]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM–223); U.S. Environmental Protection Agency; 401 M Street SW.; Washington, D.C. 20460; telephone (202) 382–2742 or FTS 382–2742.

SUPPLEMENTARY INFORMATION:

Water Programs

• Title: National Water Quality Inventory Report to Congress (EPA #0375).

Abstract: States report to EPA biennially on their water quality conditions and programs. The Agency transmits these reports to Congress along with EPA's analysis of them. The reports are used to evaluate the states' progress in implementing the Clean Water Act.

Respondents: State water agencies.

Toxics Programs

• Title: Data Call-In/Registration Standards (EPA #0922).

Abstract: EPA requires manufacturers to provide test data prior to registering/re-registering certain pesticides. The Agency uses this data to help determine if these chemicals cause unreasonable adverse effects on humans and/or the environment. This is a renewal of a previously cleared collection.

Respondents: Pesticide manufacturers.

Agency PRA Clearance Requests Completed by OMB

EPA #1037, Oral and Written Purchase Orders, was cleared on January 24 (OMB #2030–0007).

Comments on all parts of this notice should be sent to:

David Bowers (PM–223), U.S. Environmental Protection Agency, Office of Standards and Regulations, 401 M Street SW., Washington, D.C. 20460

and

Wayne Leiss, Carlos Tellez or Rick Otis, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, D.C. 20503.

Dated: February 6, 1984.

Daniel J. Fiorino,

Acting Director, Regulation and Information Management Division.

[FR Doc. 84–3823 Filed 2–13–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 84–46; File No. BP–820811AM et al.]

Annandale Pan American Broadcasting Corp. et al.; Hearings

In re applications of Annandale Pan American Broadcasting Corporation, Annandale, Virginia; Req: 840 kHz, 2.5 kW, D; MM Docket No. 84–46, File No. BP–820811AM;

Asian American Communications, Inc., Annandale, Virginia; Req: 840 kHz, 2.5 kW, D; MM Docket No. 84–47, File No. BP–830121AA;

EZ Communications, Burke, Virginia; Req: 840 kHz, 2.5 kW, D; MM Docket No. 84–48, File No. BP–830121AB;

Archilla-Marcocci Spanish Radio Company, Annandale, Virginia; Req: 840 kHz, 2.5 kW, D; MM Docket No. 84–49, File No. BP–830121AD;

Martha Hahn and Philip Y. Hahn, Purcellville, Virginia; Req: 840 kHz, 250 W, DA–D; MM Docket No. 84–50, File No. BP–830121AF;

Vernon H. Baker d/b/a Rural Radio Service, Earlysville, Virginia; Req: 840 kHz, 10 kW, DA–D; MM Docket No. 84–51, File No. BP–830121AG;

Edward A. Baker d/b/a Bayshore Communications, Denton, Maryland; Req: 840 kHz, 1 kW, DA–D; MM Docket No. 84–52, File No. BP–830121AI; For construction permit.

Hearing Designation Order

Adopted: January 23, 1984.
Released: February 6, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration: (a) The above-captioned mutually exclusive applications for new AM broadcast stations; (b) informal objections to the proposals of Annandale Pan American Broadcasting Corporation, Asian American Communications, Inc., and Archilla-Marcocci Spanish Radio Company filed by the Public Broadcasting Service; and (c) relevant pleadings.

2. The Public Broadcasting Service (PBS) asserts [1] that the proposals of Annandale Pan American Broadcasting Corporation (Annandale), Asian American Communications, Inc. (Asian), and Archilla-Marcocci Spanish Radio Company (Spanish Radio) will place high strength electromagnetic fields over PBS's earth station in the Domestic Satellite Service, which according to PBS, is the main origination point of its public television program distribution system. PBS asserts that the proposals have a potential to disrupt the service of over two hundred television stations and to interfere with the operation of its satellite system repair depot located nearby. PBS requests that specific conditions be placed on these applications to require the applicants to cooperate with PBS throughout all testing of its equipment to insure that any problems are solved prior to initiation of regular broadcast operation. None of the applicants opposed PBS's request for conditions. We will therefore grant PBS's request and place an appropriate condition on the construction permit should any of the above applications be granted.

3. Section 73.3580 of the Commission's Rules requires broadcast applicants to publish a local notice of the filing of their applications; we have no evidence that Annandale Pan American Broadcasting Corporation has complied with the rule. Annandale must therefore comply with the rule and file the required certification with the Administrative Law Judge, within thirty days of the release of this Order.

4. The date until which Annandale could file amendments to its application as a matter of right (B cut-off date) was July 19, 1983. On August 8 and October 24, 1983, Annandale filed minor amendments to its application. The amendments contain ownership and other information required by § 1.65 of the Commission's Rules. The amendments are unopposed and will prejudice no other applicant nor confer any comparative advantage to Annandale. We will therefore accept the amendments.

5. The proposals of Martha Hahn and Philip Y. Hahn (Hahn), Vernon H. Baker d/b/a Rural Radio Service (Rural Radio) and Edward A. Baker d/b/a Bayshore

[1] Public Broadcasting Service filed separate but substantially identical informal objections against each of these three applicants.

Communications (Bayshore) constitute major environmental actions as defined by § 1.1305 of the Commission's Rules, and these applicants are required to submit the environmental impact information described in § 1.1311. The environmental narrative statements submitted by these applicants, however, did not contain all of the required information.[2] Consequently, we can not determine whether grant of the applications will have a significant effect on the quality of the human environment. Accordingly, Hahn, Rural Radio, and Bayshore will each be required to file within 30 days of the release of this Order amended environmental narrative statements with the presiding Administrative Law Judge. In addition, a copy shall be filed with the Chief, Audio Services Division, who will then proceed regarding this matter in accordance with the provisions of § 1.1313(b). Section 1.1317 of the Rules is waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. See *Golden State Broadcasting Corp.*, 71 F.C.C. 2d 229 (1979), *recon denied sub nom. Old Pueblo Broadcasting Corp.*, 83 F.C.C. 2d 337 (1980).

6. The Commission has not yet received Federal Aviation Administration clearance for the antenna towers proposed by Archilla-Marcocci Spanish Radio Company, Vernon H. Baker d/b/a Rural Radio Service, and Edward A. Baker d/b/a Bayshore Communications. Accordingly, an appropriate issue will be specified.

7. Section V–A, paragraph 8 of the application form (FCC Form 301) requires applicants to file a sufficient number of photographs to permit identification of all structures in the vicinity of the antenna site. The applications filed by Annandale, Asian, Spanish Radio and Hahn do not contain the required antenna site photographs; these applicants must, therefore, file the required photographs with the Administrative Law Judge within 30 days of the release of this Order.

8. The Commission, in *City of New York Municipal Broadcasting System (WNYC)*, 91 F.C.C. 2d 635 (1982), *reconsideration denied*, FCC 83–232, released May 19, 1983, denied an application to improve the facilities of station WNYC. The applicant has appealed the Commission's action to the United States Court of Appeals for the District of Columbia Circuit. *City of New York Municipal Broadcasting System (WYNC), et al., v. Federal Communications Commission*, Case No. 83–1663. In the event that the WNYC appeal is successful and its application to improve station WNYC is ultimately granted, the proposal of Bayshore Communications must be amended to protect the proposed improved facilities of station WYNC. An appropriate condition will be specified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although most of the applications are for different communities, they would serve substantial areas in common. Therefore, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

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

1. If a final environmental impact statement is issued with respect to the proposals of Martha Hahn and Philip Y. Hahn, Vernon H. Baker d/b/a Rural Radio Service or Edward A. Baker d/b/a Bayshore Communications, which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment, to determine:

(a) Whether the proposal is consistent with the National Environmental Policy Act, as implemented by Sections 1.1301–1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

2. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the heights and locations of the antenna towers proposed by Archilla-Marcocci Spanish Radio Company, Vernon H. Baker d/b/a Rural Radio Service, and Edward A. Baker d/b/a Bayshore Communications.

3. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural services to such areas and populations.

4. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

5. To determine in the event it is concluded that a choice among applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

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

11. It is further ordered, That the Federal Aviation Administration is made a party to these proceedings.

12. It is further ordered, That the informal objection filed by the Public Broadcasting Service is granted.

13. It is further ordered, That in the event the application of Annandale Pan American Broadcasting Corporation, Asian American Communications, Inc., or Archilla-Marcocci Spanish Radio Company is granted, the construction permit shall contain the following condition:

Permittee shall have responsibility for eliminating harmful interference wich it may cause to the operations of Public Broadcasting Service earth station WD35 and/or to its nearby satellite system repair depot as the result of permittee's operation from its proposed transmitter site.

14. It is further ordered, That Annandale Pan American Broadcasting Corporation comply with the local notice requirements of § 73.3580 of the Commission's Rules, if it has not done so, and certify as to compliance with the presiding Administrative Law Judge within thirty (30) days of the release of this Order.

15. It is further ordered, That the amendments filed by Annandale Pan American Broadcasting Corporation on August 8 and October 24, 1983, ARE ACCEPTED.

16. It is further ordered, That Annandale Pan American Broadcasting Corporation, Asian American Communications, Inc., Achilla-Morcocci Spanish Radio Company and Martha Hahn and Philip Y. Hahn file the required antenna site photographs with the Administrative Law Judge within thirty (30) days of the release of this Order.

[2] The environmental statements submitted by these three applicants did not contain information concerning access roads, power lines, zoning classification and whether the proposals have been a source of controversy in their local communities as required by § 1.1311(a) (2), (3) and (4) of the Rules.

17. It is further ordered, That in the event the application of the City of New York Municipal Broadcasting System for the improvement of station WYNC is ultimately granted, Edward A. Baker d/b/a Bayshore Communications must file an amendment to its proposal to protect the improved service area of station WYNC.

18. It is further ordered, That § 1.1317 of the Commission's Rules is waived to the extent indicated herein. Within 30 days of the release of this Order, Martha Hahn and Philip Y. Hahn, Vernon H Baker d/b/a Rural Radio Service, and Edward A. Baker d/b/a Bayshore Communications shall submit the environmental impact information as set out in Paragraph five (5), above, and required by § 1.1211 of the Rules, to the presiding Administrative Law Judge, with a copy to the Chief, Audio Services Division.

19. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall, within 20 days of the mailing of this Order, in person or by attorney, file with the Commission, in triplicate, written appearances stating an intention to appear on the dates fixed for the hearing and present evidence on the issues specified in this Order.

20. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934 as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed by the Rules, and shall advise the Commission of the publication of the notices as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84-3913 Filed 2-13-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 84-56; File No. BP-820304 AM et al.]

Fina Broadcast House Corp., et al.; Hearing Designation Order

In re applications of Fina Broadcast House Corporation, El Paso, Texas, Req: 750 kHz, 5 kW, 10 kW-LS, DA-2, MM Docket No. 84-56 File No. BP-820304 AM; Radio Jalapeno, Inc. El Paso, Texas, Req: 750 kHz, 5 kW, 10 kW-LS, DA-2, MM Docket No. 84-57 File No. BP-821130 AH; El Paso Radio Corp., Inc. El Paso, Texas, Req: 750 kHz, 5 kW, 10 kW-LS, DA-2, MM Docket No. 84-58 File No. BP-821130AI; and El Paso County Broadcasting Co., Inc., Clint, Texas, Req: 750 kHz, 1 kW, 25 kW-LS, DA-2, MM Docket No. 84-59, File No. BP-821130AQ; for Construction Permit.

Adopted: January 24, 1984.
Released: February 7, 1984.
By the Chief, Mass Media Bureau.

1. The Commission by the Chief, Mass Media Bureau, acting pursuant to delegated authority has under consideration the mutually exclusive applications of Fina Broadcast House Corporation (Fina), El Paso Radio Corp., Inc. (El Paso Radio), Radio Jalapeno, Inc., (Jalapeno) and El Paso County Broadcasting Co. Inc., (El Paso County).[1]

2. *Local notice certification issue.* Applicants for new broadcast stations are required to give local notice of the filing of their applications in accordance with § 73.3580 of the Commission's Rules. They must then file proof of such notice or certify that they will comply with the public notice requirements. We have no evidence, however, that Fina has done either. If the applicant has not already done so, it will be required to give public notice and to file a statement that it has complied with the local public notice requirements with the presiding Administrative Law Judge within 30 days or an appropriate issue will be specified by the Judge.

3. *The Fina-Jalapeno waiver requests.* Both Fina and Jalapeno propose 5 kilowatts nighttime power. Because § 73.21(a)(2)(ii)(C) limits new Class II-B stations on the clear channels to a 1 kW nighttime power, applicants request waivers of the rule. However, the Commission has adopted a strict standard for waiver requests of this type. These requests will be granted only upon a showing that the higher power proposed is necessary to provide principal city service and will not impede our allocation objectives. With respect to the Fina proposal, the applicant has complied with neither part of this test. With respect to Jalapeno, the applicant has not establish need for 5 kW power [2] but has supported its claim that higher power will not preclude other possible co-channel unlimited time Class II assignments. Therefore, appropriate issues will be specified against Fina and Jalapeno.

4. *The nature of El Paso County's proposal.* El Paso County, the applicant for a new station at Clint, Texas, is also the licensee of AM station KAMA, El Paso. While the applicant characterizes its proposal here as a new one, it would appear from the information before us that the application in fact constitutes a major change in the facilities of station KAMA. Should this be the case, and should the El Paso County proposal be granted, the applicant would have no interest in KAMA to assign, as it plans, and the frequency now occupied by KAMA would revert to the public domain. See *Southern Keswick, Inc., et al.*, 34 FCC 2d 624 (1972). An issue will be specified to explore this matter further.

5. *Business district coverage issue.* El Paso Radio has requested a waiver of the business district coverage requirement of § 73.24(j) of the Commission's Rules. Because the applicant has achieved substantial compliance with this provision, a waiver is not necessary.

6. *Environmental narrative statements.* Since the proposals constitute major environmental actions as defined by § 1.1305(a) of the Commission's Rules, the applicants are required to submit the environmental impact information described in § 1.1311 of our Rules. El Paso Radio's application refers to an environmental narrative statement that was not found within the file; El Paso County's environmental impact statement fails to include any information concerning the zoning classification of the sites (if any), and fails to state whether construction of the facilities has been a source of local controversy in the community.

7. Consequently, El Paso Radio will be required to file its missing environmental statement and El Paso County will be required to file its amended environmental narrative statement. Such submission shall be filed within 30 days of the release of this Order with the presiding Administrative Law Judge. In addition, copies must be filed with the Chief, Audio Services Division, who will then proceed regarding this matter in accordance with the provisions of § 1.1313(b). Accordingly, § 1.1317 of the Rules is waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. See *Golden State Broadcasting Corp.*, 71 FCC 2d 229 (1979), *recon. denied, sub. nom. Old Pueblo Broadcasting Corp.*, 83 FCC 2d 337 (1980).

8. Except as indicated by the issues specified below, all applicants are qualified to construct and operate as

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[1] On July 19, 1983, Cox Communications, Inc., Licensee of AM station WSB, Atlanta, Georgia filed a petition to deny the grant of El Paso Radio's application. The petition alleged that the applicant's engineering proposal would create the "likelihood of objectionable interference to WSB." However, after a review and discovery of "errors" in its engineering analysis, Cox submitted a motion to withdraw the petition. That motion is granted.

[2] It would appear from Jalapeno's engineering exhibit that a nighttime power of 2.5 kW would achieve substantial compliance with our coverage requirements.

proposed.[3] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although some of the applications are for different communities, they would serve substantial areas in common. Therefore, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will be specified.

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

2. To determine, whether the application of El Paso County Broadcasting Co., Inc. constitutes an entirely new proposal or a request for modification of the existing facilities of its station KAMA, El Paso, Texas.

3. To determine, with respect to the proposals of Fina Broadcast House Corporation and Radio Jalapeno, Inc., whether circumstances exist which warrant waiver of § 73.21(a)(2)(ii)(C) of the Commission's Rules.

4. If a final environmental impact statement is issued with respect to El Paso Radio Corp. Inc., or El Paso County Broadcasting Co., Inc., which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment, to determine:

(a) Whether the proposals are consistent with the National Environmental Policy Act, as implemented by Section 1.1301–1319 of the Commission's Rules, and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicants are qualified to construct and operate as proposed.

5. To determine the areas and populations that would receive primary service from each proposal and the availability of other primary aural services to such areas and populations.

6. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

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

10. It is further ordered, That § 1.1317 of the Commission's Rules is waived to the extent indicated herein. Within 30 days of the release of this Order, El Paso Broadcasting Co., Inc. shall submit the amended environmental narrative and El Paso Radio Corp., Inc. its original environmental narrative, required by § 1.1311 of the Rules, to the presiding Administrative Law Judge, with a copy to the Chief, Audio Services Division.

11. It is further ordered, That Fina Broadcast House Corporation shall comply with the local notice provision of § 73.3580 of the Commission's Rules, as discussed in paragraph 2, *supra*.

12. It is further ordered, That the motion to withdraw petition to deny filed by Cox Communications, Inc., is granted, and the petition is dismissed.

13. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

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

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

18. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower proposed by the below listed applicant. Accordingly, it is further ordered, That the following issue is specified:

1. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower heights and location proposed by El Paso Radio Corp., Inc.

19. It is further ordered, That the Federal Aviation Adminstration is made a party to the proceeding.

[FR Doc. 84-3911 Filed 2-13-84; 8:45 am]
BILLING CODE 6712-01-M

[3] Operation with the facilities specified herein is subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

[MM Docket No. 84-69, File No. BPCT-830818KE, et al.]

Retherford Publications, Inc., et al.; Hearing Designation Order

In re Applications of Retherford Publications, Inc., Hagerstown, Maryland, MM Docket No. 84–69, File No. BPCT–830818KE; Western Pennsylvania, Christian Broadcasting Company, Hagerstown, Maryland, MM Docket No. 84–70, File No. BPTC–830902KN; and Good Companion Broadcasting Co., Hagerstown, Maryland, MM Docket No. 84–71, File No. BPCT–831109KE; for construction permit.

Adopted: January 27, 1984.

Released: February 6, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Retherford Publications, Inc. (Retherford), Western Pennsylvania Christian Broadcasting Company (WPCB) and Good Companion Broadcasting Co. (Good Companion), for a new commercial television station to operate on Channel 68, Hagerstown, Maryland.

2. The Commission is not in receipt of the Federal Aviation Administration's determination for Retherford and WPCB. Consequently, no determination has been made that the tower height and location proposed by each would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

3. Section V–C, Item 10, FCC Form 301, requires that an applicant submit the area and population within its predicted Grade B contour. Retherford has not specified the population within its Grade B contour. Consequently, we are unable to detemine whether there would be a significant difference in the size of the area and population that each applicant proposes to serve. Retherford will be required to submit an amendment showing the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge. If it is determined that there is a significant difference between the areas and

populations, the presiding Administrative Law Judge will consider it under the standard comparative issue.

4. All of the applicants propose to operate from sites located within 250 miles of the Canadian border with maximum visual effective radiated power (ERP) of more than 1000 kilowatts. The proposals pose no interference threat to United States television stations; however, they contravene an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes* T.I.A.S. 2594 (1952). Accordingly, in the event of a grant of any of the applications, the construction permit shall be appropriately conditioned.

5. On August 12, 1983, the Commission released a *Notice of Proposed Rulemaking* in Docket No. 83–829, proposing to allocate channel 60 to Martinsburg, West Virginia. If the proposal is adopted, Retherford's proposed site would be 16 miles from the reference point of the channel 60 allocation whereas a minimum separation of 20 miles would be required. Retherford's site would, therefore, be 4 miles short-spaced and Retherford would be required to find a site which meets all spacing requirements. Accordingly, in the event of a grant of Retherford's application, it will be made subject to an appropriate condition.

6. Section II, item 5(a) FCC Form 301, requires corporate applicants to complete all columns (a through d) giving the information requested as to all officers, directors or members of the governing board. Retherford did not complete column (c). Accordingly, Retherford will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge, within 20 days after this Order is released.

7. Section 73.636(a)(1) states that no license for a television broadcast station shall be granted to any party if such party directly or indirectly controls one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the FM broadcast station. Benjamin F. Thomas, Treasurer, Director and 25 percent owner of Good Companion is the 100 percent owner of Station WKSL(FM), Greencastle, Pennsylvania. The Grade A contour of the proposed television station encompasses the entire community of Greencastle. However, Mr. Thomas has represented to the Commission that if Good Companion is the successful applicant, he would divest himself of all interest in the FM station prior to the commencement of operation of Channel 68, Hagerstown, Maryland. Accordingly, any grant of a construction permit to GCB will be conditioned upon Mr. Thomas' divestiture of all interest in, and connection with, Station WKSL(FM), Greencastle, Pennsylvania.

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

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

1. To determine, with respect to Retherford Publications, Inc. and Western Pennsylvania Christian Broadcasting Company, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

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

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

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

11. It is further ordered, That, in the event of a grant of Retherford Publications, Inc.'s application, the construction permit will be conditioned as follows: Grant of this application is subject to the outcome of the Rulemaking proceeding in Docket No. 83–829.

12. It is further ordered, That Retherford Publications, Inc. shall, within 20 days after this Order is released, submit an amendment specifying the population within its predicated Grade B contour and its response to Section II, item 5(a), column (c), FCC Form 301, to the presiding Administrative Law Judge.

13. It is further ordered, That, in the event of a grant of any of the applications, the construction permit shall be conditioned as follows: Subject to the condition that operation with effective radiated visual power in excess of 1000 kW is subject to the consent of Canada.

14. It is further ordered, That in the event of a grant of Good Companion Broadcasting Co.'s application, it will be conditioned as follows: Prior to the commencement of operation of the television station authorized herein, permittee shall certify to the Commission that Benjamin F. Thomas has divested himself of all interest in, and connection with, Station WKSL(FM), Greencastle, Pennsylvania.

15. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

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

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84–3910 Filed 2–13–84; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 84–101, File No. BPCT–809217KI, et al.]

Utah Television Associates, Limited Partnership, et al.; Memorandum Opinion and Order

In re application of Utah Television Associates, Limited Partnership, Salt Lake City, Utah, MM Docket No. 84–101, File No. BPCT–801217KI; Intermountain Broadcasting, Inc., Salt Lake City, Utah, MM Docket No. 84–102, File No. BPCT–810310KE; Salt Lake City Family Television, Inc. Salt Lake City, Utah, MM Docket No. 84–103, File No. BPCT–810511KK; Joseph C. Lee, George L. Gonzales, *et. al.*, General Partners, d/b/a Mountain West Television Company, Salt Lake City, Utah, MM Docket No. 84–104, File No. BPCT–810511KL; West Valley City Television Associates, Limited Partnership, West Valley

City, Utah, MM Docket No. 84–105, File No. BPCT–810511KM; and Salt Lake City Utah T.V., Inc. Salt Lake City, Utah, MM Docket No. 84–106, File No. BPCT–810511KP; for a television construction permit.

Adopted: January 31, 1984.

Released: February 10, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it for consideration: (a) The above-captioned mutually exclusive applications of Utah Television Associates, Limited Partnership (UTA), Intermountain Broadcasting, Inc. (Intermountain), Salt Lake City Family Television, Inc. (Family), Joseph C. Lee, George L. Gonzales, *et. al.*, General Partners, d/b/a Mountain West Television Company (Mountain West), West Valley City Television Associates, Limited Partnership (West Valley TV),[1] and Salt Lake City Utah T.V., Inc. (Salt Lake TV) for a new commercial television station to operate on Channel 13 in Salt Lake City, Utah; (b) a petition to hold in abeyance the processing of applications for the channel, filed by Springfield Television of Utah, Inc. (Springfield TV), licensee of television station KSTU, Channel 20 in Salt Lake City; (c) a petition to dismiss the application of UTA, filed by Salt Lake TV; (d) comments in support of Salt Lake TV's petition, filed by Rocky Mountain Broadcasting Company, Inc., then a competing applicant for the channel;[2] (e) a petition for special relief filed by UTA; (f) West Valley TV's request for waivers of §§ 73.3518 and 73.3520 of the Commission's Rules; (g) a motion to return West Valley TV's application, filed by Mountain West; (h) a motion to dismiss West Valley TV's application filed by UTA; (i) petitions for leave to amend filed by UTA, Intermountain, Family, West Valley TV, and Salt Lake TV; and (j) related pleadings.

2. One applicant specifies West Valley City as its community of license, while the others specify Salt Lake City. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, whether a new station in West Valley City or Salt Lake City would best provide a fair, efficient, and equitable distribution of radio service. If the Section 307(b) issue is not determinative (the applicants would serve substantial areas in common), all the applicants can be considered under the comparative issue.

3. On September 9, 1980, the Commission, *inter alia*, allocated Channel 13 to Salt Lake City. *Television Table of Assignments to Add New VHF Stations in the Top 100 Markets*, Docket No. 20418, 81 F.C.C. 2d 233 (1980), *affirmed sub nom., Springfield Television of Utah, Inc. v. F.C.C.*, 710 F.2d 620 (10th. Cir. 1983) (hereinafter referred to as *VHF Drop-In Proceeding*). Springfield TV's petition, which was filed during the pendency of the *VHF Drop-In Proceeding* in court, seeks a delay in the processing of the Channel 13 applications until the matter is judicially resolved. On April 13, 1983, however, Springfield TV's petition for review was denied by the United States Court of Appeals for the Tenth Circuit. Accordingly, its petition to hold processing in abeyance will be dismissed as moot.

4. In allocating Channel 13 to Salt Lake City, we said that we would require any permittee on the channel to attenuate its signal in the direction of allocations to which it is short-spaced (i.e., provide "equivalent protection" to them). *VHF Drop-In Proceeding, supra*, 81 F.C.C. 2d at 256. The affected allocations are the reference points for co-channel television stations in Twin Falls, Idaho, and McGill, Nevada, and co-channel station KWWY(TV), Rock Springs, Wyoming. UTA purports to demonstrate that it will provide "equivalent protection" to them; however, staff analysis of its proposed operation reveals that between the azimuths of 336–343 degrees True in the direction of Twin Falls and between the Azimuths of 212–223 degrees True in the direction of McGill, UTA's proposed effective radiated power exceeds the maximum values required to afford the reference points "equivalent protection." UTA will, therefore, will be required to amend its application to further reduce radiation in the direction of Twin Falls and McGill in order to provide "equivalent protection" calculated in accordance with the method specified in the *VHF Drop-In Proceeding, supra*. A grant of UTA's application will also be appropriately conditioned.

5. The applications of Intermountain, Family, Mountain West, West Valley TV, and Salt Lake TV indicate that they will provide "equivalent protection" to the Twin Falls and McGill reference points and to Station KWWY(TV) in Rock Springs. Accordingly, a grant of any one of these applications will be appropriately conditioned.

6. Section 73.685(e) of the Commission's Rules states that a VHF station will not be permitted to employ a directional attenna having a ratio of maximum to minimum radiation in the horizontal plan in excess of 10 dB. Four applicants propose directional antennas with a maximum to minimum ratio in excess of 10 dB—West Valley TV (22.5 dB), Intermountain (14.9 dB), Salt Lake TV (14.4 dB), and Mountain West (10.5 dB)—and Intermountain and West Valley TV have requested waiver of the Rule. Accordingly, issues will be specified to determine if circumstances exist to warrant waiver of Section 73.685 of the Rules and, if so, whether grant of a waiver would be consistent with the public interest.

7. Intermountain, Family, West Valley TV, and Salt Lake TV have each filed several petitions for leave to amend their applications. With the exception of petitions filed by West Valley TV on December 18, 1981, UTA on November 10, 1983, and Family on November 10, 1982, they are unopposed. We have reviewed the unopposed petitions and the amendments submitted by the parties and conclude that, in each case, good cause exists for accepting the amendments; however, it is not our intention to allow any comparative advantage to the parties as a result of our action. Accordingly, the unopposed petitions for leave to amend filed by Intermountain, Family, West Valley TV, and Salt Lake City will be granted, and their amendments filed after August 6, 1981, will be accepted for filing. For a more complete discussion of the opposed petitions for leave to amend, see paragraphs 10, 16, and 22, *infra*.

Utah Television Associates, Limited Partnership

8. In its original application, UTA reported its composition as follows:

Name	Position	Ownership (percent)
G. Andrew Lewrence	General Partner	10
Utah Television Enterprises Corporation (UTEC).	General Partner	20
Richard S. McKnight	Limited Partner	35
Arnold Orleans	Limited Partner	35

With the exception of Orleans' assignment of an 8.75% limited partnership interest in the applicant to JU Investment Associates, Ltd., these equity interests have remained unchanged throughout the pendency of UTA's application. The composition of UTEC, however, has change. Originally, it was comprised as follows:

[1] Pursuant to § 73.607(b) of the Commission's Rules in effect at the time of filing, West Valley TV proposes West Valley City, Utah, as its principal community.

[2] The application of Rocky Mountain Broadcasting Company, Inc. (Rocky Mountain) was voluntarily dismissed on February 25, 1983.

Name	Position	Ownership (percent)
G. Andrew Lawrence	Treasurer * Director	33.17
Richard S. McKnight	President & Director	33.17
Arnold Orleans	Secretary & Director	33.17
Larry D. Benes		0.5

On August 6, 1981, the "B" cut-off date, however, UTA amended its application to reflect a different corporate ownership structure for UTEC:

Name	Position	Ownership (percent)
G. Andrew Lawrence	Pres., Treas., & Dir	6.7
Dennis Valenzuela	Vice Pres., Sec., & Dir.	80
Richard S. McKnight	Director	6.6
Arnold Orleans	Director	6.6
Larry D. Benes		0.1

On August 27, 1981, recognizing that its August 6 amendment would be considered a major change [3] pursuant to a Commission action released that day in *Anax Broadcasting, Inc.*, 87 F.C.C. 2d 483 (1981),[4] UTA filed a petition for special relief in order to reduce Valenzuela's ownership interest in UTEC from 80% to 49%. On November 10, 1983, UTA filed a petition for leave to amend its application to reflect the new corporate structure for UTEC, as follows:

Name	Ownership (percent)
G. Andrew Lawrence	17
Richard S. McKnight	17
Arnold Orleans	17
Dennis Valenzuela	49

9. On August 14, 1981, Salt Lake TV filed a petition to dismiss UTA's application,[5] arguing that, despite Lawrence's and UTEC's minority equitable interests in the applicant, they, nevertheless, equally share 100% of the voting ownership. As a consequence, Salt Lake TV contends that the transfer of control of UTEC reflected in UTA's August 6 amendment created a major change in UTA as well, and that dismissal of the application is therefore warranted. Salt Lake TV further opposes UTA's November 10, 1983, petition for leave to amend, arguing that UTA's characterization of it as "ministerial" is misleading since it was designed to avoid dismissal of its application. Mountain West also opposes the petition for leave to amend, arguing that the amendment represents a second transfer of control, this time away from Valenzuela and that UTA should not be allowed to gain a comparative advantage from an ownership structure established after the "B" cut-off date.

10. Section 1.1227(b) of the Rules provides that an applicant may not submit a major amendment to its application after the "A" cut-off date and still have its application consolidated for hearing with other competing applications already on file. In enforcing that rule, we have permitted applicants filing major amendments to withdraw them or to be dismissed. Before we presented UTA with that option, however, it filed its petition for special relief which, essentially, reports a diminution of Valenzuela's interest in UTEC. Consequently, its petition for special relief seeks nothing more than that which we would have permitted in normal course. It will, therefore, be granted, and Salt Lake TV's petition to dismiss will be denied. Moreover, we do not find UTA's November 10, 1983 petition for leave to amend to be misleading since all it does is identify ownership interests of individuals previously reported. Consequently, UTA's petition for leave to amend will also be granted.

11. UTA's August 6 amendment was filed in sufficient time to afford UTA a minority preference for Valenzuela's participation in it. The fact that his ownership interest in UTEC was subsequently reduced from 80% to 49% does not diminish the preference already attained. Its amendment of October 29, which added JU Investment Associates, Ltd. as a limited partner, however, will be accepted for § 1.65 purposes only.

12. UTA estimates that $1,190,622 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment [6] (downpayment)	$412,750
(three months)	114,538
Land and building rent (five months)	28,334
Legal, engineering, installation, and other miscellaneous costs	154,000
Operating costs (three months)	481,000
Total	$1,190,622

[6] Although, under its terms, the RCA letter extending deferred credit to UTA for the purchase of equipment expired on December 15, 1981, it is reasonable to assume that the applicant would still be able to obtain the same or similar credit arrangements from RCA or another equipment supplier, should it receive a grant in this proceeding. *Contemporary Television Broadcasting, Inc.*, Mimeo No. 05812 (released Jan 16, 1981).

To meet this requirement, UTA intends to rely on $25,000 in existing capital and a $2 million line of credit from the American Security Bank of Washington, D. C. The bank, however states only that it is in the process of establishing a line of credit for use during 1981 and that, beyond that date, it will consider any further financing that might be necessary. Such language does not represent reasonable assurance of the availability of funds. Consequently, we can determine the availability of only $25,000 to UTA, and an appropriate issue will be specified.

13. Applicants for new broadcast stations are required to give local notice of the filing of their applications, in accordance with § 73.3580 of the Rules. They must certify that they have or will comply with the public notice requirement; however, we have no evidence that UTA has done so. If it has not already done so, UTA will be required to publish local notice of the filing of its application and/or to file a certification of that fact with the presiding Administrative Law Judge within 20 days of the release of this Order.

Intermountain Broadcasting, Inc.

14. All of the principals of Intermountain are officers, directors and stockholders of General Broadcasting, Inc., licensee of Station KFAM (AM), North Salt Lake City, Utah. Section 73.636(a)(1) of the Commission's multiple ownership rules proscribes the common ownership, operation, or control of an AM and television station where the television's predicted Grade A contour, as here, encompasses the entire community of license of the AM station. The principals of Intermountain state that they will terminate their interests in the AM station if required as a condition of the grant of its application. Accordingly, in the event of a grant of Intermountain's application, the construction permit will be conditioned to require the principals of Intermountain to terminate their interests in KFAM(AM).

[3] Generally, a transfer of 50% or more of the ownership of an applicant is considered to be a major change requiring the assignment of a new file number. 47 CFR 73.3572(b). The assignment of a new file number after the "cut-off" date, however, is tantamount to dismissal.

[4] In *Anax*, the Commission reversed an Administrative Law Judge's order dismissing the application of a limited partnership for a new commercial television station to operate on Channel 49 in Buffalo, New York. The Commission found that an amendment increasing a general partner's interest from 28% to 99% by transferring to him the 71% equitable ownership interest previously allocated to limited partners was not a major change, since, regardless of his percentage of equitable ownership, the general partner would still have total operating control. Here more than 50% of the *general* partnership interest would have been transferred, thereby, resulting in a major change.

[5] Subsequently, Rocky Mountain filed comments in support of Salt Lake TV's petition; however, as noted in footnote 2, *supra*, Rocky Mountain's application has since been dismissed.

Salt Lake City Family Television, Inc.

15. On November 10, 1982, Family filed a petition for leave to amend its application, *inter alia*, in order to report the withdrawal of Erma Freeman and Jack Dalton, each a one per cent stockholder in the applicant. In addition, Freeman and Dalton served as Secretary and Treasurer, respectively, of Family. Their stock ownership in the applicant has been redistributed to Rebecca Bain, who now has a 49% ownership in Family. Both Salt Lake TV and Mountain West object to this amendment because it would improve the comparative position of Family after the time for amendment as of right passed on August 6, 1981. They contend that the amendment removes two non-integrated principals and increases the amount of stock held be Bain, the station manager. In addition, Mountain West argues that since Freeman has other broadcast interests and since dalton may soon acquire some, their elimination will also serve to improve Family's comparative qualifications with respect to the diversification of broadcast ownership.

16. Section 1.65 of the rules requires applicants to maintain the substantial accuracy and completeness of their applications; however, applicants may not improve their comparative status after the cut-off date. Although Family properly reported Freeman's and Dalton's withdrawals, the applicant cannot rely on any comparative advantage that it may have incidentally received. Nevertheless, it need not be charged with any broadcast interests acquired by either Freeman or Dalton after November 10, 1982. Consequently, Family's petition for leave to amend will be granted for Section 1.65 purposes only.

Joseph C. Lee, George L. Gonzales, et al., General Partners, d/d/a Mountain West Television Company

17. Section 73.636(a)(1) of the Commission's Rules provides that no license for a television broadcast station shall be granted to any party if such party directly or indirectly owns, operates or control one or more FM and/or AM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the AM or FM station. Joseph Lee, the 44% owner of Mountain West is also News Director of KCPX, Inc., licensee of KCPX(AM) and KCPX–FM in Salt Lake City. However, Mr. Lee has indicated that he will terminate his current employment to assume full-time responsibilities as station manager of the proposed station upon grant of a construction permit to Mountain West. Accordingly, any grant of a construction permit to Mountain West will be appropriately conditioned.

18. In its amendment of August 6, 1981, Mountain West contends that, in light of the Commission's decision to no longer require detailed financial information for television applicants, it is unnecessary for it to submit additional documentation as to its financial qualifications. Accordingly, it certifies that it has reasonable assurance of the availability of the necessary funds to construct its proposed station and to operate it for three months. The Commission, however, subsequently held that those applications, like Mountain West, who initially utilized the 1977 version of the application form, may not now certify and must fully established their financial qualifications. *South Florida Broadcasting Co., Inc., 53 R.R. 2d 1683 (1983).*

19. Mountain West proposes to lease its equipment at a cost of $38,033 per month but has not provided a copy of a rental agreement with an equipment supplier. Accordingly, the applicant will be required to demonstrate the availability of sufficient net liquid assets to purchase its equipment. Mountain West estimates that $1,709,288 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$1,471,421
Tower and studio rent (five months)	16,667
Legal, engineering, installation, and other miscellaneous costs	65,000
Operating costs (three months)	156,200
Total	$1,709,288

To meet this requirement, Mountain West intends to rely on a $600,000 line of credit from an unnamed bank and $50,000 in partnership contributions. In the absence of a band letter setting out the specific terms of the line of credit, the applicant cannot rely on the $600,000. Further, we cannot determine whether any of the partners have the net liquid assets to meet their pledge contributions, since they have not submitted their balance sheets. Consequently, we cannot determine the availability of any funds to Mountain West, and an appropriate financial issue will be specified.

20. Section 73.1125 of the Rules requires an applicant to locate its main studio within the community of license. Mountain West, however, seeks to locate its main studio in West Valley City. Accordingly, an appropriate issue will be specified.

West Valley City Television Associates Limited Partnership

21. At the time West Valley TV filed its application for Channel 13, several of its principals had interests in Salt Lake Broadcasters, Inc. (SLB), an applicant for Channel 14 in Salt Lake City. Consequently, West Valley TV sought a waiver of §§ 73.3518 and 73.3520 of the Rules, which prohibit the filing of inconsistent, conflicting, or multiple applications. Mountain West, filing a motion to return, and UTA, filing a motion to dismiss, both urged the Commission to deny the waiver request and return/dismiss West Valley TV's application. On November 9, 1981, however, SLB's application was dismissed as the result of a settlement agreement with American Television of Utah, Inc., seemingly mooting the arguments of Mountain West and UTA.

Nevertheless, UTA opposes West Valley TV's December 18, 1981, petition for leave to amend its application to reflect the dismissal of SLB's application. UTA contends that the fact that at one point the same parties were prosecuting two different applications for Salt Lake City television station is sufficient to trigger the Rules. UTA further argues that West Valley TV failed to report the dismissal of SLB's application within 30 days, as required by § 1.65 of the Rules.

22. Sections 73.3518 and 73.3520 were established so that the Commission's processes would not become clogged with applications, the processing of which would result in a waste of Commission resources. Because SLB's application was never processed, there is no such duplication present here, and in any case, we would have afforded West Valley TV and opportunity to elect which application it proposed to prosecute were it not for the fact that SLB's application has already been dismissed. As to UTA's § 1.65 argument, while it is true that West Valley TV failed to update its application timely to reflect the dismissal of SLB's application, it did amend its application on August 6, 1981, to state that SLB had requested dismissal on July 6, 1981. Since the lateness of West Valley TV's amendment has not prejudiced any party, we believe that its August 6 amendment sufficed for reporting the dismissal. Accordingly, the motions of Mountain West and UTA will be denied West Valley TV's request for waiver of §§73.3518 and 73.3520 will be dismissed as moot, and it December 18, 1981,

petition for leave to amend will be granted.

23. Since we have not received a determination from the Federal Aviation Administration that West Valley TV's proposed tower height and location would not constitute a hazard to air navigation, an appropriate issue will be specified.

Conclusion and order

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

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

1. To determine, with respect to Utah Television Associates, Limited Partnership:

(a) Whether the applicant has $1,190,622 available for its construction and three month operation costs;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified to construct and operate as proposed.

2. To determine, with respect to Intermountain Broadcasting, Inc., whether circumstances exist to warrant a waiver of § 73.685 of the Commission's Rules.

3. To determine, with respect to Joseph C. Lee, George L. Gonzales, *et. al.*, General Partners, d/b/a Mountain West Television Company.

(a) Whether the applicant has $1,709,288 available for its construction and three month operating costs;

(b) Whether, in light of the evidence adduced pursuant to (c) above, the applicant is financially qualified to construct and operate as proposed;

(c) Whether the applicant has demonstrated good cause for locating its main studio outside its community of license;

(d) Whether circumstances exist to warrant a waiver of § 73.685 of the Commission's Rules.

4. To determine, with respect to West Valley City Television Associates, Limited Partnership:

(a) Whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation;

(b) Whether circumstances exist to warrant a waiver of § 73.685 of the Commission's Rules.

5. To determine, with respect to Salt Lake City Utah T.V., Inc., whether circumstances exist to warrant a waiver of §73.685 of the Commission's Rules.

6. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of television service.

7. In the event it is concluded from issue 6, above, that a choice among applicants should not be based solely on considerations relating to Section 307(b), to determine which of the proposals would, on a comparative basis, best serve the public interest.

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

26. It it further ordered, That, within 20 days of the release of this Order, UTA shall amend its application to demonstrate that it will provide "equivalent protection," calculated in accordance with the method specified in the *VHF Drop-In Proceeding, supra,* to reference points in Twin Falls, Idaho, and McGill, Nevada.

27. It is further ordered, That, in the event of a grant of Family's or West Valley TV's application, the construction permit shall contain the following conditions:

1. The maximum visual effective radiated power at azimuth 319 degrees true toward Twin Falls, Idaho, shall not exceed 16.2 dBk (41.7 kW).

2. The maximum visual effective radiated power at azimuth 239 degrees true toward McGill, Nevada, shall not exceed 10.8 dBk (12 kW).

3. The maximum visual effective radiated power at azimuth 66 degrees true toward KWWY(TV), Rock Springs, Wyoming, shall not exceed 13.8 dBk (24 kW).

28. It is further ordered, That in the event of a grant of UTA's or Mountain West's application, the construction permit shall contain the following conditions:

1. The maximum visual effective radiated power at azimuth 239 degrees true toward Twin Falls, Idaho, shall not exceed 16.1 dBk (40.kW).

2. The maximum visual effective radiated power at azimuth 319 degrees true toward McGill, Nevada, shall not exceed 10.8 dBk (12 kW).

3. The maximum visual effective radiated power at azimuth 66 degrees true toward KWWY(TV), Rock Springs, Wyoming, shall not exceed 13.8 dBk (24 kW).

29. It is further ordered, That, in the event of a grant of Salt Lake TV's application, the construction permit shall contain the following conditions:

1. The maximum visual effective radiated power at azimuth 319 degrees true toward Twin Falls, Idaho, shall not exceed 16 dBk (39.8 kW).

2. The maximum visual effective radiated power at azimuth 239 degrees true toward McGill, Nevada, shall not exceed 10.6 dBk (11.5 kW).

3. The maximum visual effective radiated power at azimuth 66 degrees true toward KWWY(TV), Rock Springs, Wyoming, shall not exceed 13.7 dBk (23.4 kW).

30. It is further ordered, That in the event of a grant of Intermountain's application, the construction permit shall contain the following conditons:

1. The maximum visual effective radiated power at azimuth 319 degrees true toward Twin Falls, Idaho, shall not exceed 15.1 dBk (32.4 kW).

2. The maximum visual effective radiated power at azimuth 238 degrees true toward McGill, Nevada, shall not exceed 11.3 dBk (13.5 kW).

3. The maximum visual effective radiated power at azimuth 67 degrees true toward KWWY(TV), Rock Springs, Wyoming, shall not exceed 13.5 dBk (22.4 kW).

4. Prior to the commencement of operation of the television station authorized herein, Intermountain shall certify to the Commission that its principals have severed all interest in and connection with KFAM(AM).

31. It is further ordered, That, in the event of a grant of any application in this proceedings, the application for license shall include the following:

1. Horizontal plans radiation pattern obtained from measurements performed by the manufacturer for the transmitting antenna prior to its installation.

2. Vertical radiation patterns obtained from measurements by the manufacturer for the transmitting antenna prior to its installation for at least azimuths toward locations at Twin Falls, Idaho, McGill Nevada, and KWWY(TV), Rock Springs, Wyoming.

3. An affidavit by a qualified and licensed surveyor stating that the transmitting antenna azimuthal orientation is proper to achieve the radiation limitations prescribed in paragraphs above, toward the locations to Twin Falls, Idaho, McGill, Nevada,

and KWWY(TV), Rock Springs, Wyoming.

32. It is further ordered, That the petitions for leave to amend filed by UTA, Intermountain, Family, West Valley TV, and Salt Lake TV ARE GRANTED for § 1.65 purposes only.

33. It is further ordered, That the motion to return West Valley TV's application, filed by Mountain West, and the motion to dismiss filed by UTA are denied, and UTA's request for waiver to §§ 73.3518 and § 73.3520 is dismissed as moot.

34. It is further ordered, That, UTA's petition for special relief is granted for § 1.65 purposes only.

35. It is further ordered, That Salt Lake TV's petition to dismiss the application of UTA is denied.

36. It is further ordered, That, within 20 days of the release of this Order, UTA shall publish local notice of the filing of its application in accordance with § 73.3580 of the Rules and file a certification of that fact with the presiding Administrative Law Judge.

37. It is further ordered, That the petition to hold the processing of the applications in abeyance, filed by Springfield TV, is dismissed as moot.

38. It is further ordered, That the Federal Aviation Administration is made a party respondent with respect to Issue 4(a).

39. It is further ordered, That in the event of a grant of Mountain West's application, it will be conditioned as follows: Prior to the commencement of operation of the television station authorized herein, permittee shall certify to the Commission that Joseph Lee has terminated all connections with or interests in KCPX(AM) and KCPX-FM, Salt, Lake City, Utah.

40. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221.(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

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

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-3912 Filed 2-13-84; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1445]

Petitions for Reconsideration and Clarification of Actions in Rule Making Proceedings

February 6, 1984.

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

Subject: MTS and WATS Market Structure. (CC Docket No. 78-72, Phase I)

Filed by: Arthur H. Simms, Attorney for The Western Union Telegraph Company on 1-24-84.

Subject: Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry) (CC Docket No. 81-893)

Filed by:

B. H. Walling, Jr. & T. L. Trantina, Attorneys for AT&T Information Systems Inc., on 12-28-83.

Robert M. Gillespie, Associate General Counsel & Sherry H. Bridewell, Attorney for Virginia State Corporation Commission on 1-13-84.

David E. Blabey, Attorney for the New York State Department of Public Service on 1-27-84.

J. Randolph MacPherson, Regulatory Counsel, Carl Wayne Smith, Assistant Regulatory Counsel for The Secretary of Defense and Charles V. Curcio, Assistant General Counsel & Sumner Katz, Attorney for The Administrator of General Services and on behalf of The Federal Executive Agencies on 1-27-84.

Herbert E. Marks & Laurel R. Bergold, Attorneys for Independent Data Communications Manufacturers Association, Inc., on 1-27-84.

Janice E. Kerr, J. Calvin Simpson & Gretchen Dumas, Attorneys for the People of the State of California and the Public Utilities Commission of the State of California on 1-27-84.

Paul J. Sinderbrand on 1-27-84.

Mary Jo Manning, Attorney for ROLM Corporation on 1-27-84.

James S. Golden & Amy S. Gross, Attorneys for The Bell Telephone Company of Pennsylvania, The Chesapeake and Potomac Telephone Companies, Diamond State Telephone Company, Illinois Bell Telephone Company, Indiana Bell Telephone Company, Michigan Bell Telephone Company, Nevada Bell, New England Telephone and Telegraph Company, New Jersey Bell Telephone Company, New York Telephone Company, The Ohio Bell Telephone Company, Pacific Northwest Bell Telephone Company, Pacific Bell, South Central Bell Telephone Company, Southern Bell Telephone and Telegraph Company, Southwestern Bell Telephone Company & Wisconsin Bell on 1-27-84.

J. A. DeBois, T. L. Trantina & M. J. Wasser, Attorneys for AT&T Information Systems Inc., on 1-30-84.

Subject: Hours of Operation of Daytime-Only AM Broadcast Stations. (BC Docket No. 82-538) [1]

Filed by: Gregg P. Skall, Dana G. Boyd & Jack Whitley, Attorneys for Daytime Broadcasters Association on 1-20-84. (Supplemental Comments on its Petition for Reconsideration)

Subject: Revision of Section 73.3550 of the Commission's Rules with Respect to the Assignment of New and Modified Call Letters to AM, FM and TV Broadcast Stations. (MM Docket No. 83-373)

Filed by:

Erwin G. Krasnow & Barry D. Umansky, Attorneys for National Association of Broadcasters on 1-27-84.

Thomas Schattenfield, David Tillotson & Susan A. Marshall, Attorneys for National Radio Broadcasters Association on 1-30-84.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-3909 Filed 2-13-84; 8:45 am]

BILLING CODE 6712-01-M

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[1] This is a supplement to a petition for reconsideration that had been filed. Full opportunity was provided to respond to the original petition. However, 15 days after publication in the **Federal Register** will be provided to file responses to the supplement.

Telecommunications Industry Advisory Group, Separations and Costing Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Separations and Costing Subcommittee scheduled for Tuesday—Wednesday, February 28–29, 1984. The meeting will begin at 10:00 a.m., and will be held at the offices of MCI (2nd Floor), One Western Union International Plaza, New York, New York. The meeting will be open to the public. The agenda is as follows:

I. Review of Minutes of Previous Meeting.
II. General Administrative Matters.
III. Consideration of Expense Accounts for Part 67.
IV. Consideration of Revenue Accounts for Part 67.
V. Consideration of Expense Accounts for Part 69.
VI. Further Consideration of Items III, IV, and V above.
VII. Other Business.
VIII. Presentation of Oral Statements.

With prior approval of Subcommittee Chairman Eric Leighton, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Leighton (518/462–2030) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–3908 Filed 2–13–84; 8:45 am]

BILLING CODE 6712–01–M

New FM Stations; Applications for Consolidated Hearing; Denton FM Radio Ltd., et al.

1. the Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/State	File No.	MM Docket No.
A. Denton FM Radio, Ltd., Denton, Tx.	BHP–820830AM	84–92
B. Lori Ann Brotman and Sherwin Byron Brotman, Denton, Tx.	BHP–820901AD	84–93
C. J. Robby McClure d.b.a. Denton Media Co., Denton, Tx.	BHP–820917AG	84–94
D. Gail C. Payne et al d.b.a. Payne Radio Properties, A Ltd. partnership, Denton, Tx.	BHP–820928AE	84–95
E. Word of Faith World Outreach Center, Justin, Tx.	BHP–820929AL	84–96
F. Denton Communications, Inc., Denton, Tx.	BHP–820929BD	84–97

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the reference sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), A,B,C,D
2. (See Appendix), D
3. (See Appendix), D
4. Air Hazard, B,C,D,E
5. 307(b), A,B,C,D,E,F
6. Contingent Comparative, A,B,C,D,E,F
7. Ultimate, A,B,C,D,E,F

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

1. If a final environmental impact statement is issued with respect to A (Ltd), B (Brotman), C (Media) and/or D (Payne) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) to determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by § 1.1301–1319 of the Commission's Rules; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

2. To determine the facts and circumstances in the proceeding before the National Labor Relations Board involving FM station KTEX, Tulsa, Oklahoma and the effect, if any, such matters have on D (Payne)'s basic qualifications to become a Commission licensee.

3. To determine if D (Payne) failed to meet its responsibilities pursuant to Section 1.65 of the Commission's Rules for the continuing accuracy and completeness of information furnished in its pending application.

[FR Doc. 84–3903 Filed 2–13–84; 8:45 am]

BILLING CODE 6712–01–M

New FM Stations; Applications for Consolidated Hearing; the First One Broadcast Group et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/State	File No.	MM Docket No.
A. John C. Culpepper, Jr., et al d.b.a., The First One Broadcast Group, Helena, MT.	BPH–811105AB	84–89
B. Eric John Myhre, Helena, MT.	BPH–811202AG	84–90
C. Old West Broadcasting, Inc., East Helena, MT.	BPH–820624BS	84–91

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 F.R. 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), A
2. 307(b), A,B,C
3. Contingent Comparative, A,B,C
4. Ultimate, A,B,C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919

M Street, N.W., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Additional Issue Paragraph

1. To determine if the July 19, 1982 amendment filed by A (First One) proposes a major change in its original proposal pursuant to § 73.3573(a)(1) of the Commission's Rules.

[FR Doc. 84-3904 Filed 2-13-84; 8:45 am]

BILLING CODE 6712-01-M

New FM Stations; Applications for Consolidated Hearing; Freeport Broadcasting Co. et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/State	File No.	MM Docket No.
A. Freeport Broadcasting Co., Freeport, TX.	BPH-830215AP (previously BPH-811013AB).	84-60
B. Willis Jay Harpole, Freeport, TX.	BPH-820908BC	84-61
C. Satellite Syndicated, Freeport, TX.	BPH-820825BQ	84-62

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, A,B
2. Comparative, A,B,C,
3. Ultimate, A,B,C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84-3905 Filed 2-13-84; 8:45 am]

BILLING CODE 6712-01-M

New FM Stations; Applications for Consolidated Hearing; Professional Radio Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/State	File No.	MM Docket No.
A. Professional Radio, Inc., Newberry, SC.	BPH-820729AK	84-63
B. Miller Broadcasting Co., Inc., Newberry, SC.	BPH-820921AO	84-64
C. J. Stephen McClure d.b.a. Newberry Media Co., Newberry, SC.	BPH-821004AT	84-65
D. G. Roscoe Bedenbaugh et al., d.b.a. Service Radio Co., Newberry, SC.	BPH-830215AC	84-66

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), C
2. City Coverage, B, C, D
3. Air Hazard, C
4. Comparative, A, B, C, D
5. Ultimate, A, B, C, D

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

1. If a final environmental impact statement is issued with respect to C (Newberry) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment.

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1309 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 84-3901 Filed 2-13-84; 8:45 am]

BILLING CODE 6712-01-M

New FM Stations; Applications for Consolidated Hearing; Talleyrand Broadcasting

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/State	File No.	MM Docket No.
A. Walter D. Barker and Kay F. Barker d.b.a. Talleyrand Broadcasting, Bellefonte, PA.	BPH-821012AI	84-98
B. Nittany Communications, Inc., Bellefonte, PA.	BPH-821216AF	84-99
C. Bald Eagle Media, Inc., Bellefonte, PA.	BPH-830214AF	84-100

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, A,B,C
2. Comparative, A,B,C
3. Ultimate, A,B,C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84-3902 Filed 2-13-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 84-20, File No. BPCT-811006KJ, et al.]

Harley G. Hunter, et al.; Hearing Designation Order

In the matter of applications of Harley G. Hunter d/b/a Pueblo Family Television, Pueblo, Colorado (MM Docket No. 84-20, File No. BPCT-811006KJ), tvUSA/PUEBLO, LTD., Pueblo, Colorado (MM Docket No. 84-21, File No. BPCT-811124KE), and FEM Broadcasting, Inc., Pueblo, Colorado (MM Docket No. 84-22, File No. BPCT-811124KG) for construction permit.

Adopted: January 10, 1984.
Released: February 3, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it: (1) The above-captioned mutually exclusive applications of Harley G. Hunter d/b/a Pueblo Family Television (Pueblo Family), tvUSA/Pueblo Ltd. (tvUSA) and FEM Broadcasting, Inc. (FEM),[1] for authority to construct a new television station on Channel 32, Pueblo, Colorado; (2) a petition to deny the application of Pueblo Family, filed by Quality Media Corporation (QMC), formerly an applicant for a new television station on Channel 21, Colorado Springs, Colorado; (3) a petition to deny the applications of FEM Broadcasting and tvUSA, filed by Sangre Cristo Communications, Inc. (KOAA), licensee of Station KOAA-TV, Channel 5, Pueblo, Colorado, and television translator Station K30AA, Channel 30, Colorado Springs, Colorado; (4) oppositions filed by the applicants; (5) replies filed by the petitioners; and (6) various related pleadings.[2]

2. KOAA claims standing as a party in interest on the ground that grant of any of the above-captioned applications for a new television station on Channel 32, Pueblo, Colorado, would require discontinuance or modification of its translator station on Channel 30, Colorado Springs, Colorado, because of the protection against interference which must be accorded to television stations by television translators. This claim of standing is opposed by tvUSA. It is well-established that where a claim is made that a translator's operation must be modified or terminated because of electrical interference between the translator and a television station, it is a sufficient ground for standing. *International Broadcasting Co.*, 3 FCC 2d 449, 450 (1966). *See also, FCC v. National Broadcasting Company (KOA)*, 319 U.S. 239 (1943). In any event, it appears that KOAA's television station would compete with the proposed new television station for audience and advertising revenues, and this is another ground for KOAA's stand. *See, FCC v. Sanders Bros. Radio Station*, 309 U.S. 470 (1940).

3. We find that QMC does not have standing as a party in interest pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended. At the time that QMC filed its petition, QMC was one of two mutually exclusive applicants for a new commercial television station on Channel 21, Colorado Springs. Thereafter, QMC's application was dismissed on its own motion and a competing application was granted. *Memorandum Opinion and Order, BC Docket No. 81-848*, FCC 82M-1510, released May 12, 1982. Nevertheless, we will treat QMC's pleading as an informal objection, pursuant to § 73.3587 of the Commission's Rules.

4. As a final procedural matter, tvUSA has filed a motion to strike Pueblo Family's amendment of January 28, 1982, which was the cut-off date for filing amendments as of right in this proceeding. In its motion, tvUSA alleges that the amendment is defective because it is not signed by any of the applicant's partners as required by § 73.3513(a)(2) of the Commission's Rules. As a result, tvUSA believes that the applicant should not be entitled to any comparative advantage arising from the amendment's proposal of emergency generating equipment for the transmitter and main studio. In order to place personal responsibility for the contents of applications and amendments, the Commission has required applicants to sign their submissions. *B. J. Hart*, 20 R.R. 301 (1960). Where, however, such submissions are unsigned, we have permitted applicants to file ameliorative amendments after the cut-off date to certify their contents. *Communications Gaithersburg, Inc.*, 60 F.C.C. 2d 537 (1976). By promptly notifying the Commission of its unexecuted amendment, the applicant put all parties on notice of its contents while recognizing that a signed copy of it would have to be submitted. The executed copy of the amendment was filed February 16, 1982. tvUSAs' motion to strike will be denied and Pueblo Family's amendment accepted for all purposes.

De Facto Reallocation of Channel 32

5. In their petitions, KOAA and QMC contend that the above captioned applications should be denied or designated for hearing because use of their proposed transmitter sites on Cheyenne Mountain would accomplish a *de facto* reallocation of Channel 32 from the smaller community of Pueblo (pop. 101,686) to the larger community of Colorado Springs, Colorado (pop. 214,914), without a rule making proceeding. The petitioners base their request upon an analysis of the nine factors set forth in *Communications Investment Corp. v. FCC*, 641 F. 2d 954 (D.C. Cir. 1981) (hereinafter referred to as *CIC*). In opposition, the applicants recognize that Cheyenne Mountain is much closer to Colorado Springs than to Pueblo, but they argue that Cheyenne Mountain is the optimum site for a Pueblo television station due to the height of the mountain and line of sight to Pueblo; that their stations will provide the requisite city grade coverage to Pueblo; and that their main studios will be located in Pueblo.

6. We conclude that no issue is warranted. After the pleading cycle ended in this proceeding, the Commission completed a rule making proceeding in which it determined that the public interest would be better served by abolishing the *de facto* reallocation policy, as well as the related suburban community and *Berwick* policies. *Suburan Community Policy, BC Docket No. 82-320*, FCC 83-31, 53 RR 2d 681 (1983). The Commission based its decision upon a finding that these policies had not furthered the purposes of Section 307(b) of the Communications Act, which requires the Commission "to provide a fair, efficient, and equitable distribution of radio

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[1] Each of the applicants has filed at least one amendment after the "B" cut-off date, each of which was accompanied by a request for leave to amend. Since each amendment was required to be filed by § 1.65 of the Commission's Rules, all are accepted for § 1.65 purposes only and no comparative advantage will accrue thereby.

[2] KOAA filed a supplementary exhibit to its petition to deny on March 15, 1982, accompanied by a request for its acceptance. This request was jointly opposed by FEM Broadcasting and tvUSA on the ground that the pleading cycle was already completed. In the absence of a showing of good cause for this late filing, the exhibit will not be considered.

service." The Commission also found that these policies have been used by stations in larger communities to preclude additional competition by stations in nearby smaller communities. As a result, the Commission concluded that it will presume that applicants will serve their proposed communities of license if they are in compliance with the Commission's other licensing rules, such as the provision of the requisite signal to the community of license, location of the main studio in the proposed community of license, and a programming proposal that will serve the needs of the community of license. *Suburban Community Policy, supra*, 53 RR 2d at 696–697.

7. We have examined the above-captioned applications in light of the Commission's action in BC Docket No. 82–320 and have determined that the applicants are in compliance with the Commission's licensing rules. Specifically, our staff engineering analysis confirms that the applicants will provide the requisite city grade signal of 80 dBu to Pueblo and that their main studios will be located within the city limits of Pueblo. Furthermore, the applicants have proposed programming to meet the needs of the residents of Pueblo, and no allegations have been made by the petitioners that the proposed programs cannot reasonably be expected to serve these needs. Under there circumstances, the requested issue will be denied. *See, e.g., Ben Lomond Broadcasting Co.*, FCC 83–99, released March 4, 1983, which is the remand of the *CIC* case.

Availability of Transmitter Site

8. KOAA next contends that the applications of FEM Broadcasting and tvUSA should be designated for hearing on a transmitter site availability issue. In support of this request, KOAA points out the FEM Broadcasting and tvUSA each proposes to mount its antenna on the tower of each of two FM stations which are situated in an antenna farm on Cheyenne Mountain; that under similar lease provisions, these stations cannot sublease space on their towers without the permission of the Cheyenne Propagation Company (CPC), the owner of the antenna farm; and that one of CPC's owners indicated to KOAA that such consent might be withheld because use of the site may produce blanketing interference. In opposition, tvUSA states that it obtained the consent of station KILO(FM), Colorado Springs, Colorado, to side-mount its antenna on the KILO(FM) tower, but was unaware of any restriction on subleasing without CPC's approval. In any event, tvUSA subsequently amended its application to specify a new site on Cheyenne Mountain where it will erect its own tower, and tvUSA has submitted a letter from CPC's counsel granting permission to lease this site. Under these circumstances, we find that tvUSA has provided reasonable assurance as to the availability of its transmitter site. Furthermore, with respect to the proposals by FEM Broadcasting and Pueblo Family Television to share space on the towers of two FM stations, KOAA has not shown that the permission of CPC, if required, would not be forthcoming. Consequently, the requested issue will be denied.[3]

9. The Commission is not in receipt of the Federal Aviation Administration's determination for the antenna structure proposed by tvUSA and FEM. Consequently, no determination has been made that the tower height and location proposed by each would not constitute a hazard to air navigation. Acccordingly, an appropriate issue will be specified.

tvUSA/PUEBLO, Ltd. (tvUSA)

10. The applicant has not answered Section II, Question 6, FCC Form 301, regarding whether the parties involved are U.S. citizens. The applicant will be required to clarify this situation by appropriate amendment.

11. tvUSA estimates that $1,641,825 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment by deferred credit:[4]	
(downpayment)	$666,000
(three months)	174,825
Studio and Transmitter Site (five months)	6,000
Building	75,000
Legal, Engineering, installation and other miscellaneous costs	335,000
Operating costs (three months)	385,000
Total	$1,641,825

[4] Although under its terms, the RCA letters extending deferred credit for the purchase of equipment expired January 26, 1982 for tvUSA, November 11, 1981 for FEM, it is reasonable to assume that the applicants would still be able to obtain the same or similar credit arrangement from RCA or another equipment supplier should one of them receive a grant in this proceeding. *Contemporary Television Broadcasting, Inc.*, Mimeo No. 05812 (released Jan. 16, 1981).

To meet this requirement, tvUSA relies upon $1,450,000 in capital contributions and loans from Herbert N. Somekh, Marcia Hanna, and Lee Hanna. Somekh is to provide $1,000,000 which he proposes to obtain as an "earmarked" loan from Parklane Hosiery Company, Inc. and Hosiery Manufacturing Corp. of Morganton (Parklane); Marcia Hanna to provide $250,000 which she proposes to obtain as a loan from Syd E. Byrd; and Lee Hanna is to provide $200,000 which is to be obtained from Hannah Blumberg. As KOAA points out, no showing has been made that Parklane, Byrd and Blumberg have sufficient net liquid assets to enable them to meet their respective commitments. Consequently, it cannot be determined that the funds will be available to Somekh and the Hannas to enable them to meet their obligations to the applicant. Even if these funds were available, however, there would still be a shortfall of $191,825 and tvUSA has not shown that any funds are available from other sources. Accordingly, an issue will be specified to determine whether tvUSA is financially qualified.

[3] KOAA also questions the suitability of the proposed transmitter sites of FEM Broadcasting and tvUSA. KOAA claims that, if CPC were to restrict the power that these applicants could use, they would probably not be able to place the requisite city grade signal over Pueblo. However, a review of these applications clearly discloses that city grade coverage will be provided to Pueblo, Colorado. KOAA provides nothing beyond speculation that CPC would require operation at a power less than that now specified by FEM and Pueblo Family.

FEM Broadcasting, Inc.

12. FEM indicates in Section V–C, Item 7, FCC Form 301, that it will use mechanical beam tilt. Section 73.685(e)(2) of the Commission's Rules requires that information be submitted to verify the nature of the proposed mechanical beam tilt. FEM has not done so. Accordingly, applicant will be required to submit an appropriate engineering amendment within 20 days after this Order is released.

13. FEM estimates that $1,634,207 will be required to construct its proposed station and to operate for three months, itemized as follows:

Equipment by deferred credit:	
(downpayment)	$523,532
(three months)	141,354
Studio and Transmitter Site (five months)	13,500
Building	200,000
Legal, Engineering, installation and other miscellaneous costs	352,163
Operating costs (three months)	403,658
Total	1,634,207

To meet this requirement, FEM intends to rely on $7,600 in existing capital, $15,500 from the stock subscription of Helen Garcia, $5,500 from the stock subscription of Phyllis Garcia and a loan of $1,800,000 from Brown and Company Financial Services.

14. KOAA argues that FEM has not demonstrated "reasonable assurance" of the availability of funds to construct and operate the station. In this regard, KOAA contends that the commitment letter from Brown and Company states only that it "would give every favorable consideration" to a loan application from FEM. This language, KOAA argues, falls short of the "reasonable assurance" standard. The letter further provides that any loan "would be subject to the approval by our investment committee,

the execution of a mutually satisfactory loan agreement, supported by personal guarantees and secured by acceptable collateral"; however, KOAA asserts that no such personal guarantees have been supplied. KOAA further argues that the balance sheets provided by Helen and Phyllis Garcia do not demonstrate net liquid assets sufficient to meet their stock subscriptions.

15. With respect to the commitment letter from Brown and Company, "favorable consideration" must be construed to mean what it says, and the institution while permissibly reluctant to make a firm commitment, has, nevertheless, indicated that it is favorably disposed toward making the loan. See, *Multi-State Communications, Inc. v Federal Communications Commission* 192 US App DC 1, 590 F 2d. 1117 *cert. denied* 99 S Ct 1501 (1978). The requirements for approval by the investment committee and for execution of a satisfactory loan agreement are customary provisions and do not detract from the validity of the letter. FEM's principals, however, have not indicated a willingness to provide personal guarantees, or to supply acceptable collateral. Consequently, it cannot be concluded that the loan will be available. Further, neither Helen nor Phyllis Gracia has demonstrated the availability of any net liquid assets to meet their subscriptions. Because the applicant has demonstrated the availability of only $7,600, an appropriate financial issue will be specified.

16. An applicant seeking authority to construct a commercial television station is required to afford equal employment opportunity to all qualified persons. See § 73.2080 of the Commission's Rules and Section VI, FCC Form 301. Pursuant to this requirement, an applicant who proposes to employ five or more full-time station employees must establish a program of practices to assure equal employment opportunities. Although Pueblo Family intends to employ at least five full-time employees, it has failed to submit a complete equal employment opportunity proposal. Pueblo Family failed to submit examples of recruitment sources in response to element IV of the guidelines to the model EEO program required by FCC Form 301. Therefore, we cannot conclude that Pueblo Family has complied with § 73.2080 and that its EEO program adequately meets the guidelines delineated in that rule. Accordingly, Pueblo Family will be required to submit its complete EEO proposal to the presiding Administrative Law Judge within 20 days after this Order is released.

17. Applicants for new broadcast stations are required by §73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Pueblo Family has published the required local notice. To remedy this deficiency, Pueblo Family will be required to file a certification of compliance with the presiding Administrative Law Judge within 20 days after this Order is released.

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

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

1. To determine with respect to tvUSA/Pueblo, Ltd. and FEM Broadcasting, Inc. whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine, with respect to tvUSA/Pueblo, Ltd.:

(a) Whether the applicant has $1,641,825 available for its construction and three month operating costs and;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine with respect to FEM Broadcasting, Inc.:

(a) Whether the applicant has $1,634,207 available for its construction and three month operating costs and;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially, qualified.

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

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

20. It is further ordered, That the petition to deny filed by Quality Media Corporation is dismissed, and, when considered as an informal objection filed pursuant to § 73.3587 of the Commission's Rules, is denied.

21. It is further ordered, That the petition to deny filed by Sangre Cristo Communications is granted to the extent indicated herein and otherwise is denied.

22. It is further ordered, That the motion to strike filed by tvUSA/Pueble, Ltd. is denied.

23. It is fruther ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to Issue 1.

24. It is further ordered, That Sangre Cristo Communications (KOAA) is made a part respondent.

25. It is further ordered, That FEM shall submit, pursuant to § 73.685(e)(2) of the Commission's Rules, an appropriate engineering amendment to verify the nature of the proposed mechanical beam tilt to the presiding Administrative Law Judge within 20 days after this Order is released.

26. It is further ordered, That Pueblo Family Television shall submit a complete EEO proposal to the presiding Administrative Law Judge within 20 days after this Order is released.

27. It is further ordered, That, Pueblo Family shall file certification with the presiding Administrative Law Judge within 20 days after this Order is released that it has or will comply with Section 73.3580 of the Commission's Rules.

28. It is further ordered, That tvUSA shall submit an amendment to clarify its citizenship to the presiding Administrative Law Judge within 20 days after this Order is released.

29. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the parties respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

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

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-3899 Filed 2-13-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 84-67 and 84-68; File Nos. BPCT-830902KM BPCT-831107KE]

Western Pennsylvania Christian Broadcasting Co. and Altoona Television 47, LTD.; Hearing Designation Order

In the matter of applications of Western Pennsylvania Christian Broadcasting Co., Altoona, Pennsylvania (MM Docket No. 84-67, File No. BPCT-830902KM) and Altoona Television 47, Ltd., Altoona, Pennsylvania (MM Docket No. 84-68, File No. BPCT-831107KE).

For construction permit.

Adopted: January 26, 1984.
Released: February 3, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for a new commercial television station to operate on Channel 47, Altoona, Pennsylvania.

2. The Commission is not in receipt of the Federal Aviation Administration's determination for either applicant. Consequently, no determination has been made that the tower height and location proposed by each applicant would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

3. Section V-C, Item 10, FCC Form 301 requires that an applicant submit the area and population within its predicted Grade B contour. Altoona Television 47, Ltd. has not specified the population within its Grade B contour. Consequently, we are unable to determine whether there would be a significant difference in the size of the area and population that each applicant proposes to serve. Altoona Television 47, Ltd. will be required to submit an amendment showing the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge. If it is determined that there is a significant difference between the areas and populations, the presiding Administrative Law Judge will consider it under the standard comparative issue.

4. Section 73.685(f) of the Commission's Rules requires an applicant proposing to use a directional antenna to include a tabulation of relative field pattern, oriented so that 0° corresponds to True North and tabulated at least every 10° plus any minima or maxima. *The Future Role of Low Power Television Broadcasting*, 53 RR 2d 1267 (1983). Western Pennsylvania Christian Broadcasting Company has not supplied this data. Accordingly, the applicant will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after this Order is released.

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

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

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each applicant would constitute a hazard to air navigation.

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

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

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

8. It is further ordered, That Western Pennsylvania Christian Broadcasting Company shall submit an amendment providing the information required by § 73.685(f) of the Commission's Rules, to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after the release date of this Order.

9. It is further ordered, That Altoona Television 47, Ltd., within 20 days after this Order is released, shall submit an amendment giving the population within its predicted Grade B contour, to the presiding Administrative Law Judge.

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

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

Federal Communications Commission.

Roy J. Steward,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-3900 Filed 2-13-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-340]

First Federal Savings and Loan Association of New Orleans, New Orleans, Louisiana; Final Action; Approval of Conversion Application

Dated: February 7, 1984.

Notice is hereby given that on January 18, 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 First Federal Savings and Loan Association of New Orleans, New Orleans, Louisiana, 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, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Dallas, Post Office Box 619026, Dallas/Fort Worth, Texas 75261-9026.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-3901 Filed 2-13-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-342]

Great Southern Federal Savings Bank, Savannah, Georgia; Final Action Approval of Conversion Application

Dated: February 7, 1984.

Notice is hereby given that on January 26, 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, apffice of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-3989 Filed 2-13-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-341]

Security Savings and Loan Association, Jackson, Michigan; Final Action Approval of Conversion Application

Dated: February 7, 1984.

Notice is hereby given that on January 25, 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 Security Savings and Loan Association, Jackson, Michigan, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Indianapolis, Post Office Box 60, Indianapolis, Indiana, 46206.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-3990 Filed 2-13-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-343]

Western Federal Savings and Loan Association, Marina Del Rey, California; Final Action Approval of Amendment to Conversion Application

Dated: February 7, 1984.

Notice is hereby given that on January 24, 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 Amendment No. 6 to the application of Western Federal Savings and Loan Association, Marina del Rey, California, 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, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, Post Office Box 7948, San Francisco, California, 94120.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-3992 Filed 2-13-84; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

A & A Ltd., 98 Front Street, New Bedford, MA 02740, Officers: Charles V. Renaut, President/Treasurer, Jeffrey A. Renaut, Vice President, Steven P. Renaut, Vice President

Mory-Vandegrift, Inc., 71 Broadway, Suite 1305, New York, NY 10006, Officers: Louis P. Amoriello, Sr., President, John J. Buckley, Jr., Assistant Vice President

Daysi Perez, 6904 N.W. 51st Street, Miami, FL 33166

Ventura, Inc., 36-50 31st Street, Long Island City, NY 11106, Officers: Marino Quadrino, President, Robert Santamaria, Executive Vice President, Anthony Ermillo, Vice President/Finance

Thomas M. Majestic d.b.a. Akron-Canton International Corporation, Akron-Canton Airport, North Canton, OH 44720

Thomas Hudson Enterprises, Inc., 10050 Talley Lane, Houston, TX 77041, Officers: Thomas O. Hudson, President/Treasurer, Thomas L. Hudson, Vice President/Secretary

By the Federal Maritime Commission.

Dated: February 9, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-3981 Filed 2-13-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

February 9, 1984.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:
Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829).
OMB Reviewer—Judy McIntosh—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880).

Request for Revision to an Existing Report

1. Report title: Reports of Condition and Income.
Agency form number: FFIEC 031–034.
Frequency: Quarterly.
Reporters: State member banks.
Small businesses are affected.

General description of report: Respondent's obligation to reply is mandatory (12 U.S.C. 324); a pledge of confidentiality is partially promised. Datailed schedules of assets, liabilities, and capital accounts in the form of a condition report, and summary statement; detailed schedule of operating income and expense, sources and disposition of income, and changes in the equity capital in the form of an income statement; and a variety of supporting schedules. (Addition of several items on the Allocated Transfer Risk Reserve required by the International Lending Supervision Act of 1983.)

2. Report title: Report of Condition for Edge Corporations.
Agency form number: FR 2886b.
Frequency: Quarterly.
Reporters: All banking Edge and Agreement Corporations.
Small businesses are not affected.

General description of report: Respondent's obligation to reply is mandatory (12 U.S.C. 602 and 625); a pledge of confidentiality is partially promised.

This report collects financial information about international banking and financing corporations. These corporations are supervised by the Federal Reserve System, and most of them accept deposits that are part of the domestic money supply. This report is used both for supervisory and monetary policy purposes. (Addition of several items on Allocated Transfer Risk Reserve required by the International Lending Supervision Act of 1983.)

Board of Governors of the Federal Reserve System, February 9, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84–3929 Filed 2–13–84; 8:45 am]
BILLING CODE 6210–01–M

GENERAL SERVICES ADMINISTRATION

Planned Consolidation of Two GSA Self-Service Stores in St. Louis, MO, GSA Region 6

1. *Purpose.* This notice announces plans for consolidating two self-service stores in St. Louis, MO.

2. *Background.*

a. GSA is committed to providing effective and economical supply support to Government agencies. To provide this kind of support under the current budgetary limitations, it is essential that GSA make sure that the maximum benefit is obtained from every dollar spent for supply support. Accordingly, supply support functions that are cost effective should be continued or expanded, as appropriate, and those that are not cost effective should be discontinued. An assessment of supply support functions indicates that two self-service stores in St. Louis, MO, are not cost effective. Federal agencies have used the self-service store at 405 S. Tucker on a limited basis for the past 18 months. Since the majority of the Federal agencies use the self-service store at 4300 Goodfellow, in St. Louis, MO, it is more cost effective to consolidate the two stores at 4300 Goodfellow.

b. Once the stores are consolidated, user activities in St. Louis should satisfy their requirements by using the consolidated self-service store. If this is not possible, they should use other means, such as requisitioning items through the GSA stock program, obtaining items through Federal Supply Schedules, or pruchasing items through the Kansas City, MO, Customer Supply Center. [The regulations on priorities for use of supply sources are contained in FPMR 101–20.107.]

3. *Location of GSA self-service store planned for closure and location of consolidated GSA self-service store:* The location of the GSA self-service store planned for closure in St. Louis, MO, is 405 South Tucker Blvd., Federal Building, Room 128, St. Louis, Mo. The location for the consolidated GSA self-service store is 4300 Goodfellow Blvd., Federal Center, Building 105D, St. Louis, MO.

4. *Agency comments.* Comments concerning the effect or impact of the consolidation of the self-service stores, identified in paragraph 3, may be submitted to the Assistant Regional Administrator, Federal Supply and Services. [Mailing address: General Services Administration (6F), 1500 East Bannister Road, Kansas City, MO 64131] by February 29, 1984.

5. *Notification of store consolidation.* Once the dates and other information regarding the consolidation are finalized, agencies will be notified in a GSA Bulletin. Consolidation will occur early in the third quarter of FY 1984.

Bond R. Faulwell,
Acting Regional Administrator.

[FR Doc. 84–3921 Filed 2–13–84; 8:45 am]
BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

National Institute for Occupational Safety and Health; Cooperative Agreement Demonstration Program To Conduct Workplace Health Hazard Evaluations; Availability of Funds for Fiscal Year 1984

The National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control (CDC), announces that competitive applications are being invited for cooperative agreement demonstrations on the feasibility of having State health departments conduct workplace health hazard evaluations (HHE) required by the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977. The cooperative agreements will be awarded and administered by NIOSH under the research and demonstration grant authority of section 20(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(1)). Program regulations applicable to these grants are in Part 87, "National Institute for Occupational Safety and Health Research and Demonstration Grants," of title 42, Code of Federal Regulations. Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Purpose and Objectives

This cooperative agreement program is intended to demonstrate having State health departments conduct health hazard (and technical assistance) evaluations in accordance with the Occupational Safety and Health Act, therefore, the program is limited only to

State health departments. In making these awards, NIOSH will work with State health departments with differing degrees of experience in conducting occupational health investigations and with differing degrees of current ability (personnel, etc.) to conduct such evaluations.

By conducting these HHEs, cooperative agreement recipients will benefit by being able to develop data for further research into previously unknown toxic mechanisms of action and toxic effects and to develop control strategies; also, recipients' personnel will have the opportunity to develop occupational health skills. The duration of each of these cooperative agreements will be for up to three years. They will be renewable each year, subject to satisfactory performance and the availability of funds. The selected recipient will be assigned HHE requests by NIOSH and will conduct the HHE investigations in cooperation with NIOSH.

Provisions of the Cooperative Agreement

The recipient is responsible for developing a satisfactory plan for performing HHEs in cooperation with NIOSH. The recipient and NIOSH are responsible for the following activities:

A. The recipient will:

1. Design, develop, and implement a plan to increase the awareness of the HHE program among employer, employee representatives, and other governmental agencies in their State. This effort will be limited to informing these groups about the HHE program and that the State health department will be conducting these evaluations.

2. Conduct on-site HHEs in a timely manner after assignment or approval by NIOSH and in accordance with the provisions in Part 85, "Requests for Health Hazard Evaluations," of Title 42, Code of Federal Regulations. These evaluations will consist of one or more of the following:

a. Review, plan, and conduct an initial visit to the workplace subject to the HHE. The initial visit will consist of a walk-through survey to identify potentially toxic substances present in the workplace and the extent of exposure to the workers. This initial visit should be made within 30 days after the request is made to NIOSH; however, in some instances a longer period may be agreed to.

b. Prepare an internal report of the initial visit stating, in the professional judgment of the recipient, whether potentially toxic effects exist to warrant a full-scale investigation. This report will be submitted in a format specified by NIOSH.

c. Prepare interim reports to be sent to the employer and the employees stating what was done, what was found, and what is planned. The reports will be submitted to NIOSH for review and release.

d. Develop a protocol for conducting a full-scale investigation and submit to NIOSH for approval.

e. Upon NIOSH approval of the protocol, conduct the full-scale investigation which may consist of:

(1) Medical examinations, including physical examinations and interpretations of clinical, biochemical, and other tests;

(2) Additional air and bulk samples, ventilation measurements, evaluations of work practices, and process evaluations;

(3) Review of existing plan and private medical records; or

(4) Other steps necessary to determine which substances are present, at what concentration, and whether they have toxic effects at those concentrations.

Data collection must comply with institutional human subject clearance requirements, including obtaining informed consent from study subjects. All medical personnel must be licensed to practice medicine in the jurisdiction proposed to be covered by the recipients. Also, proposed data collections must be reviewed for compliance with the Paperwork Reduction Act by a designated NIOSH clearance official. The data collected will be safeguarded against unauthorized use. Analysis of medical and environmental samples will be made only in a laboratory with a procedure to assure accuracy and precision. The potential laboratories for such analysis will be listed in the application for cooperative agreement. A worker will be notified (by the recipient) of his/her individual results from any medical examinations and tests, along with recommendations for follow-up.

3. Submit to NIOSH a draft final report of the initial visit or full-scale investigation in a format specified by NIOSH including:

a. The identification of potentially toxic substances or agents;

b. The concentration of those substances; and

c. The judgment of the recipient, and basis for such judgment, as to whether substances present have toxic effects at the concentration used or found.

All information obtained during the HHE will become official Government property and will be transmitted to NIOSH to become part of the official Government file. All information obtained during the investigations will be made available by NIOSH to the recipients insofar as the information is available to the public. NIOSH will publish the final HHE report. The recipient shall not disclose trade secret information to anyone except NIOSH.

4. Provide reports, as required, and participate in joint annual reviews of the program with NIOSH, as requested.

B. NIOSH will:

1. Review and approve the plan to increase awareness of the HHE program.

2. Receive and screen HHE requests, assess the validity of the request, assign the request to the appropriate organization, and notify the requester of the assignment.

3. Participate and collaborate in the initial site visit if there are problems involving right of entry or for other appropriate reasons.

4. Review and publish the initial report prepared by the recipient to be sent to the employee representative and employer.

5. Review and approve the protocol for a follow-up visit prior to initiation of the full-scale investigation.

6. Collaborate in the development of environmental sampling and analytical methods where NIOSH has a unique capability or where no current methods exist.

7. Conduct a follow-up visit to the workplace if necessary due to problems with access to medical records, to problems securing access to workplaces, or when NIOSH participation is necessary.

8. Analyze environmental and biological samples for special situations in which NIOSH has unique capabilities.

9. Review, publish, and distribute the final report.

10. Conduct a joint review of program activities annually with recipients.

Eligibility Requirements

Eligible applicants are limited to State health departments. NIOSH, CDC, will award HHE Cooperative Agreements to State health departments with the following characteristics:

A. State health departments with considerable experience in conducting occupational health evaluations (similar to NIOSH HHEs) and with existing industrial hygiene and medical staff capable of doing these evaluations.

B. State health departments currently with a limited occupational health program, but who wish to expand this program to conduct HHEs. These departments may currently have staff

capable of conducting HHEs but would need to expand this staff to be able to carry out the work under this cooperative agreement.

C. State health departments with little or no occupational health program who have only limited staff available for conducting HHEs. These departments would need considerable initial assistance from NIOSH to develop an occupational HHE program.

Availability of Funds

In Fiscal Year 1984, up to $200,000 will be available for one to three cooperative agreements to conduct this demonstration.

Methods and Criteria for Review

Applications will be reviewed by a CDC ad hoc review group. Scientific and technical merit will be evaluated in accordance with the previously stated "Eligibility Requirements" and the following criteria:

—Relevance of the proposal to the purpose and objectives of this cooperative agreement program;
—Technical merit of the proposed approach to the problem;
—Training, experience, and research competence of the proposed project director and staff;
—Adequacy of the methodology or experimental design and approach;
—Suitability of the facilities;
—Appropriateness of the requested budget relative to the work proposed;
—Capability of the applicant to carry out the tasks involved in the HHE program;
—Soundness and innovation of the proposed approach to the range of activities presented in the HHE program contained in this announcement;
—Capability of applicant's administative structure to foster successful scientific and administrative management and to use this cooperative agreement to complement and to increase other occupational health capabilities of the State;
—Suitability of any proposed contractors;
—Adequacy of the proposed time frame to meet and complete NIOSH requested HHEs;
—Diversity of types of industries and potential HHE requesters in the geographic areas proposed to be served; and
—Absence of real or potential conflicts of interest.

Applicants neet not have an extensive occupational health program currently conducting occupational health evaluations. One of the purposes of this program is to help develop such programs.

NIOSH will provide, insofar as possible, consultation to all who desire it concerning the preparation of an application or any other matter relevant to this program. The inability to provide such consultation cannot, however, justify extension of the deadline for receipt of applications or any other special consideration.

Submission of Applications

The original and two copies of the application must be submitted on or before 4:30 p.m. (e.s.t.), March 12, 1984, to Mr. Leo A. Sanders at the address given under "For Further Information Contact." Applicants may meet the deadline by either delivering or mailing the application on or before that date, provided the following conditions are met:

1. *Mailed applications.* Applications mailed through the U.S. Postal Service will be considered as meeting the deadline if they are either:

a. Received on or before the deadline date by Mr. Sanders, or

b. Sent by first class mail, postmarked on or before the deadline date, and received by Mr. Sanders in time for submission to the ad hoc review group. (Applicants should request and obtain a legible Postal Service postmark or use U.S. Postal Service express mail, certified mail, or registered mail, and obtain a legible dated mailing receipt from the U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

2. *Applications submitted by other means.* Applications submitted by any means except mailing first class through the U.S. Postal Service will be considered as meeting the deadline only if they are physically received at the CDC Atlanta address under "**FOR FURTHER INFORMATION CONTACT**" before close of business on or before the deadline date (4:30 p.m. e.s.t., March 12, 1984).

3. *Late applications.* Applications which do not meet the criteria in either paragraph 1. or 2. above will be considered late, will not be considered, and will be returned to the applicant.

For Further Information Contact

For application procedures and forms: Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, Atlanta, Georgia 30333, Telephone: (404) 262–6575 or FTS 236–6575.

For technical information and assistance: James M. Melius, M.D., or Jerome Flesch, Division of Surveillance, Hazard Evaluations and Field Studies, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati Ohio 45226, Telephone: (513) 684–4382 or FTS 684–4382.

(This program is described in the Catalog of Federal Domestic Assistance Program No. 13.262, Occupational Safety and Health Research Grants.)

Dated: February 3, 1984.

J. Donald Millar,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 84–3976 Filed 2–13–84; 8:45 am]

BILLING CODE 4160–19–M

Office of Human Development Services

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part D of the statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Office of Human Development Services (OHDS) (45 FR 64253). It is intended to (1) revise the statement for the Immediate Office of the Assistant Secretary for Human Development Services (ASHDS) with the addition of a new Office of Regional Operations, (2) consolidate the functions of the Regional Offices of the Office of Human Development Services by abolishing the regional Office of Program Coordination and Review (regional program office statements remain as published at 45 FR 64267, 46 FR 63386 and 48 FR 49698), (3) replace the Office of Program Coordination and Review with a new Office of Policy and Legislation (OPL) having responsibility for policy, legislation, and special program activities, (4) rename the Office of Policy Development to the Office of Program Development (OPD) with the addition of program systems, evaluation, and statistical analysis responsibilities, (5) revise the Office of Management Services (OMS) with the addition of formula grant management functions, (6) reorganize the Administration for Children, Youth, and Families (ACYF) into three program bureaus and one unified staff office, and (7) make minor modifications to the Administration on Aging (AoA) (47 FR 54552) to move responsibility for short range plans and internal staff development to the Division of Management and Budget, to move the statistical analysis function from the Division of Program Analysis to the Division of Technical Information and Dissemination, and to remove the separate public liaison function. The

following changes are to be made to implement the above:

1. Part D, Chapter DA, "The Office of the Assistant Secretary for Human Development Services", as published in the Federal Register on September 29, 1980 (45 FR 64256), is to be deleted in its entirety and replaced by the following:

DA.00 Mission. The Office of the Assistant Secretary for Human Development Services (HDS) advises the Secretary and Under Secretary on and provides leadership and direction to human services programs for such groups as the elderly, children, youth, families, Native Americans, persons living in rural areas, handicapped persons, and public assistance recipients. Recommends to the Secretary actions and strategies which improve coordination of human services programs among HHS programs, other Federal agencies, State and local government, and private sector organizations. Directs, coordinates, manages and provides leadership in planning and developing HDS programs; supervises use of research and impact evaluation funds; and promotes the development of simplified and coherent human services delivery systems. Provides support and coordination for key advisory bodies. Controls equal employment opportunity and civil rights policies and programs for HDS. Directs public affairs, regional operations, and correspondence and assignments tracking activities.

DA.10 Organization. The Office of the Assistant Secretary for Human Development Services is headed by the Assistant Secretary for Human Development Services (ASHDS), who reports directly to the Secretary, and consists of:

Immediate Office of the Assistant Secretary for Human Development Services
Office of Public Affairs
Office of Regional Operations
Executive Secretariat
Office of Equal Opportunity and Civil Rights
President's Committee on Mental Retardation
Federal Council on Aging

DA.20 Functions. A. The Immediate Office of the Assistant Secretary for Human Development Services provides executive direction, leadership and guidance to all HDS headquarters and regional components. ASHDS jointly administers the WIN program with the Assistant Secretary for Employment and Training, DOL. Together, they form the WIN National Coordinating Committee (NCC) to effectively administer WIN nationally. The NCC establishes and clarifies policies, uniform reporting procedures and other requirements for the joint HHS and DoL program. Serves as the Director of Equal Employment Opportunity for HDS. The Deputy Assistant Secretary (DASHDS) acts as the Assistant Secretary in the absence of the ASHDS.

B. Office of Public Affairs assists the ASHDS, Program Commissioners, and Staff Office Directors in the formulation and development of policy having public information and education implications. Provides advice on strategies and approaches to be used to improve public understanding of and access to HDS programs and policies. Represents the ASHDS and Program Commissioners in discussions of major policy issues relating to public affairs. Directs the preparation of speeches, statements, and other information materials. Develops and implements a comprehensive public affairs plan for HDS. Reviews and evaluates the effectiveness of public information and education programs in HDS and recommends improvements in scope, operational approach, and policy direction of such programs. Provides technical leadership and services on public information, printing, mailing and education to HDS staff and programs in both central and regional offices. Recommends approaches for meeting internal and external communications needs of the HDS. Acts as focal point for clearance of all publications and audio-visual projects whether produced in house or by contract or grant.

Plans, organizes and administers the HDS public information program consistent with policy direction established by the Assistant Secretary for Public Affairs and serves as liaison with that office. Coordinates HDS public affairs activities with other parts of the Department of Health and Human Services, Federal agencies, States and local organizations, and other interested parties with related functions. Works to ensure sound and effective relations with the public served or affected by the activities of HDS and to encourage participation in HDS programs through effective public information programs. For the development and execution of public communications of concern to HDS, serves as the HDS liaison to the press, radio, TV, professional journals, the White House, the Office of the Secretary/HHS, OASPA, and other government and non-government agencies.

Directs the audio-visual and publication management and distribution system for HDS. Reviews and approves requests for proposals for contracts and grants which involve publications, audio-visual materials, and/or public information and education activities. Provides centralized marketing, printing, distribution, management and graphics design services to HDS. Serves as the Freedom of Information Office for HDS.

C. Office of Regional Operations serves as HDS national focal point for regional liaison and central office coordination on region-related matters; develops and manages processes for liaison between HDS regional offices and the Assistant Secretary and program and staff offices in headquarters; supervises and supports the Regional Administrators in administering regional office activities and establishing and implementing cross-cutting program initiatives.

Monitors regional involvement in operational planning initiatives and maintains liaison with central office/regional office activities to assure fulfillment of HDS and HHS goals and objectives; collects and analyzes information on program status and administrative issues from the regional and central office staff for submission to the ASHDS; advises ASHDS of problems that prevent the regional offices from carrying out the mission of HDS and the Department.

Develops and implements systems and procedures for communicating with the regional offices and monitoring and evaluating regional office operations; collects and analyzes information and justifications prepared by the regions for personnel, salaries and expenses, and general management decisions; establishes coordinative arrangements and procedures to assure that the RAs' can oversee operations, fulfill reporting burdens, and have access to needed information; develops performance appraisal standards for the RAs and collects and provides information to ASHDS and the ORO Director on RAs' performance.

Develops and maintains HDS master calendar of field events and compiles briefing material for site visits by the ASHDS, the ORO Director, and other HDS and HHS officials; schedules and participates in regional management conferences.

D. Executive Secretariat ensures that issues requiring the attention of the ASHDS, DASHDS, or HDS Executive Staff are developed on a timely and coordinated basis. Facilitates decisions on matters requiring immediate action including White House and Secretarial assignments. Serves as HDS liaison to HHS Executive Secretariat. Receives, assesses, and controls incoming correspondence and assignments and

delegates them to the appropriate HDS unit(s) for response and action. Provides assistance and advice to HDS staff on the development of responses to correspondence and on the content and style of special assignments. Tracks development of periodic reports and facilitates Departmental clearance. Exercises quality control for all major written products for the ASHDS and DASHDS signature.

E. Office of Equal Opportunity and Civil Rights provides direction and leadership on equal employment opportunity and civil rights policies and programs for the HDS; plans, develops and evaluates programs and procedures designed to eliminate discrimination in employment, training, incentive awards, promotion, and career opportunities. Assures non-discriminatory implementation and operation of Federally supported HDS programs and projects; assures the prompt and fair adjudication of discrimination complaints and provides staff support to the ASHDS in processing and preparing final decisions on EEO complaints. In cooperation with HDS program and staff offices develops, implements and monitors the HDS affirmative action plan. Develops and implements evaluations designed to assess overall EEO program progress. Maintains liaison with various non-Federal organizations and State and local governments concerned with equal opportunity and civil rights; represents minorities, handicapped individuals and women by identifying particular problems and recommending solutions related to their employment, career development, and upward mobility.

Implements the Disadvantaged Enterprise program as mandated under section 8(a) program through conferences, seminars and presentations. Develops, in conjunction with HHS Office for Civil Rights (OCR), a civil rights operating plan that delineates civil rights management responsibilities and monitoring activities to assure civil rights compliance by all recipients of HDS funds. Develops civil rights procedures for implementing Departmental civil rights policies in HDS program reviews and audits to assure that benefits and services are delivered equitably to eligible minorities, women, and handicapped persons. Serves as HDS liaison with the HHS Office for Civil Rights, the HHS EEO Office, the HHS Office of Small and Disadvantaged Business Utilization, and the Assistant Secretary for Personnel on related responsibilities.

F. The President's Committee on Mental Retardation Staff provides general staff support for a Presidential-level advisory body, the President's Committee on Mental Retardation. Coordinates all meetings and hearing arrangements. Provides such advice and assistance in areas of mental retardation as the President or Secretary may request. Prepares and issues an annual report to the President concerning mental retardation and such additional reports or recommendations as the President may require or as PCMR may deem appropriate. Evaluates the national effort to combat mental retardation. Works with other Federal, State, and local government and private sector organizations to achieve Presidential goals in mental retardation. Develops and disseminates information to raise public awareness of mental retardation, to reduce its incidence, and to ameliorate its effects.

G. Federal Council on Aging Staff provides general staff support for a Presidential-level advisory body, the Federal Council on Aging. Provides all meeting and hearing arrangements. Prepares an annual report for Congress and such other reports as are authorized by the Federal Advisory Committee Act. Conducts or supervises the production of studies, research, or analysis of various matters affecting the elderly as background for Council deliberations and recommendations.

2. Part D, Chapter DD, Sections DD.00, DD.10, and DD.20 A,B,&C of "The Regional Offices of the Office of Human Development Services", as published in the **Federal Register** on September 29, 1980 (45 FR 64267), are to be deleted and replaced by the following:

DD.00 Mission. The Regional Offices of the Office of Human Development Services constitute an intermediate operational level in the administration of programs for older Americans, children, youth, families, the developmentally disabled, and Native Americans between the central office and State and local governments and other organizations. Award grants and contracts directly or recommend approval/disapproval to the appropriate central office organization to carry out the HDS mission. Assist State and local governments and other organizations in the administration of HDS programs; and monitor such administration to assure adherence to fiscal and program objectives and applicable policies, regulations, and procedures.

Coordinate HDS program activities with other components of HHS and with other Federal programs so maximum benefit can be derived from the programs for the recipients of services. Make recommendations to HDS central office on fiscal matters, on program priorities, and on policy or procedural changes based on operating experience gained from the vantage point close to the actual delivery of services. Provide consultation and technical information on HDS matters to State and local units of government, State and local agencies, provider agencies, national organizations, educational institutions, and public interest groups in the region. Provide assistance to help States improve effectiveness and efficiency of program operations and meet program requirements. Promote comprehensive social and human services planning and services delivery in the region. Represent the Assistant Secretary for Human Development Services (ASHDS), as appropriate and as assigned, on activities related to the HDS mission.

DD.10 Organization. The Regional Offices of the Office of Human Development Services are each headed by a Regional Administrator (RA), who reports to the Director, Office of Regional Operations, and consist of:

Office of the Regional Administrator
Office of Fiscal Operations
Office on Aging
Office for Children, Youth, and Families
Office on Developmental Disabilities
Office for Native Americans (Region X only)

DD.20 Functions A. Office of the Regional Administrator, as the representative of the ASHDS in the Regions, provides executive leadership to the HDS regional office by interpreting and implementing ASHDS policy. In accordance with delegations, regulations, and policies established by the Central Office, oversees the administration of the Social Services Block Grant (SSBG) and programs of the Administration for Children, Youth, and Families, the Administration on Developmental Disabilities, and, in Region X, the Administration for Native Americans. Provides Departmental oversight and administrative and other support to the Administration on Aging; integrates AoA activities into other regional operations. Serves as a member of the Work Incentive Program (WIN) Regional Coordination Committee, with the Regional Administrator of the Employment and Training Administration, Department of Labor, and reviews and approves State WIN plans consistent with directives of the National Coordination Committee.

Serves as the focal point for interaction with the other HHS regional units, HDS central office, and State

Agencies. In concert with the Regional Director and HDS program units, represents the ASHDS in establishing working relationships and coordinating with other Federal agencies, State and local governments and public and private interest groups. Tracks State legislation related to HDS program interests.

Coordinates with private organizations, the volunteer community and other public entities to identify and prioritize community needs and mobilize private sector and volunteer resources; stimulates new and expanded projects between the public/private sectors and volunteer groups. Serves as the focal point in HDS for such concerns as volunteer development, consumer affairs and other special emphases programs.

Provides leadership to HDS units in the development and implementation of long range plans and the regional joint operating plan. In cooperation with the regional program units, develops and implements cross-cutting initiatives; assesses their effectiveness; and reports to the ASHDS through the Director, Office of Regional Operations, on implementation. Manages the regional Management Review System in support of the HDS Operational Planning System and other cross-cutting and program specific initiatives. Coordinates special projects with the HHS Regional Director and other appropriate organizations.

In coordination with regional and headquarters staff, develops a strategy for regional program reviews and leads/participates in cross-cutting program reviews of financial management and program operations in States and grantee organizations with the regional program staff. As requested, provides assistance to States in program administration, management systems, training needs and policy implementation. Identifies exemplary management techniques and provides leadership in the transfer of technology between States.

Provides program supervision and applies policy and other requirements to the regional administration of the elderly as background for Council deliberations and recommendations.

2. Part D, Chapter DD, Sections DD.00, DD.10, and DD.20 A of "The Regional Offices of the Office of Human Development Services", as published in the **Federal Register** on September 29, 1980 (45 FR 64267), are to be deleted and replaced by the following:

DD.00 Mission. The Regional Offices of the Office of Human Development Services constitute an intermediate operational level in the administration of programs for older Americans, children, youth, families, the developmentally disabled, and Native Americans between the central office and State and local governments and other organizations. Award grants and contracts directly or recommend approval/disapproval to the appropriate central office organization to carry out the HDS mission. Assist State and local governments and other organizations in the administration of HDS programs; and monitor such administration to assure adherence to fiscal and program objectives and applicable policies, regulations, and procedures.

Coordinate HDS program activities with other components of HHS and with other Federal programs so maximum benefit can be derived from the programs for the recipients of services. Make recommendations to HDS central office on fiscal matters, on program priorities, and on policy or procedural changes based on operating experience gained from management. Facilities managerial training and staff development. Directs and supervises planning for and implementation of regional HDS Equal Employment Opportunity, Affirmative Action, and Civil Rights programs.

In coordination with headquarters Division of Data Processing and program units, develops regional program information data system for use by the State and regional office program units; assesses need for new WP/DP applications; and implements and monitors procedures for automation of priority applications.

In certain regions, some of the above functions will be carried out by a discrete management unit in the RA's office.

B. Office of Fiscal Operations provides financial management services for all HDS discretionary, formula, and block grant programs under the direct supervision of the RA. Participates in joint planning, development, and operations for program and cross-cutting fiscal activities and performs financial management services. Carries out HDS national and regional fiscal initiatives under the regional Management Review System.

In coordination with regional program components, reviews estimates and budget projections for all HDS formula grant programs for the RA, including WIN–SAU grants and financial expenditure reports, which are jointly reviewed by the Department of Labor as part of the WIN RCC. Reviews State cost allocation plans in coordination with the Regional Administrative Support Center (RASC). Coordinates with regional program components to develop strategies for joint monitoring of grantee compliance with fiscal and financial management requirements. Recommends resolution of audit exceptions. Maintains liaison with the RASC, regional HHS Audit staff, and other appropriate public and private groups.

Conducts financial reviews in coordination with regional program components. Makes recommendations to the RA, program offices, and other appropriate HDS officials to approve, defer, or disallow claims for Federal financial participation by grantees under all HDS formula grant programs and approves or disallows costs under HDS discretionary grant programs. Initiates alerts of impending formula grant disallowance from regional office for forwarding to the Under Secretary's office. Prepares HDS support materials for disallowed claims being reconsidered by the Departmental Grants Appeals Board.

Plans, directs, monitors and provides assistance on financial management activities for all HDS regional grants. Provides guidance to grantees, State and local agencies, and others on interpretating financial management policies and regulations; determining allowability of expenditures; planning and implementing reviews; conducting studies; and providing assistance to State and local agencies on management reporting and contracting. Conducts studies and provides guidance on reporting systems, purchase of services practices, business and economic development activities, and the adoption of improved management and administrative methods and practices. Assures compliance of financial management activities with the HHS Grants Administration Manual, laws, regulations, policies, and procedures.

3. Part D, Chapter DE, "The Office of Program Coordination and Review", as published in the **Federal Register** on September 29, 1980 (45 FR 64259), is to be deleted in its entirety and replaced by the following:

DE.00 Mission. The Office of Policy and Legislation (OPL) serves as the principal policy arm to the Assistant Secretary for Human Development Services (ASHDS). As such has lead responsibility for policy, legislation and special programs. Proposes and manages private sector and other policy initiatives on behalf of ASHDS. Recommends and advises the ASHDS on all matters of policy in HDS. Ensures consistency with overall Administration, Departmental, and HDS policies for all HDS programs, including discretionary activities. Identifies, analyzes and recommends solutions to policy issues

affecting HDS programs. Reviews and clears all policy relevant material. Develops and implements policies to administer the Social Services Block Grant. Serves as the principal manager for Congressional and legislative activities affecting HDS. Manages all activities necessary to carry out HDS responsibilities for emergency preparedness programs.

DE.10 Organization. The Office of Policy and Legislation is headed by a Director, who reports directly to the ASHDS, and consists of:

Office of the Director
Division of Policy
Legislative Support Staff
Emergency Preparedness Staff
Office of Private Sector Initiatives

DE.20 Functions. A. Office of the Director provides direction and executive leadership to OPL in the administration of its responsibilities. Is the principal advisor to the ASHDS on all policy-related matters in HDS. Serves as the focal point for legislative activities affecting HDS, development and coodination of program policies, policy analysis and control, private sector initiatives and emergency preparedness planning. Reviews the policy implications of all discretionary grant priority statements, grant announcements, preapplications and applications, and makes recommendations on funding decisions.

B. Division of Policy serves as the focal point for developing HDS policy and for reviewing and ensuring consistency of policies among program administrations and staff offices; implements HDS policy responsibilities for management. Facilitates managerial training and staff development. Directs and supervises planning for and implementation of regional HDS Equal Employment Opportunity, Affirmative Action, and Civil Rights programs.

In coordination with headquarters Division of Data Processing and program units, develops regional program information data system for use by the States and regional office program units; assesses need for new WP/DP applications; and implements and monitors procedures for automation of priority applications.

In certain regions, some of the above functions will be carried out by a discrete management unit in the RA's office.

1. Office of Fiscal Operations provides financial management services for all HDS discretionary, formula, and block grant programs under the direct supervision of the RA. Participates in joint planning, development, and operations for program and cross-cutting fiscal activities and performs financial management services. Carries out HDS national and regional fiscal initiatives under the regional Management Review System.

In coordination with regional program components, reviews estimates and budget projections for all HDS formula grant programs for the RA, including WIN–SAU grants and financial expenditure reports, which are jointly reviewed by the Department of Labor as part of the WIN RCC. Reviews regional offices, and HDS constituencies on policy and procedures for issuing HDS policy materials.

Represents HDS in the Department in matters relating to the implementation of all HHS block grant programs. Identifies policy/regulation issues for regulatory/legislative proposals and participates with other OPL staff in the analysis and development of legislative proposals pertaining to SSBG. Writes regulations pertaining to the SSBG and other cross-cutting areas. Responds to policy related complaints and requests for waivers under the SSBG. Analyzes and disseminates findings concerning SSBG pre-expenditure and other reports; proposes SSBG initiatives; and serves as contact point for all inquiries regarding SSBG.

Identifies, analyzes, writes issue papers, and recommends solutions to cross-cutting policy issues affecting HDS programs; responds to a variety of policy related requests for information on HHS programs; reviews and recommends action on all HDS inter-agency agreements; is responsible for HDS' environmental review activities; and coordinates the implementation of HDS Privacy Act requirements.

C. Legislative Support Staff serves as the principal manager of Congressional liaison and legislative development activities in HDS; counsels and advises ASHDS and Program Commissioners on various aspects of Congressional relations and legislative policy, and provides technical assistance and support to HDS program and staff offices; represents HDS in Departmental legislative development activities; manages legislative planning cycle for HDS, including the development of HDS legislative options; manages the preparation of testimony and backup material on HDS programs, policies, and legislative proposals for presentation before the Congress; monitors herings and other Congressional activities which affect HDS, and initiates legislative policy development in response. Manages requests for information generated in Congressional hearings.

Serves as HDS liaison with the Office of the Assistant Secretary for Legislation and coordinates Congressional relations activities with that Office; coordinates development of information and technical assistance provided to Congressional committees, members of Congress and their staffs; and clears all materials going to the Congress for consistency with HDS legislative policy; coordinates development of HDS policy on legislative issues in response to requests from the Department, including bill reports and other legislative position papers sent to HDS for response; assists in responding to constituent group concerns about legislation which affects HDS programs; assists in implementation of legislative initiatives and identifies policy issues for ASHDS and program resolution. Provides briefing materials and other staff support for ASHDS meetings with Congressional members and staff.

D. Emergency Preparedness Staff in cooperation with related Federal Departments, manages and directs activities relating to the internal planning, coordination and implementation of the Emergency Preparedness program. Serves as the focal point to the ASHDS for staff work to the Principal Working Group on Social Services, a component of the Emergency Mobilization Preparedness Board, and manages the ongoing responsibilities of that Principal Working Group. In coordination with related Departments, raises issues and develops and recommends plans of action that provide the President options for meeting Federal requirements during natural disasters and other national emergencies. Develops policies and procedures for use in responding to the emergency welfare needs of persons that are currently considered dependent and those that are temporarily dependent due to the emergency. In cooperation with HDS program offices, designs and coordinates the Emergency Preparedness response to Executive Order 11490 for National Emergencies through HHS Emergency Coordinators Offices. Develops plans for approval and manages emergency teams required to support the Department's response procedures.

E. Office of Private Sector Initiatives as representative of the OPL Director and the ASHDS, serves as the principal HDS resource for information and expertise on the private sector initiative within HDS. Increases the participation of private sector organizations and individual volunteers or volunteer agencies in meeting human service

needs within their communities by working to strengthen communication and successful partnerships between private sector leaders to identify and prioritize community needs. Stimulates new and expanded private sector and volunteer resources and projects by publicizing and promoting models and examples of successful public/private partnerships.

Provides technical assistance, training, guidance, and leadership in the administration and management of the private sector initiative. In cooperation with HDS central and regional office units, develops strategies and plans to mobilize private sector staff and resources to support human service programs which encourage and foster individual self-reliance and economic independence.

When HDS target populations and programs are affected, maintains liaison and participates with the Office of the Secretary, other Federal agencies, State and community agencies, service providers, private sector organizations, and volunteers in the implementation of public/private sector initiative activities.

Reviews HDS discretionary fund applications for private sector implications. Recommends candidates for employee volunteer awards and recommends profit, non-profit, individual, and group awards for community private sector projects within the HDS program areas.

Represents within HDS such concerns as volunteer development, consumer affairs, and other areas of special emphasis related to the private sector initiative; provides leadership and direction to HDS regional offices in the implementation of State and local activities designed to address these concerns; responds to inquiries on the goals, objectives, and activities of the HDS private sector initiative; prepares or provides input to reports or reporting requirements.

4. Part D, Chapter DU, "The Office of Policy Development", as published in the **Federal Register** on September 29, 1980 (45 FR 64264), is to be deleted in its entirety and replaced by the following:

DU. Mission. The Office of Program Development (OPD) is a staff office for the ASHDS, responsible for managing the planning, research, evaluation, program systems, statistical analysis and reporting activities within HDS. Plans, develops and monitors strategies promoting HDS program and management directions; manages agency-wide planning systems for determining organizational goals and objectives and for setting priorities.

Recommends HDS programmatic activities and formulates crosscutting HDS initiatives; establishes and implements a management review and decision-making system for monitoring progress on priority activities; and establishes strategies for HDS planning system needs; coordinates HDS plans with other Federal agencies; analyzes information produced by State agencies and other sources and provides information to assist program offices in better planning.

Oversees the planning and management of all HDS program discretionary resources; manages all phases of the Coordinate Discretionary Program (for research, demonstration, evaluation, training and technical assistance funds); advises the ASHDS on research and demonstration issues; coordinates the development of priority areas for funding; reviews all unsolicited proposals; oversees the awards process; disseminates project results; develops and monitors compliance with the annual HDS procurement plan; reviews all 8–15 consultant services contracts for procurement policy compliance; coordinates international interests with HDS programs.

Provides broad HDS statistical, economic, operations research and system analyses; promotes grantee management systems improvements; develops discretionary funds program priorities for management systems improvements; assists State and local providers to improve their human services management information and evaluation systems, forecasting models, data bases, statistical activities, and approves State and local systems efforts using Federal funds. In coordination with program units, plans, develops, and submits the HDS Information Collection Budget (ICB) to the Department and OMB and controls the ICB passback and burden.

D. Emergency Preparedness Staff in cooperation with related Federal Departments, manages and directs activities relating to the internal planning, coordination and implementation of the Emergency Preparedness program. Serves as the focal point to the ASHDS for staff work to the Principal Working Group on Social Services, a component of the Emergency Mobilization Preparedness Board, and manages the ongoing responsibilities of that Principal Working Group. In coordination with related Departments, raises issues and develops and recommends plans of action that provide the President options for meeting Federal requirements during natural disasters and other national emergencies. Develops policies and procedures for use in responding to the emergency welfare needs of persons that are currently considered dependent and those that are temporarily dependent due to the emergency. In cooperation with HDS program offices, designs and coordinates the Emergency Preparedness response to Executive Order 11490 for National Emergencies through HHS Emergency Coordinators Offices. Develops plans for approval and manages emergency teams required to support the Department's response procedures.

E. Office of Private Sector Initiatives as representative of the OPL Director and the ASHDS, serves as the principal HDS resource for information and expertise on the private sector initiative within HDS. Increases the participation of programmatic issues of special concern to the ASHDS; identifies and proposes new or revised planning options or priorities; identifies and proposes new or revised long-term objectives and crosscutting initiatives for HDS; develops alternative strategies for achieving these objectives; represents HDS in identifying, developing, or recommending program development and/or planning strategies for inter and intra Departmental initiatives. As requested, represents HDS in negotiations with the department or other Federal agencies regarding these issues.

Develops, recommends and implements an HDS-wide comprehensive and coordinated planning system for use by HDS, including strategic and operational planning for HDS program and management activities and accommodating key milestones related to programmatic, budgetary, and legislative planning, discretionary funding and other operational planning requirements; develops draft annual planning guidance for the ASHDS.

Provides guidance and technical assistance to HDS in developing operational plans, particularly in developing measurable objectives and indicators reflecting program and organizational performance.

Develops, recommends and implements a management review system for the purpose of assessing organizational progress in implementing priorities and encouraging appropriate action by managers at all levels; provides analysis of individual organizations and HDS-wide progress; identifies problems and issues for action by the ASHDS and Senior Staff; suggests alternatives for resolving issues where progress is unsatisfactory and provides the ASHDS with

recommendations to facilitate decision-making.

Identifies and recommends strategies aimed at promoting improved practices in State and local government planning and priority setting systems; initiates transfer of exemplary State/local planning strategies, system and models; interacts with national planning organizations and other relevant bodies to promote the development of innovative and effective planning systems and creative use of resources; manages discretionary funds projects with significant planning implications, analyzes results and disseminates findings within HDS and to outside planning networks; coordinates activities among HDS programs and other Federal agencies to promote and strengthen cooperative planning for the improved use of Federal human services resources in priority areas of interest to HDS; represents HDS interest and negotiates with planning staff and program managers of other Federal agencies on behalf of HDS and its agenda.

C. Division of Research and Demonstration manages the HDS Coordinated Discretionary Program and provides guidance and oversight to other HDS programs in the conduct of categorical discretionary programs; provides advice to the ASHDS, Program Administrations and grantees on R&D issues and methodologies; identifies major human services issues which may require R&D intervention. In cooperation with program offices, develops the R&D and discretionary funds planning guidance to be used by those offices in developing their discretionary plans; reviews and recommends approval of R&D and discretionary plans prepared by the Program Administrations; prepares the annual HDS discretionary funds plan; with OMS and OPL, reviews and clears all HDS discretionary program announcements for compliance with the discretionary funds plan; develops for publication in the **Federal Register**, the annual program announcement for the HDS Coordinated Discretionary Program; reviews, approves and tracks all contracts requiring 8–15 clearance; reviews and recommends action on all unsolicited proposals received within HDS; manages the process for receipt, review, and selection of applications for funding under the HDS Coordinated Discretionary Program; insures the compliance of all grant awards with the Discretionary Plan; tracks overall progress of projects funded under the HDS Coordinated Discretionary Program.

Provides Government Project Officers for R&D projects of special interest to the ASHDS; insures that products of R&D projects are disseminated to human service providers.

Develops management systems to improve the efficiency and quality of HDS Discretionary programs. Directs the HDS International Affairs Programs to: transfer knowledge through research and demonstration; promote the exchange of experts (U.S. and International); and coordinate HHS involvement in international organizations and meetings. Insures that all international activities supported by HDS address the ASHDS' goals and objectives.

D. Division of Program Analysis and Evaluation provides national leadership and expertise for the human services field through the development, formulation and application of advanced analytical techniques to complex statistical and programmatic data bases incorporating analysis of these data against national HDS policies and related U.S. economic variables; directs and manages the HDS national program systems and evaluation activities. Formulates national decision analyses, applying quantitative and evaluative methods to a wide range of policy success indicators, including socio-demographic characteristics, social service allocations, client population targeting and program cost-effectiveness; conducts research to discover the economic impact of HDS programs on localities and to study HDS policy in relation to economic trends.

Develops and manages major economic studies which generate statistical socio-economic population data for all HDS programs and interprets the results of these studies in terms of economic theory; creates an integrated data base management system, provides national statistical expertise in the analyses of crosscutting HDS programs, furnishes technical support to HDS staff, regions and States, and advises HDS personnel on the economic implications of their particular programs; considers both the economic well-being of HDS services recipients and the related aspects of the development of the U.S. economy; evaluates HDS programs and provides input for budget recommendations; conducts research on the relationship of HDS programs and socio-economic dependency within the context of national economic policy in those program areas.

Develops broad HDS program systems strategy/policy; manages national systems conferences/workshops and evaluation guidelines; reviews and manages the State and local program systems development requests for Federal Financial Participation and coordinates efforts with OS, HCFA, SSA, PHS, and program bureaus; manages award process for selected areas including systems and evaluation grants and consults on grants managed by others.

Chairs the HDS Statistical Coordination Group and participates in inter-and intra-agency statistical conferences and committees involving national and State levels as well as the Federal agencies of OMB and Census Bureau; directs and manages the HDS Statistical Budget process including justifications and coordination of all requirements for HDS programs.

Serves as the primary HDS control point with the Department and OMB for all matters pertaining to OMB reports clearance functions and Pub. L. 96–511, the Paperwork Reduction Act; maintains national leadership with outside groups for human services statistical reporting matters and economic analyses; insures HDS representation at Departmental/Agency meetings including ASPE and ASMB regarding statistical, microsimulation, evaluation and information systems matters. 5. Part D, Chapter DB, "The Office of Management Services", as published in the **Federal Register** on September 29, 1980 (45 FR 64264), is to be deleted in its entirety and replaced by the following:

DB.00 Mission. The Office of Management Services (OMS) advises the Assistant Secretary for Human Development Services in the areas of internal administration and management of HDS and of Federal financial participation with State and local grantees. Under guidance from and with the approval of the ASHDS and in collaboration with the HDS program administrations, provides leadership and direction to administrative and management activities throughout HDS, including: budget, finance, personnel, grants and contracts, procurement, material and facilities management, management systems, data processing, and similar administrative supporting services. In response to ASHDS priorities and instructions, develops HDS policies and procedures for effective and efficient administration and management of financial and personnel resources and directs all centralized administrative and management services. Conducts management analysis and systems development activities for HDS. Provides technical assistance and guidance to Central and Regional Office

units in the development, implementation and maintenance of administrative systems.

DB.10 Organization. The Office of Management Services is headed by a Director, who reports directly to the Assistant Secretary for Human Development Services, and consists of:

Office of the Director
Management Systems Analysis Staff
Division of Budget
Division of Grants and Contracts Management
Division of Personnel
Division of Administrative Services
Division of Data Processing

DB.20. Functions. A. Office of the Director directs and coordinates all elements of the Office of Management Services; provides guidance and services to all programs and components of HDS, in accordance with HHS and other federal policy, in the areas of grants and contracts, budget, finance, personnel, management systems, data processing, and administrative services. Initiates new and revised operational plans for OMS activities and ensures program International Affairs Programs to: transfer knowledge through research and demonstration; promote the exchange of experts (U.S. and International); and coordinate HHS involvement in international organizations and meetings. Insures that all international activities supported by HDS address the ASHDS' goals and objectives.

D. Division of Program Analysis and Evaluation provides national leadership and expertise for the human services field through the development, formulation and application of advanced analytical techniques to complex statistical and programmatic data bases incorporating analysis of these data against national HDS policies and related U.S. economic variables; directs and manages the HDS national program systems and evaluation activities. Formulates national decision analyses, applying quantitative and evaluative methods to a wide range of policy success indicators, including socio-demographic characteristics, social service allocations, client population targeting and program cost-effectiveness; conducts research to discover the economic impact of HDS programs on localities and to study HDS policy in relation to economic trends.

Develops and manages major economic studies which generate statistical socio-economic population data for all HDS programs and interprets the results of these studies in terms of economic theory; creates an integrated data base management system, provides national statistical expertise input, performs assessments of information, word processing, paper work processing, reporting and other systems needs in HDS components. Conducts planning, scheduling, and review of OMS management improvement projects.

B. Division of Budget in coordination and consultation with other staff offices and program units, consolidates, formulates, and presents budget estimates and forecasts of resources relating to the direction and coordination of the financial resources of HDS; executes apportionment documents; participates in planning, directing, and coordinating financial and budgetary programs of HDS. Provides guidance to HDS staff units and program administrations in preparing budgets, justifications, and other budgetary materials. Coordinates with HDS offices on individual budgets for preparation of a single budget document for presentation to the ASHDS, Departmental management, OMB, and the Congress. Assists in planning for and presenting the budget before OMB and the Congress; requests, receives, and consolidates materials from HDS programs for testimony at hearings before these bodies in coordination with the Legislative Support Staff/OPL. Reviews the budget as approved by Congress, obtains input from program administrations and recommends for ASHDS approval a financial plan for its execution; makes allotments to HDS offices within the guidelines of the approved financial plan. Develops and maintains an overall budgetary controls to ensure observance of established ceilings on both funds and personnel; maintains commitment records against allowances, and certifies funds availability for HDS Staff Offices and certain Program Administrations as requested. Prepares requests for apportionment of appropriated funds. Maintains control of allotted funds against current obligations, including separate plans for each of the Regional Offices. Prepares spending plans and status-of-funds reports for the ASHDS. Provides analysis and coordinates accounting reports for HDS. In response to ASHDS priorities and instructions, and with appropriate input from HDS program units, develops financial operating procedures and manuals, including assuring implementation within HDS (headquarters and regions) of Departmental and Federal fiscal policies and procedures. Participates in program development and implementation plans where there are budgetary implications; serves as the HDS liaison with HHS and OMB on all budgetary matters.

C. Division of Grants and Contracts Management provides centralized management and administration of discretionary grants, formula grants, block grants, and contracts for HDS headquarters staff units and program administrations. Assures that all grants and contracts awarded conform with applicable statutes, regulations, and policies. Maintains liaison and coordination with appropriate HDS and HHS organizations to assure consistency between HDS discretionary, formula and block grants and contract award activities, and the Department various payment systems for grants and contracts.

For discretionary grants, serves as the principal office within HDS for assuring that the business aspects of grants administration are carried out and monitors grantee performance in these areas. Provides support for and processes all discretionary grant award documents, negotiates grant budgets, and makes all contract awards for HDS Central Office units. Reviews discretionary grants and contracts and, after input from HDS programs, coordinates HDS financial management matters as necessary with appropriate HHS and HDS units.

For the Social Services Block Grant (SSBG/Title XX of the Social Security Act) and for the WIN program, prepares grant awards, and background and supplemental information, special reports, and State tables for use at Departmental, OMB and Congressional presentations. Prepares documentation for Title XX/SSBG allotment limitations to States.

Maintains financial control over and makes adjustments to previously issued formula grant awards to States for Social Services and Personnel Training and Retraining under Title XX of the Social Security Act, WIN, and for Social Services under Titles I, IV, X, XIV, and XVI (AABD) of the Social Security Act for Puerto Rico, the Virgin Islands, Guam, and the Commonwealth of the Northern Marianas Islands. Controls the Title XX deferral actions process as it impacts on previously issued grant awards and regulatory time limits.

In coordination with the HDS program administrations and staff offices, reviews and assesses HDS formula grant award procedures; directs and/or coordinates management initiatives to improve formula grant programs in financial areas; develops proposals for improving the efficiency in awarding grants and coordination financial

operations among HDS programs; and establishes priorities and develops procedures for financial monitoring and review activities at the regional level for all HDS discretionary and formula grant programs.

After consultation with program administrations and with the approval of the ASHDS and, where appropriate, the AOA Commissioner, develops HDS regulations, instructions, and procedures for the administration of all discretionary grants, formula grants, block grants and contracts, including those issued in HDS Regional Offices. Provides training and technical assistance to staff of HDS program administrations and staff offices regarding grants and contracts, and provides overall guidance, monitoring, and assistance to Regional Offices in all areas of business and fiscal management of grants.

Reviews all proposed HDS regulations and policy issuances pertaining to fiscal, POS and procurement matters which are derived from Departmental, OMB or government-wide issuances to assure consistency within the HDS program.

Serves as HDS liaison with GAO, HHS Audit Agency, and the Department's Office of Grants and Procurement on grant and contractual matters. Assists at discretionary and formula grant hearings held by the Departmental Grant Appeals Board in response to claims by grantees. Manages the Departmental disallowance altering system for the HDS and HHS units and provides assistance and guidance relative to the reconsideration process. Implements procedures and activities related to HDS contracts hearings held by the Defense Contract Appeals Board in response to requests by contractors for reconsideration of disallowed HDS contract claims.

D. Division of Personnel administers the centralized personnel management and administration program for HDS. Provides advice to HDS officials on matters relating to the development and execution of personnel policies and programs. Subject to the approval of the ASHDS, and with input from HDS program units, as appropriate, develops personnel management objectives, policies, standards and procedures for personnel operations. Responsible for the development of an HDS-wide personnel policy framework. Within delegated authorities, is responsible for such areas as placement and staffing, position classification, employee relations, labor relations, employee development and training and position and pay management. Coordinates and provides advice and assistance to HDS Central and Regional Office elements on position classification, recruitment, and placement. In collaboration with Regional HHS personnel offices, provides assistance to the HDS Regional Offices through the development and classification of standard position descriptions, the administration of certain incentive awards and through the administration of certain training activities. Participates in personnel matters relating to labor-management relations and coordinates career development activities. Serves as the contact in HDS on personnel matters with the Office of Personnel Management, ASPER, and OMB. Conducts special studies on personnel matters at the request of the Director/OMS.

E. Division of Administrative Services provides administrative services and technical staff support to meet the operational needs of offices that comprise HDS. May provide services directly or through HDS program administration and staff office administrative personnel. In collaboration with HDS program administrations, designs, implements, monitors and reports on systems relating to forms management, records maintenance and disposition, and files management. In collaboration with HDS program administrations develops, implements and evaluates the HDS space management and planning program and provides advice and assistance to responsible individuals in program offices. Provides travel advice and assistance to HDS offices. Provides direct special mail and messenger services and coordinates HHS mail service to HDS. Projects and monitors HDS postal costs working with the OMS Division of Budget, HHS, and the U.S. Postal Service. Provides and controls use of franked envelopes by HDS staff, contractors, and grantees. Develops, in coordination with program units and staff offices, broad HDS telecommunications plans and places orders for voice and data communication services. Provides training and technical assistance to HDS program administrations and staff office personnel responsible for such requests. Provides liaison with HHS, GSA, and private communications firms on all telecommunications matters. Provides liaison and guidance with HHS, General Services Administration, Labor Department, other Federal agencies, and outside vendors on building security, occupational health and safety programs, labor services, equipment repair services, loan of audio-visual equipment, and conference room control; and, as necessary, maintains contracts for provision of above services. Maintain supply, equipment, and materiel inventories for excess items in storage and for items allocated to HDS program administrations and staff offices. Controls and reviews all purchase requests against Departmental and Federal requirements. Acts as liaison with OS procurement office on small purchases and with the Department's Office of Grants and Procurement on materiel management matters. Provides technical assistance and training to program administration and HDS staff office administrative personnel on materiel management. Conducts personnel property surveys. In response to ASHDS priorities and instructions and with input from program administrations, develops, issues and maintains HDS internal manuals and directives on administrative management delegations, policies and procedures and develops and monitors all budgetary projections for Standard Level User's Charge funds, telecommunications costs, and other administrative expenditures. Control central HDS funding for equipment, furniture, laboring services, and certain other object class categories. Assists the HDS Regional Offices in the development of budget projections and cost estimates for space and property utilization and telecommunications services. Provides technical assistance to the HDS Regional Offices on records management, safety, and mail.

F. Division of Data Processing provides policy direction, planning, and technical support services to HDS Central and Regional Office units in the area of automatic data processing, word processing, and office automation matters. Represents HDS on Departmental task forces and review boards concerned with ADP matters. Acts as primary contact with other Departmental computer centers.

Provides requirements analyses, feasibility studies, systems design, programming, documentation, user's manuals, training and ongoing operational and administrative support for all HDS hardware and software.

Is responsible for the acquisition of equipment, development of software, and procedures for implementation and management of the HDS Automated Office System (AOS). Operates and maintains the HDS computer facility through direct support and contractual services. Provides AOS operational support and technical assistance to central office users and satellite centers in each regional office.

Formulates standards and determines requirements for procurement of all

Central and Regional Office ADP hardware and software. Gives HDS-level approval for central and regional office requests for ADP equipment and services. Investigates, recommends and negotiates contractual ADP sharing services through intergovernment, interdepartment and interagency agreements. Consults, initiates, and negotiates similar services with private ADP vendors.

Recommends strategies, provides for, and maintains systems integration in the HDS central data base system. Designs and institutes procedures for the protection, security and integrity of the HDS data base.

6. Part D, Chapter DC, "The Administration for Children, Youth, and Families", as published in the Federal Register on January 27, 1981 (46 FR 8744), is to be deleted in its entirety and replaced by the following:

DC.00 Mission. The Administration for Children, Youth and Families (ACYF) advises the Secretary/HHS through the Assistant Secretary/HDS on matters relating to children, youth and families. Is the principal advisor at the Federal level concerning and serves as the focal point in the Department to support and encourage the sound development of children, youth, and families by planning, developing and implementing a broad range of activities.

Administers State grant programs under title IV–B, IV–E and title IV–A Foster Care the Social Security Act. Manages the Adoption Opportunities program. Administers discretionary grant programs providing Head Start services and Runaway Youth facilities. Administers the Child Abuse Prevention and Treatment Act. Supports and encourages services which prevent or remedy the effects of abuse and/or neglect of children and youth. Manages the National Clearinghouse on Child Abuse and Neglect. Administers the Child Abuse and Neglect State grant programs.

In concert with other units of HDS, develops and implements research, demonstration and evaluation strategies for discretionary funding of activities designed to improve and enrich the lives of children and youth and to strengthen families. Administers Child Welfare Services Training and Child Welfare Services Research and demonstration programs authorized by title IV–B of the Social Security Act. Administers the Runaway and Homeless Youth Act authorized by Title III of the Juvenile Justice and Delinquency Prevention Act. Manages initiatives to involve the private and voluntary sectors in the areas of children, youth, and families.

DC.10 Organization. The Administration for Children, Youth and Families is headed by a Commissioner who reports directly to the Assistant Secretary for Human Development Services (ASHDS) and consists of:

Office of the Commissioner
Office of Planning and Management
  Planning, Research, and Evaluation Division
  Management Support Division
Head Start Bureau
  Program Operations Division
  Program Support Division
Children's Bureau
  Program Operations Division
  Program Support Division
  National Center for Child Abuse and Neglect
Family and Youth Services Bureau
  Program Operations Division
  Program Support Division

DC.20 Functions. A. The Immediate Office of the Commissioner serves as the principal advisor to the Assistant Secretary/HDS, the Secretary/HHS, and other elements of the Department in the areas of children, youth, and families. Provides executive direction and management strategy to Administration for Children, Youth, and Families' component units. The Deputy Commissioner acts as Commissioner in the absence of the Commissioner.

B. Office of Planning and Management recommends policy direction and serves as the central control for operational and long range planning; for planning and management of ACYF research, demonstration, and evaluation activities; for the development, operation, and analysis of data from management information systems; for formulating and managing the execution of the program and salary and expenses budgets; and for provision of administrative and personnel services. Provides leadership and coordination for the activities of two subordinate divisions.

1. Planning, Research, and Evaluation Division manages the processes for long range and operational planning, discretionary funds planning and implementation, legislative and regulatory analyses, HDS and HHS management conferences on ACYF, and data systems management.

Serves as the Focal point for the formulation and management of ACYF operational planning objectives, initiatives and indicators, including regional input as appropriate. Reviews, negotiates, and provides policy interpretation on development of plans and ACYF component submissions. Oversees individual units' performance on initiatives; recommends changes to facilitate timely completion.

In coordination with HDS, establishes schedules and material requirements for ACYF headquarters management conferences, prepares materials for HDS and OS management conferences, and assures follow-up tasks are accomplished. Directs the preparation of briefing material for ACYF and HDS senior staff for testimony, speeches, and regional office visits.

Reviews all legislative proposals, specifications, bill reports and position papers affecting ACYF activities. Reviews and makes recommendations to the Commissioner on all regulations, policy and guidance issues for which the Commissioner is responsible.

Controls the ACYF discretionary funds planning process and formulation of the discretionary funds plans covering research, demonstration, evaluation, training and technical assistance, and other discretionary activities managed by ACYF. Assures that all ACYF program units contribute to and recommends proposed changes to the discretionary plan in areas including funding schedules, minority and small business set-asides, and development of material for HDS joint announcements. Develops final priority areas and project lists for approval by the Commissioner. Oversees the schedule for completion of grant announcements and requests for contracts, develops and maintains annual contract procurement plans, and assures that all funded projects are managed according to ACYF, HDS, and Departmental policies and procedures.

Assists ACYF components in developing research and demonstration priorities and projects, crafting research and evaluation methodologies, and assuring that ACYF projects are properly managed. Recommends projects to be included in the discretionary funds plan.

Develops the specifications for and manages all ACYF evaluation projects. Manages ACYF crosscutting research and demonstration projects rising from HDS joint funding activities and other sources not assigned to one of the Bureaus. Analyzes project results; recommends policy and program changes and innovative developmental projects as a result of information gained from projects and analyses; and develops dissemination and utilization strategies in coordination with other ACYF program units.

2. Management Support Division provides or coordinates all headquarters' management support services including personnel, contracts and grants, budget formulation and

execution, financial management, executive secretariat, and administrative services.

In conjunction with HDS/Office of Management Services, is responsible for budget formulation and execution and financial management. Manages the annual ACYF budget formulation and presentation process for program funds and salary and expense resources; coordinates development of necessary budget documents, exhibits, and support materials. For ACYF programs in the regions and in headquarters, recommends allowances; develops apportionment materials; maintains commitment registers; and reconciles monthly accounting reports from the DHHS accounting system. Develops the annual plan for obligation of grant and contract funds; monitors funding units for compliance with those plans. Manages the central office salaries and expenses budget. Develops policy for and is responsible for the grants management activities including analyzing State estimates and making awards for three formula grant programs authorized by the Social Security Act, Child Welfare Services, IV–B, Adoption Assistance IV–E, and Foster Care IV–A and IV–E. Develops procedures for the regional office to use in acting on State requests for funds. Receives analyses and makes recommendation on deferral and disallowance actions; manages technical and procedural activities incident to the resolution of audit questions, deferrals, disallowances and appeals to the DHHS Grants Appeal Board. Assists regional offices and the Head Start Bureau in the appeals and hearings process related to suspension or termination of Head Start grants.

Provides Executive Secretariat services to ACYF; receives, assigns and tracks all controlled mail; and assures timely and accurate responses. Services as the primary ACYF liaison with HDS offices in administrative areas of personnel, payroll, training, word/data processing systems, and equal opportunity and civil rights. Manages the Merit Pay and Employee Performance Management System process in ACYF headquarters; serves as an advisor to the Commissioner in this area for ACYF regional employees.

Develops and manages management information systems and other data analysis systems handling data which report on or affect ACYF programs; analyzes data from these systems and other sources; and provides assistance and services on data systems to ACYF units. Serves as the ACYF/OMB Clearance Officer.

C. Head Start Bureau serves as the principal advisor to the Commissioner on Head Start, child development, and child care issues. Develops legislative and budgetary proposals; develops areas for research, demonstration and developmental activities; presents operational planning objectives and initiatives relating to Head Start to the Office of the Commissioner and oversees the progress of approved activities. Provides leadership and coordination for the activities of the Head Start program in headquarters and the regional offices. Represents Head Start in inter-agency activities with other Federal and non-Federal organizations. Directs the management of the joint Head Start—Appalachian Regional Commission programs.

1. Program Operations Division develops and coordinates program and administrative management regulations and policy for the Head Start program; provides guidance to the regional offices in carrying out these policies and monitors regional offices' implementation.

Manages the Indian and Migrant Head Start program. Reviews applications and makes awards for programs serving Native American children and children of migratory workers. Monitors and assesses the programs and assures provision of training and technical assistance to all Head Start programs funded for Indians and migrants. Assures consideration of needs of Native American and migrant workers' children. Represents Head Start in negotiations over Head Start-Appalachian Regional Commission joint programs' content, policy, and management.

Manages discretionary projects assigned to the Bureau which are designed to investigate and improve the operation and management of the Head Start program. Coordinates planning for training and technical assistance activities in Head Start; develops the annual T&TA plan.

2. Program Support Division provides technical expertise in the component areas of Head Start—education, health (medical, dental, mental and nutrition), social services, parent involvement, services to handicapped children, and career development for Head Start program staff and in related child development/child care areas. Establishes program performance standards and other regulations and policy in these areas; recommends methods for monitoring and enforcing them. Develops manuals, guidance, and other policy materials aimed at improving the review provided to Head Start children by the centers.

Develops areas for research and demonstration activities to improve the quality and levels of services provided to Head Start children and to examine the other related child care/child development issues. Manages discretionary projects assigned to the Bureau which are related to the Head Start component and other related areas. Develops training and technical assistance strategies to improve Head Start programs' performance in specific component areas for inclusion in the annual T&TA plans.

D. Children's Bureau advises the Commissioner in child welfare, foster care, and adoption matters. Recommends legislative and budgetary proposals, operational planning system objectives and initiatives, and projects and issue areas for evaluation, research and demonstration activities. Represents ACYF in initiating and implementing inter-agency activities and projects affecting children. Provides leadership and coordination for the programs, activities, and subordinate units of the Bureau in headquarters and regional offices.

1. Program Operations Division generates policies and procedures for developing State child welfare program plans authorized under titles IV–A Foster Care, IV–B, and IV–E of the Social Security Act including child welfare services, foster care and adoption assistance; develops and interprets regulations, guidelines, and instructions. Coordinates child welfare services with other Federal agencies and non-Federal groups.

Monitors regional office administration of State grant programs and provides technical direction; reviews State plans for compliance with legislative and regulatory requirements, makes recommendations for approval or disapproval of State plans initially recommended for disapproval by regional offices; develops policy and procedures for on-site reviews of State compliance with regulatory and legislative requirements; leads or participates in these reviews.

2. Program Support Division manages the Title IV–B Child Welfare Training Program and the Adoption Opportunities Program. Provides technical expertise in specific, substantive program areas for developing programmatic policies, standards, model laws, regulations and guidelines for child welfare services. Provides expert advice and assistance to a broad array of public and private agencies in these areas. Develops areas for research, demonstration, and evaluation activities to investigate the current status of child welfare practices and to improve the quality and levels of

service provided to children. Manages discretionary projects assigned to the Bureau which are related to child welfare services and related areas. Reviews current practices and problems; recommends action to meet special needs of children at risk; and promotes successful models.

Develops and implements training and technical assistance plans. Analyzes regional Children's Bureau training and technical assistance reports and provides technical guidance to the regional offices. Develops model cirricula and other materials for training persons engaged in child welfare programs.

3. National Center on Child Abuse and Neglect develops policies and plans on programs relating to the prevention, identification, and treatment of child abuse and neglect. Proposes budgetary and legislative initiatives. Develops regulations, guidelines and instructions to assist State grant programs on child abuse and neglect. Develops and implements, through grants and contracts, approved research and demonstration programs and plans to prevent, identify and treat child abuse and neglect. Plans and implements training and technical assistance activities by directly managing grants and contracts and by monitoring such regional office activities. Manages the Child Abuse and Neglect State Grant Program.

Develops, maintains, and updates the information clearinghouse on child abuse and neglect research programs and other related activities. Through surveys and other information collection activities, provides information on research programs directed at preventing, identifying and treating child abuse and neglect. Complies, analyzes, and disseminates publications and other materials on child abuse and neglect. Provides assistance to government agencies, public and private service organizations, and the general public concerning information on child abuse and neglect. Studies the trends of incidence of child abuse and neglect and assists in the development of central registries and forms for reporting child abuse and neglect. Provides staff support to the Advisory Board on Child Abuse and Neglect in developing and updating Federal standards, preparing special reports, coordinating Federally funded programs, and other activities of the Board.

E. Family and Youth Services Bureau recommends to the Commissioner policy direction and programs to address youth and family issues. Assesses policies, legislation, research and demonstration, and programs which affect youth and families; recommends budgetary and legislative proposals and areas of research and demonstration discretionary activity for funding; coordinates efforts with Departmental and other Federal agencies; and develops program initiatives to address the needs of youth and families. Represents HHS on the Coordinating Council on Juvenile Justice and Delinquency Prevention and on the Committees of the National Institute for Corrections. Manages the family initiatives in ACYF and coordinates these initiatives with other HDS offices and administrations. Provides leadership and coordination to the operating divisions.

1. Program Operations Division develops and strengthens coordinated networks of State and local agencies or centers designed to meet the needs of runaway or homeless youth and their families. Develops and implements policy, guidelines and regulations concerning the funding and management of projects serving runaway and homeless youth funded under the Runnaway and Homeless Youth Act. Oversees regional managment of the receipt, review, and award of applications for grants. Monitors regional management of center grants and provision of technical assistance to funded projects. Funds and monitors the national communications system.

Provides assistance to professional and provider organizations and State and local governments in planning, developing, implementing, and evaluating programs affecting the family.

2. Program Support Division identifies the conceptual and policy framework to address issues facing families and adolescents. Examines programs for responsiveness to the needs of families and youth. Develops methodologies and systems for review of family-related legislation and regulations of other programs. Obtains information, recommendations and potential strategies to meet the needs of families and youth from various sources.

Develops areas for research, demonstration, and evaluation activities in family and youth matters; identifies problems and defines critical issues for investigation. Recommends plans and programs to increase public awareness and education about activities affecting families and youth that are run by or are in conjunction with other Departmental efforts, and assists in providing information to the intended audiences. Coordinates the collection and dissemination of information about families and youth in conjunction with HHS offices and other agencies.

Manages discretionary projects assigned to the Family and Youth Services Bureau which increase understanding of family and youth problems and methods of alleviating them. 7. Part D. Chapter DG, "The Administration on Aging", as published in the **Federal Register** on December 3, 1982 (47 FR 54552), is to be amended by making the following changes:

a. Section DG.10 Organization. The Administration on Aging- delete the phrase "Public Liaison Staff [DG–1]".

b. Section DG.20 Functions., A.1. Public Liaison Staff-delete the phrase "A.1. *Public Liaison Staff* (DG–1)" and capitalize the subsequent "serves", which continues the functions of the Office of the Commissioner.

c. Section DG.20 Functions., B. "Office of Planning, Evaluation and Dissemination" is to be deleted and replaced in its entirety with:

B. *Office of Planning, Evaluation and Dissemination* (DGP) analyzes, synthesizes and interprets all issues related to AoA program policy; prepares and interprets AoA long range, and discretionary plans; develops and interprets AoA goals and objectives; performs statistical analyses related to the aging; plans and manages the AoA evaluation program, considering appropriate subject matter input from other AoA units; performs systems analysis on aging related problems; manages a program for the collection, analysis, and dissemination of information related to the aging.

d. Section DG.20 Functions., B.1. "Division of Program Analysis" is to be deleted and replaced in its entirety by:

B.1. *Division of Program Analysis* (DGP1) conducts policy studies on a wide range of basis program issues affecting AoA programs and the general needs of the aging; reviews legislation, and research, evaluation and demonstration findings for planning and program implications; works with groups in the field of aging that have an evaluation capacity to obtain special needs analyses; prepares detailed position papers which include policy objectives, analyses of existing data, and possible strategies for achieving objectives as a preface to the development and recommendation of priorities to the Commissioner; develops and issues AoA goals and objectives; prepares the AoA long range plan and the discretionary funding plan with appropriate subject-matter input from other AoA units; provides interpretation and guidance for implementation of the long range plan to all AoA units; and reviews all AoA policy documents for consistency with the long range plan.

Coordinates with the Office of Program Development (AoA), staff offices of the Office of Human Development Services and Departmental staff offices on long range planning issues and development. Coordinates preparation of annual AoA reports to the President and Congress.

Administers evaluation of AoA program and other related national programs affecting older people as authorized by Title II, Section 202(a)(14) and Section 206(a), of the OAA. Develops AoA plans and priorities for evaluation of programs in consultation with appropriate units. Manages contracting for mandated evaluation projects and performs intramural evaluation studies. Prepares reports of the results of program and impact evalautions conducted by and for AoA, with technical input from other AoA divisions.

e. Section DG.20 Functions., B.2. "Division of Technical Information and Dissemination" is to have the following paragraph inserted at its conclusion:

Advises the central and regional offices of AoA, State and Area Agencies on Aging, and other agencies and organizations on their statistical data needs, uses of data, and methods of collecting the data; maintains a knowledge of data generated by a wide range of agencies and organizations; provides chairperson and secretariat services to the Task Force on Statistices; in support of planning and program requirements, performs rountine and special analyses of data for AoA offices, other Federal and non-Federal organizations, and the general public.

f. Section DG.20 Functions., C. "Office of Management and Policy Control" is to be deleted and replaced in its entirety by:

C. *Office of Management and Policy Control* (DGQ) is responsible for policy control and coordination, regulations development and coordination, analysis and development of legislation, preparation of required reports, budget development, preparation of justifications for the annual budget request, provision of guidance to other AoA units concerning their technical input to policy and regulations development; preparing the annual, AoA short-range plan; coordinating the annual operational planning including detailed work plans; Merit Pay performance plans, employee performance plans; management of the Merit Pay and Employee Management Performance Systems, and execution of a variety of administrative management tasks including the AoA personnel and executive secretariat functions; plans and manages the internal staff development activity. Coordinates with appropriate staff offices of the Office of Human Development Services (HDS) in carrying out these functions. Provides liaison with HDS on Equal Employment Opportunity matters. Responds to inquiries from the public in the form of letters and telephone inquiries.

g. Section DG.20 Functions., C.2. "Division of Management and Budget" is to have its first paragraph deleted and replaced by:

C.2. *Division of Management and Budget* (DGQ2) prepares and interprets the AoA short range plan; translates the long and short range plans into procedural guidance for AoA units concering performance appraisal planning, work planning and budget preparation. By means of this system which incorporates the Secretary's Operational Management System, coordinates the development of strategies for action and subsidiary plans as well as processes for monitoring and reporting on progress toward achieving stated objectives. Coordinates with the Office of Human Development Services' and Departmental staff offices on the development of the short range plan. Plans and manages the internal AoA staff development activity. Works with the HDS Office of Policy Development in the formulation, review and reporting of operational objectives.

h. Section DG.20 Functions., E.2. "Division of Educational and Training" is to have deleted that part of the statement which reads ", including the AoA internal staff development activity" and "Plans and manages the internal AoA staff development activity."

Dated: February 1, 1984.

Margaret M. Heckler,

Secretary.

[FR Doc. 84-3945 Filed 2-13-84; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Camping Restriction Order Established; Redding Resource Area, Ukiah District, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of Camping Restriction Order for Public Lands Located Within the Trinity River Recreation Management Area, Redding Resource Area, Ukiah District, California

SUMMARY: Persons are restricted from camping at any time on certain BLM-administered public lands located within the Trinity River Recreation Management Area. This restriction applies to the following areas:

Cemetery Hole

T. 33 N., R. 8 W.,
Sec. 18, S½,SW¼, M.D.M.,
Sec. 19 NW¼, M.D.M.

Rush Creek

T. 33 N., R. 9 W.,
Sec. 13, S½NE¼NE¼, M.D.M.

Bucktail Hole

T. 33 N., R. 9 W.,
Sec. 23, NE¼, M.D.M.

Limekiln Gulch

T. 33 N., R. 9 W.,
Sec. 28, E½,NW¼,NE¼, M.D.M.

Steelbridge Hole

T. 33 N., R. 9 W.,
Sec. 32, SW¼,NW¼, M.D.M.

Dabbs Hole

T. 32 N., R. 9 W.,
Sec. 4, SW¼, M.D.M.

Sheridan Creek

T. 33 N., R. 10 W.,
Sec. 19, M.D.M.

Oregon Gulch

T. 33 N., R. 11 W.,
Sec. 12 SE¼, M.D.M.
Sec. 13NE¼, M.D.M.

T. 33N., R. 10 W.,
Sec. 18, M.D.M.

Camping is defined as overnight occupancy of the public lands. Possession or use of tents, vehicles, or other shelter is not required to meet the definition of camping under this order.

ADDRESS: Comments and suggestions should be sent to: Robert J. Bainbridge, Redding Area Manager, Redding Resource Area Office, 355 Hemsted Drive, Redding, California 96002.

SUPPLEMENTARY INFORMATION: This camping restriction is being established as part of the implementation of the Trinity River Recreation Area Management Plan. The plan requires that selected public lands outside of designated campgrounds be closed to camping in order to mitigate public health hazards and reduce user conflicts which have resulted from unregulated camping along the Trinity River.

Authority for this restriction order is contained in CFR Title 43, Chapter II, Part 8364, Subpart 8364.1. Any person who fails to comply with a restriction order may be subject to a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months. Penalties are

contained in CFR Title 43, Chapter II, Part 8360, Subpart 8360.0–7.

Robert J. Bainbridge,

Redding Area Manager.

[FR Doc. 84–3919 Filed 2–13–84; 8:45 am]

BILLING CODE 4310–40–M

Disclaimer of Interest of Lands; Idaho

February 8, 1984.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2770; 43 U.S.C. 1745), a document of disclaimer of interest in the following-described lands will be issued.

Boise Meridian, Idaho

T. 7 N., R. 40 E.,
Sec. 1, those lands lying between the original meander lines fronting lots 9 and 10 as shown on the plats of survey approved February 21, 1880, and February 27, 1922, by the Surveyer General of Idaho Territory and the actual shoreline of the left bank of the Snake River, and lot 22 as shown on the supplemental plat of survey approved January 17, 1984, by the Bureau of Land Management.

These lands were omitted from the original survey and determined to be public lands by the filing and approval of a survey plat dated June 14, 1976. Civil suit was then filed by 25 claimants of the land. The U.S. District Court, in 1983, ruled in favor of the plaintiffs in the suit, awarding them quiet and peaceful possession of the property involved. Those claimants of the land who were not a part of the civil suit then filed applications for disclaimer of interest. In furtherance of the intent of the District Court's decision, the Bureau of Land Management will issue a disclaimer of interest in the above-described lands.

This action will disclaim all interest of the United States in the above-described lands which are within the boundaries of the City of St. Anthony, Idaho.

Any person wishing to submit a protest or comments on the above disclaimer should do so in writing before the expiration of 90 days from the date of publication of this notice. If no protest(s) is received, the disclaimer will be effective on the date set our below.

EFFECTIVE DATE: Disclaimer of title and release of all interest of the United States shall issue on May 15, 1984.

ADDRESS: Information concerning these lands and the proposed disclaimer may be obtained from the Idaho Falls District Office, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401. Protest should be filed with: State Director (943), Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 84–3914 Filed 2–13–84; 8:45 am]

BILLING CODE 4310–84–M

Intent To Hold Public Scoping Meetings and To Prepare an Environmental Impact Statement (EIS) for Coal Preference Right Lease Applications (PRLAs); Kane and Garfield Counties, Utah

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Correction of notice.

SUMMARY: On January 24, 1984, there was published in the **Federal Register** (Vol. 49, No. 16, Page 2963) a notice of intent to hold public scoping meetings and to prepare an environmental impact statement (EIS) for coal preference right lease applications (PRLAs) located in Kane and Garfield Counties, Utah. This is an amendment to Paragraph 2 under Supplementary Information (all other information will remain the same):

Preliminary concerns identified to date include: Mineral development within Wilderness Study Areas, mineral development within an area determined by the Secretary of the Interior to be unsuitable for surface mining, establishment of a coal transportation system through Glen Canyon National Recreation Area, and the U.S. Forest Service's determination that the majority of their PRLA acreage is unsuitable for surface mining.

FOR FURTHER INFORMATION CONTACT: Dave Everett, Cedar City District, Bureau of Land Management, P.O. Box 724, Cedar City, Utah 84720 or phone (801) 586–2401.

Dated: February 8, 1984.

Dean Stepanek,

Associate State Director.

[FR Doc. 84–3948 Filed 2–13–84; 8:45 am]

BILLING CODE 4310–DQ–M

[N–34272; 4–20951ILM]

Nevada; Conveyance

February 6, 1984

Notice is hereby given that, pursuant to the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716), 7C Ranch, Inc, Austin, Nevada has acquired by exchange, public lands in Lander County described as:

Mount Diablo Meridian, Nevada

T. 16 N., R. 38 E.,
Sec. 24, SW¼NW¼.
T. 16 N., R. 39 E.,
Sec. 17, SW¼NW¼, W½SW¼;
Sec. 18, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 19, Lot 3, NE¼NE¼, S½NE¼, NE¼ SW¼, NW¼SE¼, W½NE¼SE¼, W½ E½NE¼SE¼;
Sec. 20, W½NW¼.

The purpose of this notice is to inform the public and interested State and local governmental officials of the issuance of a conveyance document to 7C Ranch, Inc.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 84–3977 Filed 2–13–84; 8:45 am]

BILLING CODE 4310–H3–M

Bureau of Reclamation

Nevada; Realty Action, Competitive Sale of Public Land

The following described land has been identified for disposal under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value. The Bureau of Reclamation (Reclamation) will accept bids on the following lands, and will reject any bid for less than the appraised value:

T. 22 S., R. 63 E., Mount Diablo Meridian, Nevada

Parcel No. LC–84–1–1, Serial No. N–39132, SW¼SW¼ Section 22 (40 acres)
Parcel No. LC–84–1–2, Serial No. N–39133, SE¼SW¼ Section 22 (40 acres)
Parcel No. LC–84–1–3, Serial No. N–39134, SW¼SE¼ Section 22 (40 acres)
Parcel No. LC–84–1–4, Serial No. N–39135, SE¼SE¼ Section 22 (40 acres)

The parcels will be offered for sale through the competitive bidding process. The sale will be held at the Henderson Convention Center, 200 South Water Street, Henderson, Nevada, on May 1, 1984, at 10 a.m. Reclamation may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with the Federal Land Policy and Management Act or other applicable laws.

Detailed bidding information and instructions, and a Land Sales Information Brochure are available from the Bureau of Reclamation, Lower Colorado Regional Office, P.O. Box 427 (1404 Colorado Street), Boulder City, Nevada 89005, telephone number (702) 293–8521.

Any parcels which are not sold on May 1, 1984, will be reoffered for sale at 10 a.m., May 15, 1984, at Reclamation's Lower Colorado Regional Office.

The parcels are situated in the southeast portion of the Las Vegas Valley, within the incorporated city of Henderson, county of Clark, State of Nevada, and have potential for urban-suburban development. The sale is consistent with the Bureau of Land Management land-use planning in the area and has been discussed with the city of Henderson Planning Department, the city of Henderson Public Works Department, the Clark County Comprehensive Planning Department, and the Clark County Building and Zoning Department and it was determined that the public interest would best be served by offering these lands for sale.

The planning documents, environmental assessment, and record of public discussions are available for review at Reclamation's Lower Colorado Regional Office.

Patents issued for the parcels sold will be subject to a right-of-way for ditches and canals constructed by the authority of the United States in accordance with the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945) and reservations for public road and utility easements identified by the city of Henderson and the county of Clark. This land sale will be for the surface estates only; the mineral estates will be reserved to the United States. The purchaser will have the option of making an application with the Bureau of Land Management for conveyance of the mineral estates under Section 209(b) of Pub. L. 94–579.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Regional Director, Lower Colorado Region, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada, 89005. Any adverse comments will be evaluated by the Regional Director who may vacate or modify this Realty Action and issue a final determination. In the absence of any action by the Regional Director, this Realty Action will become the final determination of the Department of the Interior.

Dated: February 6, 1984.

N. W. Plummer,

Regional Director.

[FR Doc. 84-3486 Filed 2-13-84; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 3, 1984. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by February 29, 1984.

Carol D. Shull,

Chief of Registration, National Register.

ARIZONA

Cochise County

Douglas, *El Paso and Southwestern Railroad YMCA*, 1000 Pan American Ave.

Navajo County

Winslow vicinity, *Chevelon Ruin*, SE of Winslow

Winslow vicinity, *Homolovi III*, N of Winslow

CONNECTICUT

Fairfield County

Ridgebury, *Ridgebury Congregational Church*, Ridgebury Rd. and George Washington Hwy.

Hartford County

Hartford, *Frog Hollow Historic District (Boundary Increase)*, Bounded by Park Terr., Hillside Ave., Hamilton, and Summit Sts.

Litchfield County

New Milford, *Housatonic Railroad Station*, Railroad St.

New Haven County

New Haven, *Lincoln Theatre*, 1 Lincoln St.

FLORIDA

Broward County

Pompano Beach, *Sample Estate*, 3161 N. Dixie Hwy.

Dade County

Kampong

GEORGIA

Cobb County

Marietta, *Braswell-Carnes House*, 2430 Burnt Hickory Rd., NW

Fulton County

Atlanta, *Sciple, Charles E., House*, 1112 Peachtree St.

Meriwether County

Greenville, *Render Family Homestead*, GA 18

Walton County

Jersey, *Bank of Jersey*, Main St.

ILLINOIS

Cook County

Evanston, *Andridge Apartments (Surburban Apartment Buildings in Evanston TR)*, 1627–1645 Ridge Ave., 1124–1136 Church St.

Evanston, *Building at 1101–1113 Maple Avenue (Surburban Apartment Buildings in Evanston TR)*, 1101–1113 Maple Ave.

Evanston, *Building at 1209–1217 Maple Avenue (Surburban Apartment Buildings in Evanston TR)*, 1209–1217 Maple Ave.

Evanston, *Building at 1301–1303 Judson Avenue (Surburban Apartment Buildings in Evanston TR)*, 1301–1303 Judson Ave.

Evanston, *Building at 1305–1307 Judson Avenue (Surburban Apartment Buildings in Evanston TR)*, 1305–1307 Judson Ave.

Evanston, *Building at 1316 Maple Avenue (Surburban Apartment Buildings in Evanston TR)*, 1316 Maple Ave.

Evanston, *Building at 1401–1407 Elwood Avenue (Surburban Apartment Buildings in Evanston TR)*, 1401–1407 Elmwood Ave.

Evanston, *Building at 1505–1509 Oak Avenue (Surburban Apartment Buildings in Evanston TR)*, 1505–1509 Oak Ave.

Evanston, *Building at 1929–1931 Sherman Avenue (Surburban Apartment Buildings in Evanston TR)*, 1929–1931 Sherman Ave.

Evanston, *Building at 2517 Central Street (Surburban Apartment Buildings in Evanston TR)*, 2517 Central St.

Evanston, *Building at 2519 Central Street (Surburban Apartment Buildings in Evanston TR)*, 2519 Central St.

Evanston, *Building at 2523 Central Street (Surburban Apartment Buildings in Evanston TR)*, 2523 Central St.

Evanston, *Building at 417–419 Lee Street (Surburban Apartment Buildings in Evanston TR)*, 417–419 Lee St.

Evanston, *Building at 548–606 Michigan Avenue (Surburban Apartment Buildings in Evanston TR)*, 548–606 Michigan Ave.

Evanston, *Building at 813–815 Forest Avenue (Surburban Apartment Buildings in Evanston TR)*, 813–815 Forest Ave.

Evanston, *Building at 923–925 Michigan Avenue (Surburban Apartment Buildings in Evanston TR)*, 923–925 Michigan Ave.

Evanston, *Building at 999 Michigan, 200 Lee (Surburban Apartment Buildings in Evanston TR)*, 999 Michigan Ave., 200 Lee St.

Evanston, *Building at 815–817 Brummel and 819–821 Brummel (Surburban Apartment Buildings in Evanston TR)*, 815–817, and 819–821 Brummel.

Evanston, *Castle Tower Apartments (Surburban Apartment Buildings in Evanston TR)*, 2212–2226 Sherman Ave.

Evanston, *Colonnade Court (Surburban Apartment Buildings in Evanston TR)*, 501–507 Main St., 904–908 Hinman Ave.

Evanston, *Evanston Towers (Surburban Apartment Buildings in Evanston TR)*, 554–602 Sheridan Sq.

Evanston, *Forest, The, and Annex (Surburban Apartment Buildings in Evanston TR)*, 901–905 Forest Ave.

Evanston, *Fountain Plaza Apartments (Surburban Apartment Buildings in Evanston TR)*, 830–856 Hinman Ave.

Evanston, *Greenwood, The (Surburban Apartment Buildings in Evanston TR)*, 425 Greenwood St.

Evanston, *Hillcrest Apartment (Surburban Apartment Buildings in Evanston TR)*, 1509–1515 Hinman Ave.

Evanston, *Hinman Apartments (Surburban Apartment Buildings in Evanston TR)*, 1629–1631 Hinman Ave.
Evanston, *Judson, The (Surburban Apartment Buildings in Evanston TR)*, 1243–1249 Judson Ave.
Evanston, *Lake Shore Apartments (Surburban Apartment Buildings in Evanston TR)*, 470–498 Sheridan Rd.
Evanston, *Maple Court Apartments (Surburban Apartment Buildings in Evanston TR)*, 1115–1133 Maple Ave.
Evanston, *Melwood Apartments (Surburban Apartment Buildings in Evanston TR)*, 1201–1213 Michigan Ave., 205–207 Hamilton.
Evanston, *Michigan-Lee Apartments (Surburban Apartment Buildings in Evanston TR)*, 940–850 Michigan Ave.
Evanston, *Oak Ridge Apartments (Surburban Apartment Buildings in Evanston TR)*, 1615–1625 Ridge Ave.
Evanston, *Oakton Gables (Surburban Apartment Buildings in Evanston TR)*, 900–910 Oakton, 439–445 Ridge
Evanston, *Ridge Boulevard Apartments (Surburban Apartment Buildings in Evanston TR)*, 843–849 Ridge Ave., 1014–1020 Main St.
Evanston, *Ridge Grove (Surburban Apartment Buildings in Evanston TR)*, 1112 Grove St.
Evanston, *Ridge Manor (Surburban Apartment Buildings in Evanston TR)*, 1603–1611 Ridge Ave., 1125 Davis St.
Evanston, *Rockwood Apartments (Surburban Apartment Buildings in Evanston TR)*, 718–734 Noyes St.
Evanston, *Sheridan Square Apartments (Surburban Apartment Buildings in Evanston TR)*, 620–638 Sheridan Sq.
Evanston, *Stoneleigh Manor (Surburban Apartment Buildings in Evanston TR)*, 904–906 Michigan Ave., 227–229 Main St.
Evanston, *Tudor Manor (Surburban Apartment Buildings in Evanston TR)*, 524 Sheridan Sq.
Evanston, *Westminster (Surburban Apartment Buildings in Evanston TR)*, 632–640 Hinman Ave.

INDIANA

Benton County

Oxford, *Presbyterian Church Building*, NW of Benton and Justus Sts.

Dearborn County

Aurora, *George Street Bridge (County Bridge No. 159)*, George, Main, and importing Sts.
Lawrenceburg, *Downtown Lawrenceburg Historic District*, Roughly bounded by ConRail tracks, Charlotte, Tate, Williams, and Elm Sts.

Delaware County

Muncie, *Boyce Block*, 216–224 E. Main St.
Muncie, *Rose, F. D., Building*, 121 E. Charles St.

Floyd County

Galena Vicinity, *Jersey Park Farm*, Off Cunningham Sarles and Borden Rds.

Hamilton County

Noblesville, *Harrell, Dr. Samuel, House*, 399 N. 10th St.

Kosciusko County

Warsaw, *Warsaw Cut Glass Company*, 505 S. Detroit St.

Lake County

Dyer, *Meyer, Joseph Ernest, House*, 1370 Joliet St.
Gary, *Knights of Columbus Building*, 333 W. 5th Ave.
Hobart, *Pennsylvania Railroad Station*, 1001 Lilliam St.

Marion County

Indianapolis, *Fletcher, Calvin I., House*, 1031 N. Pennsylvania St.
Indianapolis, *Indianapolis News Buiding*, 30 W. Washington St.
Indianapolis, *Pearson Terrace*, 928–940 N. Alabama St.
Indianapolis, *Taylor Carpet Company Building*, 26 W. Washington St.

Miami County

Peru vicinity, *Godfroy, Francis, Cemetery, IN 124*
Peru, *Cole, James Omar, House*, 27 E. 3rd St.

Putnam County

Greencastle, *Courthouse Square Historic District*, Roughly bonded by College Ave., Walnut, Market, and Franklin Sts.
Putnamville, *Putnamville Presbyterian Church (Putnamville Methodist Church)*, IN 243

Rush County

Carthage vicinity, *Walnut Ridge Friends Meeting House*, W of Carthage

Tipton County

Tipton, *Tipton County Court House*, Public Sq.

Warren County

Williamsport, *Kent House and Hitchens House*, 500 Main and 303 Lincoln Sts.

Wells County

Bulffton vicinity, *Bethel Methodist Episcopal Church*, SE of Bluffton

KENTUCKY

Bracken County

Augusta, *Augusta Historic District (Augusta MRA)*, Roughly bounded by Riverside Dr., 5th, Frankfort and Williams Sts.
Augusta, *Brothers-O'Neil House (Augusta MRA)*, 308 Seminary St.
Augusta, *Griffith's, Evan, Grocery (Augusta MRA)*, 415 Railroad Ave.
Augusta, *McKibben, Alfonso, House (Augusta MRA)*, 202–Fourth St.
Augusta, *Minor, J.R., House (Augusta MRA)*, 204 Second St.
Augusta, *Weldon, James, House (Augusta MRA)*, 417 Railroad St.
Augusta, *Well-Keith House (Augusta MRA)*, 411–413 Third St.

Jefferson County

Louisville, *Brandeis House*, 310 E. Broadway

Kenton County

Covington, *Patton, Robert, House (John G. Carlisle House)*, 1533 Garrard St.

Mason County

Maysville, *Armstrong Row*, 207–227 W. 2nd St.

McCraken County

Paducah, *Anderson-Smith House*, Lone Oak Rd.

Scott County

Georgetown vicinity, *Edge Hill Farm*, 1661 Payne's Depot Pike
Georgetown *First African Baptist Church and Parsonage*, 209–211 W. Jefferson St.

MISSISSIPPI

Copiah County

Hazlehurst, *Covington, Robert L., House*, 240 S. Extension St.

Jones County

Laurel, *Pinehurst Hotel*, 318 5th Ave.

Lee County

Saltillo, *Burrow, Barlow, House*, 157 N. 2nd St.

NEBRASKA

Douglas County

Omaha, *Malcolm X House Site*, 3448 Pinckey St.

NORTH CAROLINA

Gates County

Gatesville vicinity, *Roberts-Carter House*, off N C 37

Guilford County

Greensboro, *Revolution Cotton Mills*, Roughly bounded by Southern R R, N. Buffalo Creek, Yanceyville and 9th Sts.

Jackson County

Dillsboro, *Mount Beulah Hotel (Jarrett Springs Hotel)*, U S 23 and 44

Mecklenburg County

Charlotte, *Carey, Philip, Building*, 301 E. 7th St.
Charlotte, *Charlotte Supply Company Building*, 500 S. Mint St.
Charlotte, *Merchants and Farmers National Bank Building*, 123 E. Trade St.
Huntersville vicinity, *St. Mark's Episcopal Church*, S R 2004

Person County

Roxboro, *Roxboro Commercial Historic District*, Roughly bounded by Courthouse Sq., Court, Abbitt, Reams, Depot, North and South Main Sts.

Sampson County

Newton Grove vicinity, *Williams, Isaac, House*, N C 55

Stanley County

Hardaway Site (31 St 4),

Wake County

Cary vicinity, *Jones, Nancy, House*, N C 54

Wayne County

Goldsboro, *Lee, Harry Fitzhugh, House*, 310 W. Walnut St.

OHIO

Champaign County

Urbana, *Urbana Monument Square Historic District*, Roughly bounded by Market, Walnut, Church, and Locust Sts.

Darke County

Greenville, *Greenville South Broadway Commercial District*, Roughly S. Broadway from Main to Washington and Martin Sts.

Geauga County

Novelty, *Tambling, Lucius T., House*, 14025 Chillicothe Rd.

Lucas County

Maumee, *Maumee Uptown Historic District*, Conant, Wayne and Dudley Sts.

Wayne County

Wooster, *Walnut Street School*, 237 S. Walnut St.

Wood County

Wayne, *Graham, William, House*, 7056 Jerry City Rd.

PENNSYLVANIA

Allegheny County

Pittsburgh, *Houses at 2501–2531 Charles Street*, 2501–2531 Charles St.
Pittsburgh, *Houses at 838–862 Brightridge Street*, 838–862 Brightridge St.

Greene County

Waynesburg Borough, *Waynesburg Historic District*, Roughly bounded by Second Alley, Cherry Ave., East and Bowlby Sts.

TENNESSEE

Knox County

Knoxville, *McCammon, Samuel, House (James White's House Site)*, 1715 Riverside Dr.

TEXAS

Tarrant County

Fort Worth, *Bryce, William J., House (Fairview)*, 4900 Bryce Ave.

VIRGINIA

Fredericksburg (Independent City) *Presbyterian Church*, S W of Princess Anne and George Sts.

WISCONSIN

Bayfield County

Washburn, *Washburn Public Library*, Washington Ave. and W. 3rd St.

Dane County

Madison, *Fire Station No. 4*, 1329 W. Dayton St.

Ozaukee County

Port Washington, *Hoffman House Hotel*, 200 W. Grand Ave.

Rock County

Janesville, *Randall, Brewster, House*, 1412 Ruger Ave.

Waukesha County

Delafield, *Bishopstead*, 153 W. Oakwood Dr.

Winnebago County

Oshkosh, *Guenther, Richard, House*, 1200 Washington Ave.

[FR Doc. 84-3986 Filed 2-13-84; 8:45 am]
BILLING CODE 4310-70-M

New River Gorge National River, West Virginia; Land Protection Plan

AGENCY: National Park Service, Interior.

ACTION: Public Review, Meetings and Comment Period for Draft Land Protection Plan; New River Gorge National River, West Virginia.

SUMMARY: The New River Gorge National River, a unit of the National Park System located in the State of West Virginia, has completed the draft Land Protection Plan in response to the Department of Interior's policy for the Federal portion of the Land and Water Conservation Fund (47 FR 19784, May 7, 1982). Copies of the plan are being mailed to landowners of record within the proposed boundary of the park, as well as agencies, organizations and individuals who are on the park's general mailing list. The public is invited to participate in the review process of this draft document.

DATE: The 60-day public comment period will begin on February 10, 1984 and will be completed on April 9, 1984. During this period of time, six public meetings and three open house sessions will be held with park and regional staff in attendance to respond to any questions or comments the public wishes to make regarding the Land Protection Plan.

ADDRESS: The public may present comments in writing to park headquarters. Correspondence should be addressed to Superintendent, New River Gorge National River, Drawer V, 137½ Main Street, Oak Hill, West Virginia 25901. Copies of the plan may also be obtained by the public by visiting or writing to this office.

FOR FURTHER INFORMATION CONTACT: Superintendent Jim Carrico at the park headquarters address or call (304) 465–0508.

SUPPLEMENTARY INFORMATION: National Park Service staff will be available at the public meetings and open house sessions to answer questions concerning the plan. Detailed segment maps will be available to indicate property line relationships to the proposed boundary.

The schedule of meetings and open house sessions follow:

Date, Location and Time

February 27: Raleigh County Court House, Commissioners Meeting Room, Beckley, West Virginia—7:00 p.m.
February 28: Memorial Building, Hinton, West Virginia—7:00 p.m.
February 29: NPS Visitor Contact Station, Route 3 By-Pass, Hinton, West Virginia—9:00 a.m. to 4:30 p.m.
March 1: Fayetteville High School, Fayetteville, West Virginia—7:00 p.m.
March 3: NPS Visitor Contact Station, Route 3 By-Pass, Hinton, West Virginia—9:00 a.m. to 4:30 p.m.
March 5: Thurmond Union Church, Thurmond, West Virginia—7:00 p.m.
March 6: Old Quinnimont School, Route 41, Prince, West Virginia—7:00 p.m.
March 8: Volunteer Fire Department, Sandstone, West Virginia—7:00 p.m.
March 9: NPS Visitor Contact Station, Route 3 By-Pass, Hinton, West Virginia—9:00 a.m. to 4:30 p.m.

In addition to the above schedule, citizens may obtain answers to any questions and view segment maps during the public comment period at the park headquarters, 137½ Main Street, Oak Hill, West Virginia, 8:00 a.m. to 4:30 p.m., Monday through Friday.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc. 84-4117 Filed 2-13-84; 8:45 am]
BILLING CODE 4310-70-M

Minerals Management Service

Development Operations Coordination Document; Gulf Oil Exploration & Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 3543, Block 24, 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 Patterson, Louisiana.

DATE: The subject DOCD was deemed submitted on February 3, 1984.

ADDRESSES: A copy of the subject DOCD 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) 838–0617.

SUPPLEMENTARY INFORMATION: .

The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the POD/P and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs 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 Section 250.34 of Title 30 of the CFR.

Dated: February 3, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–3918 Filed 2–13–84; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Shell Offshore Inc., Unit Operator of the South Pass Block 65, G–$_2$–G$_3$ Sand, Reservoir A Federal Unit Agreement No. 14–08–0001–12333, submitted on January 31, 1984, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the South Pass Block 65, G–$_2$–G$_3$ Sand, Reservoir A Federal Unit.

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 plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 6, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–3917 Filed 2–13–84; 8:45 am]

BILLING CODE 4310–MR–M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the information collection requirement and supporting documentation may be obtained by contacting John Mirabella at (703) 860–7916. Comments and suggestions on the collection of information should be made directly to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, Office of Management and Budget, Washington, D.C. 20503; with copies to David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646; Room 6A110; Minerals Management Service; U.S. Department of the Interior; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: Monthly Report of Operations.

Bureau Form Number: MMS–152.

Frequency: Monthly.

Description of Respondents: Federal Oil and Gas Lessees on the Outer Continental Shelf.

Annual Responses: 18,000.

Annual Burden Hours: 270,000.

Dated: January 25, 1984.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 84–3953 Filed 2–13–84; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Shell Offshore Inc., Unit Operator of the South Pass Block 65, G–G$_1$ Sand, Reservoir A Federal Unit Agreement No. 14–08–0001–12332, submitted on January 31, 1984, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the South Pass Block 65, G–G$_1$ Sand, Reservoir A Federal Unit.

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 Mangement Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 6, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–3952 Filed 2–13–84; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

Petition To Designate Certain Lands in Adams County, Colorado, Unsuitable for Surface Coal Mining Operations; Availability of Final Evaluation Document, Decision, and Statement of Reasons

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

ACTION: Notice of availability of the final petition evaluation document, the decision, and the statement of reasons for the decision.

SUMMARY: The Office of Surface Mining (OSM) has prepared a final evaluation of the petition to designate certain lands adjacent to the Front Range Airport in Adams County, Colorado unsuitable for all or certain types of surface coal mining operations. The Secretary for Lands and Minerals Management has decided to designate the land unsuitable for mining.

Copies of the final evaluation document, the decision, and the statement of reasons for the decision are being made available today. OSM has arranged delivery of these three items to known interested parties.

Additional information on this petition may be found in **Federal Register** notices of February 24, 1983 (Receipt of a Complete Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations: Colorado, 48 FR 7820–7821) and November 9, 1983 (Availability of Draft Petition Evaluation Document and Notice of Public Hearing for the Board of County Commissioners, Adams County, Colorado/Front Range Airport Authority's Petition to Designate certain lands in Adams County, Colorado, unsuitable for surface coal mining operations, 48 FR 51551).

DATES: The final evaluation document, the decision, and the statement of reasons for the decision are being made avaiable on February 14, 1984.

ADDRESS: Copies of the final document, the decision, and the statement of reasons are available at the OMS Western Technical Center, 2nd Floor, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Charles Albrecht, (telephone: 303–837–5656) at the Western Technical Center, office listed under **"ADDRESSES".**

SUPPLEMENTARY INFORMATION: The final document summarizes available information on the petition area. The document also contains discussions of the potential coal resources in the area, the demand for coal resources, and the impacts of any designation on the environment, the economy, and the supply of coal, as well as the impacts of alternatives available to the decisionmakers. The Bureau of Land Management has rated the coal recovery in the petition area as poor.

The petition area is part of the safety zone for the Front Range Airport. Adams County adopted a master plan and land use controls to develop the airport site in June 1982. The Assistant Secretary for Land and Minerals Management has determined that surface mining operations would be incompatible with land use plans and programs of Adams County.

A public hearing was held on December 5, 1983, at the OSM office in Denver, Colorado. Responses to hearing testimony and written comments on the draft document have been prepared and are published in the final document.

Dated: February 8, 1984.

J. R. Harris,

Director.

[FR Doc. 84–4009 Filed 2–13–84; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the sixty-first meeting of the Board for International Food and Agricultural Development (BIFAD) on March 8, 1984.

The purpose of the meeting is to hear a presentation on the Small Ruminant Collaborative Research Support Program (CRSP) by David Robinson, Program Director, University of California at Davis; a discussion of the report of the National Bipartisan Commission on Central America by Ambassador Harry W. Shlaudeman, Executive Director of the Commission, Peter Askin, Director of the AID Office of Central American Affairs and Richard Archi of that office; and to consider a report by the Joint Committee on Agricultural Research and Development (JCARD) to include the Program of Work for 1984.

The meeting will begin at 9:00 a.m. and adjourn at 12:30 p.m. and will be held in Room 1107, New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits. An escort from the "C" Street Information Desk (Diplomatic Entance) will conduct you to the meeting.

Mr. Leard Yaeger, Deputy Assistant Administrator for Science and Technology, Agency for International Development, is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, Washington, D.C. 20523, or telephone him at (202) 632–4871.

Dated: February 8, 1984.

Leonard Yaeger,

A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 84–4022 Filed 2–13–84; 8:45 am]

BILLING CODE 6116–01–M

President's Task Force on International Private Enterprise; Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the President's Task Force on International Private Enterprise which will be held March 5–6, 1984 at the U.S. State Department, Room 1107.

This will be the sixth meeting of the Task Force.

The meeting will be open to the public. The agenda includes an update on Task Force activities and a discussion of key issues. Both days will be devoted to a review of Task Force findings and proposed recommendations. Any interested person may attend, request to appear before, or file statements with the Task Force in accordance with procedures established by the Task Force. Written statements should be filed prior to the meeting and should be available in twenty-five copies.

There will be an AID representative at the meeting. It is suggested that those desiring to attend or in need of further information contact Birge Watkins, Assistant Director, on (202) 944–3350 or by mail c/o The President's Task Force on International Private Enterprise, Agency for International Development, Washington, D.C. 20523.

Dated: February 6, 1984.

Elise R. W. du Pont,

Assistant Administrator, Bureau for Private Enterprise.

[FR Doc. 84–3959 Filed 2–13–84; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-164)B]

Burlington Northern Railroad Company; Abandonment and Discontinuance of Trackage Rights Over Chicago and North Western Railway Company in Whiteside, Lee, and La Salle Counties, IL; Findings

The Commission has found that the public convenience and necessity permit the Burlington Northern Railroad Company to abandon its 46.88 mile rail line between BN milepost 6.67 near Earlville and BN milepost 48.21 at Sterling and to discontinue service over .61 miles of railroad of the Chicago and North Western Railway Company between Earlville and BN milepost 6.67 in Whiteside, Lee, and La Salle Counties, IL.

A certificate will be issued authorizing this abandonment and discontinuance unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." An offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-3932 Filed 2-13-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-95)]

Seaboard System Railroad, Inc.; Abandonment; in Florence County, SC; Findings

The Commission has issued a certificate authorizing Seaboard System Railroad, Inc., to abandon its 17.32-mile rail line between milepost SJ–336.79 near Florence, SC and milepost SJ–354.11 near Pamplico, SC, in Florence County, SC. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-3931 Filed 2-13-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Employment and Training Administration
Youth Employment Competency System Survey
One-time
State or local governments
647 responses; 214 hours; 2 forms

Section 106(a) of the Job Training Partnership Act requires the Secretary to develop performance standards. The Secretary shall designate factors for evaluating the performance of youth programs, including attainment of competencies recognized by Private Industry Councils. To explore the feasibility of including youth employment competencies as a part of the overall standards, ETA must survey the status of youth employment competency system implementation in the States and substate service delivery areas.

Office of Pension and Welfare Benefit Programs
Prohibited Transaction Class Exemption 77–10
Recordkeeping
Businesses or other for-profit; non-profit institutions; small businesses or organizations
1 hour

This class exemption complements class exemption 76–1. It permits participating employees or unions or another plan to lease office space or to

obtain administrative services or goods from a multiple employer or multiemployer plan.

Prohibited Class Exemption 76–1
Recordkeeping
Businesses and other for-profit; non-profit institutions; small businesses or organizations
2,555 recordkeepers; 639 hours

The class exemption permits parties in interest, under specified conditions, (A) to make delinquent employer contributions, (B) to receive construction loans, and (C) to obtain office space, administrative services, and goods from plans.

Prohibited Transaction Exemption 78–19
Recordkeeping
Businesses or other for-profit; small businesses or organizations
1 hour

This exemption allows parties in interest of an employee benefit plan that invests in an insured pooled separate account to engage in transactions with the separate account if the plan's participation in the separate account does not exceed specified limits. Six year recordkeeping is required.

Prohibited Transaction Exemption 80–51
Recordkeeping
Businesses or other for-profit; small businesses or organizations
1 hour

Six year record retention is required to verify that the conditions of the class exemption have been met. The exemption permits a bank collective investment fund to engage in certain transactions with parties in interest to a plan, which would otherwise be prohibited by ERISA.

Prohibited Transaction Class Exemption 75–1
Recordkeeping
Businesses or other for-profit; small businesses or organization
1 hour

The class exemption from ERISA's prohibited transactions permits banks, registered broker-dealers and reporting dealers in Government securities who are parties in interest to engage in certain kinds of securities transactions with plans.

Extension

Occupational Safety and Health Administration
Respirator Program Records
1219–0048; MSHA–40 4R
On occasion
2,800 respondents; 5,600 hours
Businesses and other for-profit; small businesses or organizations

Requires an operator to establish a respirator program which consists of written standard operating procedures governing the selection, use and care of respirators. Programs are intended to provide guidance that will assist respirator users in safeguarding health and life through proper selection and use of respirators.

Reinstatement

Mine Safety and Health Administration
Temporary Labor Camps
1218–0029; OSHA 165
On occasion
Farms; businesses or other for profit
1379 responses; 138 hours; 0 forms

This information is required to safeguard the health of temporary labor camp residents. The information is used to reduce the incident of communicable disease among temporary labor camp residents.

Signed at Washington, D.C. this 9th day of February 1984.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 84–3988 Filed 2–13–84; 8:45 am]

BILLING CODE 4510–29–M

Secretary of Labor's Committee on Veterans' Employment; Meeting

The Secretary's Committee on Veterans' Employment was established under section 308, Title III, Pub. L. 97–306, "Veterans Compensation, Education and Employment Amendments of 1982," to bring to the attention of the Secretary problems and issues relating to veterans' employment. Notice is hereby given that the Secretary of Labor's Committee on Veterans' Employment will meet on Tuesday, March 6, 1984 at 10:00 a.m. in the Secretary's Conference Room, S2508–FPB.

Items to be discussed are:

- Status of OVRR Program.
- Emergency Veterans' Job Training Act of 1983.
- Title IV C Funding (JTPA).
- Subcommittee on Communications Progress Report.

The public in invited to attend.

Signed this 9th day of February 1984 in Washington, D.C.

William C. Plowden, Jr.

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 84–3987 Filed 2–13–84; 8:45 am]

BILLING CODE 4510–79–M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period January 30, 1984-February 3, 1984.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,(2) That sales or prduction, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–14,809; General Electric Co., Carboloy Department, Warrensville Heights, OH
TA–W–14,711; Don's Outerwear, Inc., Elizabeth, NJ
TA–W–14,759; A.P. DeSano & Sons, Phoenixville, PA

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–14,891; Mystery Mountain Coal Co., Inc., Ragland, WV
TA–W–14,832; U.S. Steel Mining Co., Inc., Gary District, Engineering Department, Gary, WV
TA–W–14,944; Elgin, Joliet & Eastern Railway Co., Joliet Office, Joliet, IL
TA–W–15,000; D & L Coal, Inc., Ragland, WV
TA–W–15,001; Energy Coal Income Partnership 1981–2, Ragland, WV
TA–W–15,002; Enoxy Coal, Inc., Ragland, WV

TA–W–15,007; Superior Pocahontas Coal Co., Ragland, WV

The investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–14,935; Excalibar Coal Co. Madison, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA–W–14,948; Lee Ann Coal Co., Madison, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA–W–14,883; Terex Corp., Brooklyn, OH

Aggregate U.S. imports of haulers and scrapers have been and are negligible.

Affirmative Determinations

TA–W–14,882; Terex Corp., Hudson, OH

A certification was issued covering all workers separated on or after October 1, 1982.

TA–W–14,709; Wean United, Inc., Youngstown, OH

A certification was issued covering all workers separated on or after November 30, 1982.

TA–W–15,103; Wean United, Inc., Warren, OH

A certification was issued covering all workers separated on or after November 30, 1982.

TA–W–15,104; Wean United, Inc., Vandergrift, PA

A certification was issued covering all workers separated on or after November 30, 1982.

TA–W–14,966; Newburgh and South Shore Railway Co., Cleveland, OH

A certification was issued covering all workers separated on or after August 25, 1982.

TA–W–14,770; Amax Chemical Corp., Carlsbad, NM

A certification was issued covering all workers separated on or after June 15, 1982.

TA–W–14,892; U.S. Steel Corp., American Bridge Div., Engineering and Design Dept., Pittsburgh, PA

A certification was issued covering all workers separated on or after July 19, 1982.

TA–W–14,874; Armira Co., Sheboygan, WI

A certification was issued covering all workers separated on or after July 22, 1982 and before January 31, 1984.

TA–W–14,875; Armira Co., Muscatine, IA

A certification was issued covering all workers separated on or after July 22, 1982 and before September 30, 1983.

I hereby certify that the aforementioned determinations were issued during the period January 30, 1984-February 3, 1984. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: February 7, 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84–3985 Filed 2–13–84; 8:45 am]

BILLING CODE 4510–30–M

Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Thursday, March 15, 1984, in Regency Ballroom A, Hyatt Regency Washington, 400 New Jersey Avenue NW., Washington, D.C.

The purpose of the meeting is to present a forum on the Impact of ERISA and Related Legislation on the Development of Private Retirement Plans.

The meeting will consist of a morning session beginning at 9:30, at which several Members of Congress will address the Advisory Council, followed in the afternoon, at 1:30, when statements will be presented by representatives of employee organizations, employers, plan participants and practitioners, who have been invited to take part in the program.

Individuals or organizations wishing to submit written statements pertaining to the topic of the forum should send 20 copies to Edward F. Lysczek, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room S–4522, Third and Constitution Avenue NW., Washington, D.C. 20216. Telephone (202) 523–8753.

Papers on the Impact of ERISA and Related Legislation on the Development of Private Retirement Plans will be accepted and included in the record of the meeting if received on or before March 5, 1984.

Signed at Washington, D.C. this 8th day of February 1984.

Robert A. G. Monks,

Administrator, Office of Pension and Welfare Benefit Programs.

[FR Doc. 84–3984 Filed 2–13–84; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 84–15]

Intent To Grant an Exclusive Patent License; Engineering Corp. of Racine, Wisconsin, et al.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant an exculsive patent license.

SUMMARY: NASA hereby gives notice of intent to grant to Medical Engineering Corporation of Racine, Wisconsin and Parker Hannifin Corporation of Irvine, California, a limited, jointly exclusive, royalty-bearing, revocable license to practice the invention described in U.S. Patent No. 4,408,597 for a "Prosthetic Occulsive Device For An Internal Passageway" which was issued October 11, 1983, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2 NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by April 16, 1984.

ADDRESS: National Aeronautics and Space Administration, Code GP, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, (202) 453–2430.

Dated: February 7, 1984.

John E. O'Brien,

Deputy General Counsel.

[FR Doc. 84–3924 Filed 2–13–84; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Advisory Panel; 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 Museum Advisory Panel (Training/Professional Development) to the National Council on the Arts will be held on March 2, 1984, from 9:30 a.m.–5:30 p.m. in room 714, of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel 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. 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, DC 20506, or call (202) 682–5433.

Dated: February 7, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–3969 Filed 2–13–84; 8:45 am]

BILLING CODE 7537–01–M

Theater Advisory Panel; 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 Theater Advisory Panel (Overview) to the National Council on the Arts will be held on March 2, 1984, from 9:00 a.m.–5:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

A portion of this meeting will be open to the public on March 2 from 9:00 a.m.–3:30 p.m. to discuss Policy and Guidelines.

The remaining sessions of this meeting on March 2 from 3:30 p.m.–5:00 p.m. are for the purpose of Panel 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. 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, DC 20506, or call (202) 682–5433.

Dated: February 7, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–3968 Filed 2–13–84; 8:45 am]

BILLING CODE 7537–01–M

Theater Advisory Panel; 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 Theater Advisory Panel (Artistic Associates/Director Fellows/US-Japan Fellowships) to the National Council on the Arts will be held on March 1, 1984, from 9:00 a.m.–5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel 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. 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, DC 20506, or call (202) 682–5433.

Dated: February 8, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–3970 Filed 2–13–84; 8:45 am]

BILLING CODE 7537–09–M

Visual Arts Advisory Panel; 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 Visual Arts Advisory Panel (Forums/Publications) to the National Council on the Arts will be held on March 6, 1984, from 9:00 a.m.–7:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel 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. 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, DC 20506, or call (202) 682–5433.

Dated: February 8, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–3971 Filed 2–13–84; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Class–9 Accidents; Meeting Postponed

The ACRS Subcommittee on Class–9 Accidents scheduled for February 24, 1984, Room 1046, at 1717 H Street, NW, Washington, DC has been *postponed to March 30, 1984.*

All other items regarding this meeting remain the same as announced in the **Federal Register** published Tuesday, February 7, 1984 (49 FR 4570).

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. Alan B. Wang (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 8, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-3972 Filed 2-13-84; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Export Nuclear Facilities for 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 export Licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., 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 requester 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 6th day of February 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 applicant, date received, and application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Edlow International Co., Jan. 18, 1984, Jan. 23, 1984, XSNM02106.	3.45 percent enriched uranium.	13,518	467	Reload fuel for Mihama, Unit III	Japan.
Mitsubishi International, Corp., Jan. 23, 1984, Jan. 26. 1984, XSNM02109.	....do	11,519	398	Reload fuel for Genkai, Unit I	Do.
Mitsubishi International, Corp., Jan. 16, 1984, Jan. 26, 1984, XSB02110.	....do	32,856	1,134	Reload fuel for Genkai, Unit II	Do.
Edlow, International, Co, Jan. 27, 1984, Jan. 30, 1984, XSNM02111.	....do	28,553	986	Reload fuel for Ohi, Unit II	Do.
Westinghouse Electric Corp., Jan. 26, 1984, Jan. 31, 1984, XSNM01472 (Amend. 01).	4.15 percent enriched uranium.	[1]69,048	2,995	Amend to increase quantity for two additional reloads for Kori, Unit II.	Korea.
Edlow, International Co., Jan. 27, 1984, Jan. 30, 1984, XSNM02112.	3.45 percent enriched uranium.	19,618	677	Reload fuel for Takahama, Unit II	Japan.
Transnuclear, Inc. Jan 31, 1984, Feb. 2, 1984, XSNM02113 (Amend. 03).	4.04 percent enriched uranium.	[1]37,786.646	[1]1,526.581	Two additional reloads of fuel for Philippsburg Unit I	West Germany.
Marubeni America Corp., Feb. 1, 1984, Feb. 2, 1984, XSNM02113.	3.95 percent enriched uranium.	10,066	302	Reload fuel for Fukushima II, Unit II	Japan.
Marubeni America Corp., Feb. 1, 1984, Feb. 2, 1984, XSNM02114.	....do	24,355	717	Reload fuel for Fukushima II, Unit II	Do.
Transnuclear, Inc. Feb. 2, 1984, Feb. 2, 1984 XSNM01912 (Amend. 02).	3.80 percent enriched uranium.	[1]11,041	[1]420.038	Reload for Ringhals II	Sweden.

[1] Additional.

[FR Doc. 84-3955 Filed 2-13-18; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322-0L-3]

Long Island Lighting Co.; (Shoreham Nuclear Power Station, Unit 1); Emergency Planning Proceeding; Hearing

February 8, 1984.

Please take notice that the hearing in this proceeding will reconvene at 10:00 a.m. on Thursday, February 23, 1984 in Room 3B46, Court of Claims, State of New York, State Office Building, Veterans Memorial Highway, Hauppauge, New York. The hearing will continue at that location through Friday, February 24, 1984.

Bethesda, Maryland

For Atomic Safety and Licensing Board.

Frederick J. Shon,

Administrative Judge.

[FR Doc. 84-3956 Filed 2-13-84; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. 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.

The draft guide, temporarily identified by its task number, OP 212-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Radiation Protection Training for Personnel Employed in Medical Facilities" and is intended for Division 8, "Occupational Health." It is being developed to describe a radiation safety training program acceptable to the NRC staff for individuals who work with or in the vicinity of byproduct material for human use.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should

be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 2055, Attention: Docketing and Service Branch, by April 9, 1984.

Although a time limit is given for comments on these drafts, 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.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(A))

Dated at Rockville, Maryland this 7th day of February 1984.

For the Nuclear Regulatory Commission.

Karl R. Goller, Director,

Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 84-3957 Filed 2-13-84; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Options Evaluation Task Force; Regular Meeting Notice

AGENCY: Options Evaluation Task Force of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

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

- Background and role of task force
- Decision framework: existing and proposed analytical tools
- Possible decision rules
- Public comment

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Options Evaluation Task Force..

DATE: Friday, February 24, 1984. 10:00 a.m..

ADDRESS: The meeting will be held at the Council Hearing Room at 700 S.W. Taylor; Suite 200, in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Wally Gibson, Chairman at (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-3949 Filed 2-13-84; 8:45 am]

BILLING CODE 0000-00-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; Charmer Industries, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Charmer Industries Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years, beginning after the sale. PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATE: Comments must be submitted on or before March 30, 1984.

ADDRESSES: All written comments (at least three copies) should be addressed to: Director, Corporate Planning and Program Development Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Deborah Murphy, Attorney, Corporate Planning and Program Development Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862 (not a toll-free number).

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above will be paid to the plan if the purchaser withdraws from the plan or fails to make any required contribution to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204 (a)(1)(B) and the contract-provision requirement of section 4204 (a)(1)(C). The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1) (B) or (C) does not constitute a finding by PBGC that the transaction

satifies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of PBGC's regulation on procedures for variances for sales of assets, 29 CFR 2643.3(a) (1982), PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of ERISA; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

PBGC has received a request from Charmer Industries Inc. ("Charmer") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA. In the request, the applicant represents, among other things, the following:

(1) On December 31, 1981, Charmer bought certain assets of standard Wine & Liquor Co., Inc. ("Standard").

(2) Charmer has assumed Standard's obligation, pursuant to collective barganing agreements with four unions, to contribute to four pension plans, viz.:

Union	Plan
Wine, Liquor and Distillery Workers Union Local One.	Wine, Liquor and Distillery Workers Union Local One Pension fund ("Local One Fund")
Liquor Salesmen's Union Local 2.	Retirement Plan of the Liquor Salesmen's Union Local 2 Pension Fund ("Local 2 Fund")
Wholesale Wine Salesmen's Union Local 18.	Wholesale Wine Salesmen's Union Pension Fund ("Local 18 Fund")
Drivers and Chauffeurs Local Union No. 816, IBT.	Local 816 Labor and Management Pension and Welfare Fund ("Local 816 Fund").

(3) The amount of Charmer's bond/escrow required under section 4204(a)(1)(B) is $296,050.28, and the estimated amount of the withdrawal liability that Standard would otherwise incur as a result of the sale if section 4204 did not apply to the sale is $1,603,799, broken down as follows:

Fund	Bond	Withdrawal liability
Local One Fund	58,600.00	79,048
Local 2 Fund	121,758.00	755,362
Local 18 Fund	18,174.00	47,887
Local 816 Fund	99,512.28	721,502

Charmer has furnished the four required bonds. Charmer contributed to the plans before its purchase of Standard's assets, but has not submitted estimates of its pre-transaction withdrawal liability.

(4) Charmer and its subsidiary had net tangible assets for its fiscal year ended March 31, 1981, of $12,247,392, and for its fiscal year ended March 31, 1983, of $17,406,780. Charmer and its subsidiary had an average net income for its fiscal years ended March 31, 1979–1981, of $1,359,859, and for its fiscal years ended March 31, 1981–1983, of $2,558,246. (Charmer also submitted financial statements as part of its request, but has asserted that they are exempt from disclosure under the Freedom of Information Act, 5 U.S.C 522(b)(4). The foregoing figures were supplied separately from the financial statements.)

(5) Charmer has sent a copy of this request (excluding the financial statements) to the four pension plans and the collective bargaining representatives of Standard's former employees by certified mail, return receipt requested.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, by March 30, 1984. All comments will be made a part of the record. Comments received, as will as the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D. C., on this 3rd day of February 1984.

Charles C. Tharp,

Executive Director Pension Benefit Guaranty Corporation.

[FR Doc. 84-3930 Filed 2-13-84; 8:45 am]

BILLING CODE 7708-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area # 2116]

California; Declaration of Disaster Loan Area

Bradford Island, Contra Costa County in the State of California constitutes a disaster area because of damage caused by heavy rains, winds, high tides and flooding on December 3, 1983. Applications for loans for physical damage may be filed until the close of business on April 9, 1984, and for economic injury intil the close of business on November 8, 1984, at the address listed below: U.S. Small Business Administration, 660 J Street, Suite 215, Sacramento, California 95814 or other locally announced locations. Interest rates for this disaster are:

Homeowners with credit available elsewhere—12.500%

Homeowners without credit available elsewhere—6.250%

Businesses with credit available elsewhere—11.000%

Businesses without credit available elsewhere—8.000%

Businesses (EIDL) without credit available elsewhere—8.000%

Other(non profit organizations including charitable and religious organizations)—10.500%

The number assigned to this disaster is 211606 for physical damage and for economic injury the number is 614300.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 8, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-4023 Filed 2-13-84; 8:45 am]

BILLING CODE 8025-01-M

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C., will hold a public meeting at 8:30 a.m. until 5:00 p.m., Monday, February 27, 1984, at the University of Houston, Conrad Hilton Hotel College of Hotel and Restaurant Management, 4800 Calhoun Street, Scorpius Room #275, Houston, Texas 77004, to discuss such business as may be presented by the Committee members. The meeting will be open to the interested public, however, space is limited.

Persons wishing to present written statements should notify Mr. Milton Wilson, Jr., Office of Capital Ownership Development, Small Business Administration, Room 602, 1441 L Street, NW., Washington, D.C. 20416 in writing or by telephone (202) 653-6526, no later than February 23, 1984.

Dated: February 9, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-4024 Filed 2-13-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 896]

Board of Appellate Review; Publication of Decisions of the Board

Effective January 11, 1984, selected decisions of the Board of Appellate Review, on appeals from administrative

determinations by the Department of State of loss of nationality and denial of passport facilities, will be published as a matter of public record.

The Board, which derives its authority from 22 CFR Part 7, provides an administrative remedy in the form of a quasi-judicial hearing or review to one who has been the subject of an adverse determination of nationality or restrictive action with respect to a passport.

Inquiries about obtaining copies of the Board's decisions may be directed to the Public Information Service, Bureau of Public Affairs, Room 4827A, Department of State, Washington, D.C. 20520. Telephone (202) 632–6575.

Dated: February 2, 1984.

Alan G. James,

Chairman, Board of Appellate Review.

[FR Doc. 84–3954 Filed 2–13–84; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. S–751]

Equity Carriers I, Inc., et al.; Application for Section 805(a) Permission for Affiliated Companies To Operate Two Tanker Vessels in Domestic Intercoastal and Coastwise Trade

Equity Carriers I, Inc., charters and operates the dry bulk cargo vessel *Pride of Texas;* Asco-Falcon II Shipping Company owns and operates the dry bulk cargo vessel *Star of Texas;* and Equity Carriers III, Inc., charters and operates the dry bulk carrier vessel *Spirit of Texas.* These three vessels are engaged in service in the foreign trades and are covered by Applicants' ODS Contract MA/MSB–439, as amended, and are presently operating in the U.S. preference grain trades pursuant to section 614 of the Merchant Marine Act, 1936, as amended (Act), under which the ODS contract has been suspended, and no operating subsidy is now being awarded or paid with respect to such vessels.

Two unsubsidized 37,000 DWT product carriers, USNS *Columbia* (formerly *Falcon Lady*), and USNS *Susquehanna* (formerly *Falcon Countess*), both owned by Falcon Tankers, Inc. (Falcon), will later this year be released from Military Sealift Command charters, and after upgrading, are intended to be operated by Seahawk Management, Inc. (Seahawk), in the domestic coastwise and intercoastal trades. Falcon and Seahawk may be deemed affiliates of the Applicants by virtue of having certain common shareholders.

By letter of January 31, 1984, Applicants requested written permission under section 805(a) of the Act for their affiliate Seahawk to operate the two tankers in the domestic intercoastal or coastwise trades. Applicants, as parties to an Operating-Differential Subsidy Agreement, would require such written permission under section 805(a) when operating vessels with subsidy under the ODSA. The Applicants aver that they and their affiliates will remain separate companies, and there will be no intermingling of the respective companies' subsidized and unsubsidized operations, nor will any subsidy funds be made available directly or indirectly to the affiliates.

By letter of September 26, 1984, Applicants requested written permission under section 805(a) of the Act for Seahawk to operate two other 37,000 DWT product carriers (USNS *Neches* and USNS *Hudson)* (both vessels virtually identical to the two covered by the instant application) in the domestic intercoastal or coastwise trade. That Application was described in the **Federal Register** issue of October 3, 1983 (48 FR 45182) Docket S–744. The Docket is currently before an Administrative Law Judge awaiting a hearing. Written permission pursuant to section 805(a) of the Act was granted to permit the operation of the USNS *Neches* and USNS *Hudson* in the domestic trade until such time as any of the vessels for which ODSA MA/MSB–439 was suspended pursuant to section 614 of the Act return to subsidized service.

Since the facts concerning both requests for section 805(a) written permission are substantially the same, Applicants wish to include the USNA *Columbia* and USNS *Susquehanna* in any section 805(a) hearing concerning the USNS *Neches* and USNS *Hudson.*

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a) of the Act) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, by close of business on February 24, 1984, together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistant Program NO. 20.804 Operating-Differential Subsidies (ODS))

By Order of the Maritime Administrator.

Dated: February 9, 1984.

Georgia P. Stamas,

Secretary.

[FR Doc. 84–3925 Filed 2–13–84; 8:45 am]

BILLING CODE 4910–81–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series No. 2–84]

Treasury Notes; Series M–1987

February 8, 1984.

The Secretary announced on February 7, 1984, that the interest rate on the notes designated Series M–1987, described in Department Circular—Public Debt Series—No. 2–84 dated February 2, 1984, will be 10–7/8 percent. Interest on the notes will be payable at the rate of 10–7/8 percent per annum.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84–3926 Filed 2–13–84; 8:45 am]

BILLING CODE 4810–40–M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92–463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. on March 6, 1984, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs to

formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam Conflict.

The meeting will be open to the seating capacity of the room. Members of the public may direct questions, in writing only, to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Agent Orange Projects Office (10A7), Room 848, Department of Medicine and Surgery, Veterans Administration Central Office, Washington, D.C. 20420 (Telephone: (202) 389–5411).

Dated: February 1, 1984.

By direction of the Administrator

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 84-3973 Filed 2-13-84; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 31
Tuesday, February 14, 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

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME AND DATE: 10 a.m., Thursday, February 16, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Status Report: Voluntary Standards for Crib Hardware and Expandable Enclosures.*
   The staff will brief the Commission on the status of the voluntary standards effort on crib hardware and expandabler enclosures.

Closed to the public:

2. *Enforcement Matter OS# 4540.*
   The Commission will consider issues related to enforcement matter OS# 4540.
3. *Enforcement Matter OS# 5868.*
   The staff will brief the Commission on issues related to enforcement matter OS# 5868.

For a recorded message containing the latest agenda information: call 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207, 301–492–6800.

Dated: February 9, 1984.

Sadye E. Dunn,
Secretary.

[FR Doc. 84–4025 Filed 2–10–84; 8:51 am]
BILLING CODE 6355–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME AND DATE: 10 a.m., Wednesday, February 15, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Export Policy CPSA & FHSA*
   The staff will brief the Commission on issues related to the export policy under the Consumer Product Safety Act and the Federal Hazardous Substances Act.
2. *Sleepwear Enforcement Policy*
   The staff will brief the Commission on the issuance of final enforcement policy statements concerning the flammability standards for children's sleepwear. The policy statements set forth factors the Commission will consider when deciding whether particular fabrics or garments are subject to the children's sleepwear standard.
3. *PPPA Exemption Request, PP 83–1*
   The staff will brief the Commission on a petition from Ayerst Laboratories to exempt certain conjugated estrogens and progestins from special packaging requirements under the PPPA.

For a recorded message containing the latest agenda information: call 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207, 301–492–6800.

Dated: February 9, 1984.

Sadye E. Dunn,
Secretary.

[FR Doc. 84–4026 Filed 2–10–84; 8:51 am]
BILLING CODE 6355–01–M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Wednesday, February 8, 1984.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to the previously announced item, the Commission also acted on the following:

2. U.S. Steel Corporation, Docket Nos. LAKE 81–116–M, LAKE 81–77–RM. (Issues included whether the judge erred in concluding that the operator violated 30 CFR 55.12–14, a safety standard dealing with the movement of power cables.)

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the addition was possible. (5 U.S.C. 552b(e)(1))

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5632.

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 84–4099 Filed 2–10–84; 3:12 pm]
BILLING CODE 6820–12–M

4

FOREIGN CLAIMS SETTLEMENT COMMISSION

[Meeting Notice No. 11–83]

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time: Tuesday, February 21, 1984, 10:30 a.m.

Subject Matter: Consideration of Proposed Decisions in the Second Czechoslovakian Claims Program and Final Decisions on Hearings on the Record.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 20th Street NW., Room 409, Washington, D.C. 20579. Telephone: (202) 653–6155.

Dated at Washington, D.C., on February 8, 1984.

Judith H. Lock,
Administrative Officer.

[FR Doc. 84–4073 Filed 2–10–84; 2:00 am]
BILLING CODE 4410–01–M

5

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

TIME AND DATE: 9–11:15 a.m., February 17, 1984.

PLACE: Conference Room 823, National Institute of Education, 1200 19th Street, Washington, D.C.

STATUS: Open hearing.

MATTERS TO BE CONSIDERED: The Lab and Center Committee will hold an open hearing. At this open hearing they will invite all interested parties to comment on the National Council on Educational Research's Lab and Center policy statement or invite such other comments as deemed appropriate regarding the National Institute of Education's planned recompetition for the Lab and Centers.

CONTACT PERSON FOR MORE INFORMATION: Patricia Hines, 2000 L St. NW., Washington, D.C. 202–254–7490.

Dated: February 8, 1984.

James Hinish,

Executive Director of the National Council on Educational Research.

[FR Doc. 84–3928 Filed 2–10–84; 8:51 am]

BILLING CODE 4000–01–M

6

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–84–6]

TIME AND DATE: 9 a.m., Tuesday, February 21, 1984.

PLACE: NTSB Board Room, Eighth Floor, 800 Independence Avenue S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Safety Study*—Statistical Review of Alcohol-Involved Aviation Accidents.
2. *Aircraft Accident Report*—McCauley Aviation Mitsubishi MU–2B, N72B, 5 Nautical Miles South of Jeffersonville, Georgia, March 24, 1983.
3. *NTSB Responses* to Industry Recommendations Emanating from the Aviation Accident Investigation Symposium, Springfield, Virginia, April 26, 1983.
4. *Proposed Safety Objective Plan*—Rail Rapid Transit Safety.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382–6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

February 10, 1984.

[FR Doc. 84–4106 Filed 2–10–84; 3:29 pm]

BILLING CODE 4910–58–M

7

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

(Northwest Power Planning Council)

TIME AND DATE: February 22, 1984, 1 p.m.; February 23, 1984, 9 a.m.

PLACE: University of Montana, University Center Ballroom, Missoula, Montana.

STATUS: Open. A portion of this meeting will be closed to the public to discuss pending litigation and other legal matters.

MATTERS TO BE CONSIDERED:

Staff Presentation on Bonneville Power Administrations FY 1985 Budget Submittal
Presentation on Bonneville Power Administration's Proposed Change in Methodology for Calculating the Average System Cost for Utilities Participating in the Regional Exchange Program
Council Discussion on Northwest-Southwest Intertie Access Policy
Public Comment on Proposed Amendments to the Council's Study of Large Thermal Plant Planning and Construction Schedules (Action 23.1)
Decision on Goals Study of the Columbia River Basin Fish and Wildlife Program
Presentation of Issue Papers on Amendment of the Columbia River Basin Fish and Wildlife Program
Council Business
Public Comment

CONTACT PERSON FOR MORE INFORMATION: Ms. Bess Wong, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 84–4058 Filed 2–10–84; 12:10 pm]

BILLING CODE 0000–00–M

federal register

Tuesday
February 14, 1984

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 179

Irradiation in the Production, Processing, and Handling of Food; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 179

[Docket No. 81N-0004]

Irradiation in the Production, Processing, and Handling of Food

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing regulations for using ionizing radiation for treating food. This proposal follows an advance notice of proposed rulemaking (ANPR). The proposed regulations would permit food to be irradiated to inhibit the growth and maturation of fresh fruits and fresh vegetables, to disinfest food of insects at doses not to exceed 100 kilorads (krad), and to disinfect spices of microbes at doses not to exceed 3 megarads (Mrad). In addtion, the proposed regulations would require that records be kept for 1 year past the expected shelf life of the product and that these records be available for FDA inspection.

DATES: Comments by April 16, 1984.

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

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

SUPPLEMENTARY INFORMATION: FDA issued in the **Federal Register** of March 27, 1981 (46 FR 18992) an advance notice of proposed rulemaking (ANPR) announcing the availability of the Bureau of Foods' Irradiated Food Committee (BFIFC) Report (Ref. 1), outlining a course of action for assuring the safety of irradiated foods, and requesting comments from the public. The agency is now proposing regulations that will permit the use of food irradiation at doses not exceeding 1 kiloGray (kGy) (100 kilorad (krad))[1] for inhibiting the growth and maturation of fresh fruits and vegetables, and for insect disinfestation of food. Irradiation will also be allowed for microbial disinfection of spices at doses not to exceed 30 kGy (3 megarad (Mrad)). Additionally, in the **Federal Register** of July 5, 1983 (48 FR 30613), FDA issued a final rule amending 21 CFR 179.22(b) to provide for the safe use of a source of gamma radiation at doses up to 1 Mrad (10 kGy) to reduce or control microbial contamination in specific spices and vegetable seasonings. This action was in response to a food additive petition filed by Radiation Technology, Inc. The regulations announced in this proposed rule, once promulgated, would replace the current sections dealing with the irradiation of food, 21 CFR 179.22 and 179.24, with new 21 CFR 179.25 and 179.26.

[1] The System Internationale (SI) unit for expressing the amount of absorbed radiation dose is the Gray (joules/kilogram, abbreviate Gy). The older term is rad. The equivalent value in rads (100 rad=1 GY) will be enclosed in parentheses. The prefixes kilo (k) and mega (M) represent a thousandfold and a millionfold respectively. Thus, kilorad means a thousand rads and a megarad means a million rads.

Background

Conventional food-processing uses a variety of chemical and physical means to preserve foods, including food additives, fumigants, and plant-growth regulators. Temperature regulation, such as sterilization, pasteurization, and refrigeration, is also used. More recently scientists have found that ionizing radiation, a high energy form that can cause chemical reactions in the absorbing substance, may also be used for the same purpose. Food irradiation may either supplement, or be a substitute for, conventional food-preservation methods.

Since the March 27, 1981 publication of the ANPR, there has been heightened interest in the irradiation process. Food companies consider food irradiation a promising method to help control two problems that affect food—insect infestation and microbial contamination. For example, during the 1981 Mediterranean fruit fly (Medfly) infestation in California and Florida, industry and government officials expressed interest in food irradiation. Some of these officials believed that irradiation offered a safe method of treating food, allowing food to be shipped to other areas without the risk of spreading the Medfly infestation, with minimal effect on the harvesting process and on the marketability of produce.

Ionizing radiation causes chemical changes in an absorbing material, such as food, and produces new chemical substances called radiolytic products. All other things being equal, the quantity of radiolytic products is proportional to the amount of radiation absorded. Under the laws of radiation chemistry, these radiolytic products will be similar in foods of similar composition when irradiated under similar conditions. These similarities can serve as a basis for assessing the amount and types of radiolytic products in food. However, the unique nature of individual foods requires that specific processing conditions be developed for each technical effect to be achieved for each food. Although the broad relationships between desired technical effects and radiation dose have been studied for many years, the dose that will achieve a particular effect in a specific food without damaging the food is not yet known in all cases; further research will be necessary to establish those doses.

Many different technical effects can be accomplished by irradiating food (Ref. 2). Irradiation can extend a product's shelf life by inhibiting the growth and ripening of fresh produce, and by reducing the number of microorganisms that spoil food. Complete sterilization of food by irradiation results in a shelf-stable product similar to canned food. Pathogenic organisms, parasites, and insects found in food can be controlled by irradiation. Additionally, irradiation can change certain physical properties, such as decreasing the rehydration time of dehydrated vegetables, increasing the yield of fruit juice, and tenderizing meat.

As mentioned above, irradiation causes chemical changes in food. Not all of these changes are desirable. For example, irradiation of fresh produce can affect metabolic processes in food, making it less resistant to spoilage by various fungal diseases. Even small changes in food that pose no safety concerns can affect its flavor or texture in a way that may be unacceptable to some consumers. Thus, it is simply not possible to describe at this time the unintended effects of irradiation that could affect the value or marketability of a particular food (Ref. 3).

Research in irradiated food technology has been conducted for over three decades on matters such as marketability, and will undoubtedly continue. The agency believes, however, that these research issues should be addressed by the food industry and the marketplace, for they raise concerns separate from those that relate to the regulatory status of irradiated foods.

In 1958, Congress amended the Federal Food, Drug, and Cosmetic Act (the act) to prohibit the use of a new food additive until the sponsor establishes its safety and FDA issues a regulation specifying conditions of safe use. A source of radiation was specifically defined as a food additive in section 201(s) of the act (21 U.S.C. 321(s)). The Senate report on the Food Additives Amendment of 1958 made clear that "[s]ources of radiation (including radioactive isotopes, particle accelerators and X-ray machines) intended for use in processing food are

included in the term 'food additives' as defined in this legislation." S. Rep No. 2422, 85th Cong., 2d Sess. 63 (1958).

Under section 402(a)(7) of the act, a food is adulterated "if it has been intentionally subjected to radiation unless the use of the radiation was in conformity with a [food additive] regulation or exemption" (21 U.S.C. 342(a)(7)). To issue a food additive regulation for a source of radiation, the agency must be assured with reasonable certainty that no harm will result from the proposed irradiation of food.

In evaluating the safety of irradiated foods, a scientist can assess either the toxicity of the food itself, or that of the radiolytic products formed by the irradiation. Historically, food additive petitions submitted to FDA for the approval of irradiation for food processing uses relied on the former method, where the irradiated food was fed to laboratory animals. Because of the limitations of this method, scientists conducted a battery of animal feeding studies in an attempt to acquire sufficient core data about the safety of a variety of irradiated foods to permit a scientist to deduce the safety of additional irradiated foods without traditional feeding studies for each food. This approach yielded enough data to permit the agency in the 1960's to approve petitions for certain specified uses of ionizing radiation for: inspecting food, controlling insect infestation in wheat and wheat flour, and inhibiting sprouting in white potatoes (21 CFR 179.21, 179.22, and 179.24). Other petitions were submitted, but they could not be accepted because of poor experimental design and many unresolved questions.

It has now become clear that assessing the toxicity of each irradiated food is impractical and unworkable and that scientists should focus on the safety of the radiolytic products to evaluate the safety of irradiated food. Traditional animal feeding studies incorporate exaggerated amounts of test substances in the animal diet to provide a safety factor when applying the results to humans. Feeding animals enough test food to obtain a 100-fold safety factor is almost impossible because many foods constitute a substantial percentage of the human diet, and exaggerating the doses fed to laboratory test animals can severely disturb the nutritional balance of their diets.

Conversely, scientists have become more knowledgeable about the chemistry of irradiated foods, including the quantity, identity, and toxicity of the radiolytic products formed by chemical changes caused by the absorbed radiation.

In 1979 the Bureau of Foods established the BFIFC to review the existing policy for evaluating the safety of irradiated foods and to establish toxicologic testing requirements appropriate for assessing the safety of irradiated foods. Although the committee recognized that no single approach provides sufficient data to estimate the percentage of food consumption that might consist of irradiated food, it estimated that not more than 10 percent of the total diet may consist of irradiated food in the near future (Ref. 1). The BFIFC's report, submitted in July 1980, recognized that the extent of toxicological testing of irradiated food should be dependent on the level of human exposure to the food, and on amount and toxicity of new chemical constitutents in the food (unique radiolytic products (URP's)) generated by the irradiation process (Ref. 1).

Reviewing the available literature, the BFIFC determined what kinds of and how many radiolytic products were formed in food by irradiation. Next the BFIFC attempted to determine whether any of the radiolytic products differed from chemical compounds that are normally found in food. Calculations based on radiation chemistry indicate that irradiation in doses of 1 kGy (100 krad) or less yields a concentration of total radiolytic products in food so low that it is nearly impossible to detect using current techniques. According to the report, at doses of 1 kGy (100 krad) or less, the concentration of URP's will be on the order of 3 parts per million. Because more than 10 different URP's are likely to be formed, the concentration of any 1 URP will be less than 1 part per million. The report also pointed out that its estimates probably overstate the total number of URP's (Ref. 1).

Citing the low level of total URP's, the report concluded that food irradiated at doses not exceeding 1 kGy (100 krad) is safe for human consumption. This conclusion wa based on the small concentration of individual URP's produced by irradiating any type of food. Thus, the Committee's finding of safety applied even to a diet where a substantial proportion of the food was irradiated at 1 kGy (100 krad).

The Committee made a separate recommendation concerning foods that comprise only a small fraction of the human diet. A food such as a spice that comprises no more than 0.01 percent of the diet and is irradiated at doses up to 50 kGy (5 Mrad) will contribute fewer radiolytic products to the daily diet than a food representing a significant fraction of the diet and irradiated at 1 kGy (100 krad). Consequently, the report concluded that foods comprising no more than 0.01 percent of the daily diet and irradiated at 50 kGy (5 Mrad) or less could be safely irradiated without any specific toxicological testing (Ref. 1).

The BFIFC specified that its recommendation dealt only with single foods that are irradiated once. Any other use of irradiation, such as irradiating a processed food with a previously irradiated ingredient, must be evaluated separately (Ref. 1).

After reviewing the BFIFC report, FDA issued an ANPR. In that document (46 FR 18922; March 24, 1981) FDA gave notice that it was considering the following actions:

1. Proposal of a regulation on the Commissioner's initiative under section 409 and other provisions of the act permitting irradiation of any food at a dose not exceeding 100 krad. FDA is initially considering monitoring food irradiation at such a dose by a registration process. Alternatively, * * * requiring a limited petition that demonstrates the intended technical effect of the process but without the additional safety data that would ordinarily be required to support a food additive petition.

2. Publication of guidelines for the preparation of petitions seeking FDA approval for food irradiation at a dose exceeding 100 krad.

3. Adoption of a policy that a food class comprising only a minor portion of the daily diet and irradiated at a dose of 5 Mrad or less may be considered safe for human consumption based upon minimal biological testing.

FDA also explained in the ANPR that it would consider the report of the Joint FAO/IAEA/WHO Expert Committee on Wholesomeness of Irradiated Food (JECFI) in its evaluation. This international committee, sponsored by the Food and Agriculture Organization, International Atomic Energy Agency, and the World Health Organization, first met in 1976 to review and assess all data on the wholesomeness of irradiated foods and to identify specific uses of food irradiation where there were sufficient data to conclude that the process could be used safely. The JECFI's proceedings will influence any Codex Alimentarius standards that are developed for irradiated foods and sent to member States for approval.

The ANPR invited the public to comment on all aspects of the agency's proposed food irradiation policy, including: (1) the BFIFC report, (2) the safety of irradiated food, (3) the need for specific current good manufacturing practice (CGMP) regulations, (4) the

need for labeling irradiated foods, and the (5) environmental and (6) economic impact of the proposed regulations. Interested persons were given 90 days (until June 25, 1981) to comment on the proposal. The comment period for the ANPR was extended to July 27, 1981, in response to two requests for an extension (46 FR 35120).

Comments and Responses

By December 1981, the agency had received 74 submissions in response to the ANPR. (Since then, the agency has received additional similar comments from consumers.) Of these, 28 were from consumers (including one consumer organization); 12 were from academic or independent scientists; 11 were from companies outside of the food industry; 13 were from members of the food industry (including 6 trade organizations); 6 were from State or Federal government agencies; and 4 were from foreign scientists or international organizations. Comments ranged from a one sentence response opposing food irradiation, to detailed discussions of all aspects of the food irradiation policy.

Safety Induction of Radioactivity in Food

1. Many comments opposed the use of ionizing radiation on food because it would expose humans to radiation.

The agency disagrees with these comments. As the ANPR explained, "the question of induction of new radioactive species was resolved in the early 1960's; the accumulated evidence shows that the use of ionizing radiation of appropriate source energy levels does not induce any detectable radioactivity in foods when measured by methods that can easily detect the presence of radioisotopes that occur naturally in foods" (46 FR 18992). Food that is not made radioactive cannot expose consumers to radiation. It is true that, under certain circumstances, ionizing radiation emitted from an extremely high energy source can induce radioactivity in the nuclei of atoms absorbing the radiation. However, the quantum of ionizing radiation permitted in the proposed regulation will not induce in foods any radioactivity that can be detected, even by methods that detect the presence of radioactive isotopes that occur naturally in all foods. FDA believes that the sources of radiation that would be allowed under this proposal will not produce radioactivity in any food (Ref. 5).

Production of New Chemical Species (Radiolytic Products)

2. Some comments expressed concern that ionizing radiation would produce radiolytic products in food, and that these products might be toxic.

Ionizing radiation, like other forms of energy used to process food, causes chemical changes in food. The chemical reaction does not involve the atomic nuclei of the food and therefore does not cause any radioactivity, but the reaction may produce molecules that are chemically distinct from those found normally in food. The identity of radiolytic products and the mechanism of their formation have been actively studied in recent years (Ref. 6). The resultant advances in identification and quantification of the trace amounts of radiolytic species have significantly clarified the safety issues of food irradiation.

Scientists have not delineated the composition of all processed and unprocessed foods, nor have they determined the exact composition of irradiated foods at the parts per million level, but this missing information will not affect FDA's conclusions on the safety of food irradiation at the doses and for the uses that would be permitted by this proposal.

It is now known that the amount of radiolytic products depends on several variables; one of the most important factors is the energy absorbed by the food. The BFIFC report concoluded that irradiation of food at 1 kGy (100 krad) would produce approximately 30 parts per million of radiolytic products. However, not all of these radiolytic products are unique. In experiments, approximately 90 percent of the radiolytic products that were identified were known natural components of food (Ref. 7). The remaining 10 percent of radiolytic products were found to be chemically similar to known natural food components. Because the natural components of foods are not well characterized at the parts per million level, some radiolytic products assumed to be unique may well be natural components of foods. Yet, even if these 10 percent of the radiolytic products are unique, they would be present in food irradiated at 1 kGy (100 krad) only at the level of 3 parts per million, one-tenth of the concentration of 30 parts per million for all radiolytic products. Moreover, each individual radiolytic product would be present at a much lower concentration. Finally, the 3 parts per million figure assumes that food will be irradiated at 1 kGy (100 Krad). Actually, the average radiation dose absorbed by food will be less than the maximum permitted dose.

Based on these factors, the BFIFC report coincluded that foods irradiated at doses not exceeding 1 kGy (100 Krad) could be considered wholesome and safe.

FDA does not believe that a substance that is a natural component of food is necesarily nontoxic. FDA does believe, however, that the conclusions of the BFIFC report are valid because, at doses below 1 kGy (100 Krad), the difference between an irradiated food and a comparable nonirradiated food is so small as to make the foods indistinguishable with respect to safety. This conclusion that radiolytic products formed in foods irradiated at doese below 1 kGy (100 Krad) do not pose a safety problem was not challenged by any comments.

Irradiation of Spices

3. In the ANPR, FDA proposed a general maximum level of 1 kGy (100 Krad) for the irradiation of foods. In the case of a minor food class, such as a spice, FDA proposed that 50 kGy (5 Mrad) would be safe.

The basis for this different treatment of spices is that the quantity of radiolytic products produced by irradiation is directly related to the amount of water contained in a food. Most of the radiolytic products formed in food result from reactions of the hydroxide radical with other food compnents. Water is the primary source of hydroxide radicals in food. Thus, the less water in food, the fewer radiolytic products from irradiation. Because of this, spices, which contain little or no water, are well suited to irradiation processing; irradiation of spices would yield a far smaller quantity of radiolytic products than would irradiation of a comparable quantity of moist food.

Furthermore, the amount of spices consumed in a diet is small, for spices are primarily used as seasoning agents. This combination of relative stability and low total consumption means that irradiated spices will contribute only a trivial number of URP's to a person's diet. Thus, even if a spice is irradiated at the maximum practical dose, testing for the toxicity of URP's is not necessary. This conclusion also applies to dried onion and garlic seasonings.

As noted above, the agency initially proposed that 50 kGy (5 Mrad) of irradiation would be permitted for spices. However, under the act, FDA must set a limitation on the levels of use of additive substances so that the maximum levels are no higher than reasonably required to accomplish the

intended technical effect (21 U.S.C. 348(c)(4)(A)). Published reports indicate that doses of 15 to 25 kGy (1.5 to 2.5 Mrad) sterilize spices. Several researchers have found that even lower doses can achieve sterilization, the intended technical effect (Ref. 12).

Consideration for organoleptic qualities of spices may result in an acceptable average dose of about 20 kGy. However, the dose variation that a given bag, barrel, or pallet of spice receives depends not only upon its container size, but also on the physical configuration of the irradiation facility and the radiation source. For example, in a typical use application one portion of the container may receive three times as much radiation as the portion receiving the smallest dose. If the average dose were 20 kGy, the dose received by a given part of the barrel of spice could be a minimum of 10 kGy for spices in one part of the barrel to a maximum of 30 kGy for spices in another part of the barrel. FDA's concern is for the maximum dose and the agency cannot be sure that the 25 kGy reported is a true maximum. At present, there is insufficient experience with spice irradiation at these doses to provide a rigorous basis for setting the maximum dose in a precise manner. Thus, FDA is now proposing to set an upper limit of 30 kGy (3 Mrad) to provide a slight additional margin. The agency invites comments on this proposed limitation, as well as on the list of spices that it considers appropriate for irradiation.

Destruction of Sensitive Nutrients

4. Some comments expressed concern that nutrients might be destroyed by irradiating food.

Processing food always causes chemical modifications that will affect some natural food constituents. For this reason, the agency shares the comment's concern and will consider that factor in evaluating the safety of irradiation at levels that may diminish the nutrient content of food.

Destruction of nutrients, however, is not a concern in this rulemaking. The available data demonstrate that food irradiated up to 1 kGy (100 krad) will have the same nutritional value as comparable food that has not been irradiated (Ref. 8). Although FDA is proposing to permit irradiation of species at doses up to 30 kGy (3 Mrad) for microbial decontamination, spices are not important sources of nutrients in the diet.

Selective Destruction of Microorganisms

5. Several comments questioned whether irradiation of a food at doses below those required for sterilization might alter the composition of vegetative microorganisms and thus might change the pattern of microbial spoilage. In particular, one comment expressed concern that *C. botulinum* spores could survive relatively high doses of irradiation that would destroy the competing microorganisms that normally serve as indicators of spoilage and possible contamination. Under such conditions, the comment argued, botulinum toxin could develop before the consumer is alerted by the typical spoilage indicators.

Sharing this concern, the agency agrees that food irradiation should not be premitted under conditions where *C. botulinum* growth and toxin production could occur without product spoilage being observed (See Ref. 9). That problem, however, need not be addressed in this proposal. Doses below 1 kGy (100 krad) are too low to kill all spoilage bacteria, so consumers will be aware of spoilage. Nor does the higher dose for dried spices present a problem, because those foods do not provide a growth medium for botulinum spores.

6. One comment urged FDA to proceed cautionsly regarding spice irradiation, because of concern about an FDA study demonstrating an increase in aflatoxin production of mold strains of *A. flavis* and *A. parasiticus* in irradiated aqueous spore suspensions.

Studies conducted by the agency on these molds did show that irradiation to 5 kGy (500 krad) of mold spores of *A. flavis* in suspension may increase mycotoxin production (Ref. 10). This is at odds with the findings of independent investigators, whose studies of *A. flavis* showed no increase, or showed a decrease, in toxin production (Ref. 11). Further, in the FDA study, mold spores were irradiated in aqueous suspension, then inoculated into grain. Under the conditions premitted by this regulation, the grain with any mold that happened to be present would be irradiated after harvest. Thus, the study does not replicate actual use conditions, and FDA does not believe that its results compel a modification of this proposal.

Uses Above 1 kGy (100 krad)

7. The agency stated in the ANPR that it was considering proposing a regulation that would permit the irradiation of food at doses not exceeding 1 kGy (100 krad). Thirty-two comments requested that the allowable dose level for foods other than spices be increased. Many of these comments cited the recommendation of the JECFI (Ref. 4), discussed above.

FDA is aware that at an October 27–November 3, 1980 meeting, JECFI recommended to the Codex Alimentarius (Codex) Commission that foods irradiated at doses up to 10 kGy (1 Mrad) be considered safe without further testing. The Codex Commission, an international organization established to implement the Joint FAO/WHO Food Standards Program, has reviewed the JECFI recommendation. The Codex Commission will recommend that member nations, including the United States, adopt the standard under the food laws of each member nation.

The agency is currently reviewing a number of studies to determine whether foods that are irradiated at doses above 1 kGy (100 krad) can be considered safe without additional toxicological studies for each food substance. FDA is considering the JECFI recommendations in the course of that review. The agency has determined that this separate review should not delay approval of those uses of food irradiation that it now considers safe. Therefore, FDA is deferring the question of higher dose irradiation until completing that review. FDA is limiting this proposed regulation to the uses and doses of irradiation for which the agency is confident no further toxicological studies or other research are necessary to establish safety. If the data demonstrate that higher doses of irradiation are also safe, FDA will then issue a second proposal. As discussed elsewhere in this proposal, FDA is also approving the irradiation of species at 30 kGy (3 Mrad) because the irradiation of dry foods like spices produces very small amounts of URP's and because spices constitute a trivial amount of an individual's diet.

Minor Food Class

8. The BFIFC report recommended that a "food class" comprising 0.01 percent or less of the daily diet be considered safe for irradiation at doses up to 50 kGy (5 Mrad). Some comments pointed out that no food class comprises less than 0.01 percent of the diet. Other comments misinterpreted this recommendation as suggesting a proportional relationship between a safe dose (up to 5 Mrad) and a dietary fraction for all food classes. The agency is clarifying this recommendation.

The BFIFC used the term "food classes" to apply to the major radiolytic products formed by irradiation. Although spices are often considered collectively as a food class, the BFIFC did not use the term "food class" to refer

to all spices. Rather, the BFIFC used the term "food class" to refer to each individual spice. Recognizing this confusion, the agency is not using the term "food class" in the proposed regulation, but is instead listing the specific substances which it believes may safely be irradiated by 30 kGy (3 Mrad).

Conclusion

9. In summary, the agency believes that the safety of food irradiation below 1 kGy (100 krad) has been established, and that the concerns expressed by the comments do not alter this conclusion because: (1) irradiation will not make the food radioactive, and thus cannot expose the consumer to radiation; (2) the chemical differences between irradiated foods processed at these doses and nonirradiated foods are too small to affect the safety of the foods; (3) food irradiated up to 1 kGy (100 krad) will have the same nutritional value as similar foods that have not been irradiated; and (4) the balance between microbial spoilage organisms and pathogenic organisms is not adversely affected by doses below 1 kGy (100 krad). Thus, the agency is proposing regulations for this use. In addition, the agency believes that irradiation of spicies is safe at higher doses (30 kGy) and should be permitted. The agency also considers irradiation of dried onion and garlic seasonings to be safe for the same reasons as those explained above for spices.

Labeling

The ANPR requested comment on whether irradiated foods need special labeling, other than that required for all foods under 21 CFR Part 101, and what labeling, if any, would be most appropriate. Existing regulations for the use of irradiation in food processing require that retail packages of irradiated foods bear the statement "treated with ionizing (or 'gamma', or 'electron') radiation" (21 CFR 179.22(c) and 179.24(d)).

10. Many commentors, questioning the safety of irradiated foods, urged FDA to require special labeling on them. Some of these comments reflected substantial confusion and misinformation about food irradiation. For example, many consumer comments argued that labeling of irradiated food was necessary to permit consumers to avoid exposure to radiation. Industry comments, on the other hand, contended that no "warning" or other special labeling was necessary because irradiation of foods at the levels proposed in the ANPR is safe.

The agency now believes that there is no need for a special label on irradiated foods because this proposal would limit the conditions of use of irradiation to those that have already been shown to be safe. Furthermore, as discussed above (comment 1), there is general agreement among knowledgeable scientists that irradiation under the conditions permitted by this proposal cannot result in radioactive food.

In reaching its conclusion, FDA has carefully considered the recommendations of a report entitled "Marketing and Consumer Acceptance of Irradiated Foods" which was issued by the International Atomic Energy Agency (IAEA) in July 1983. This document was presented to the Joint FAO/IAEA Consolidated Meeting on Marketing, Market Testing and Consumer Acceptance of Irradiated Foods held in Vienna in September 1982. The report cites the scientific evidence on the safety of irradiated food and recommends that a labeling statement should not be required.

11. Several comments stated that although food irradiation is regulated under the food additive provisions of the act, irradiation is actually a process and should be regulated as such rather than as ordinary food additives that are used as ingredients in food.

The agency agrees that with respect to ingredient labeling, food irradiation need not be regulated the same as food additives that are used as ingredients in food, and therefore need not be identified on the label as an "ingredient."

12. These comments further contended that because food irradiation is a process, irradiated foods need not be labeled to identify the process.

There is no statutory provision that exempts processes from being declared on a food label. A declaration of the type of processing used is required on some foods; e.g., pasteurized milk and homogenized milk. The issue is whether the label of a food would mislead consumers if processing information were not set forth on the label. Material information may not be omitted simply because it concerns the type of processing to which a food is subjected if the effect is to mislead. The agency has concluded that information about radiation processing is not material in this sense and therefore need not be provided on the label of retail foods.

13. A number of industry comments contended that a special label declaration about irradiation is unwarranted because irradiation does not change the food.

The agency cannot agree totally with these comments. There is information that indicates that irradiation causes some alteration of the characteristics of some foods in ways that could be important to consumers. Any changes in food caused by the irradiation allowed under the proposed regulations are not of concern for safety reasons, but there might be changes in organoleptic properties (taste, color, smell, texture) that could make the processed food more or less desirable to individual consumers.

The available information about changes in foods that could be irradiated under this proposed regulation is limited, and FDA is not persuaded that special labeling is necessary. Moreover, processors will have a strong incentive to insure that changes in organoleptic properties are kept to an absolute minimum because the consumer, upon purchase, could easily determine inferior quality and would shun the product in the future.

In developing this proposal, FDA considered the entire labeling issue in some detail, both as to whether special labeling should be required, and if so, what kind of labeling would be appropriate. The FDA will continue to review new information in this area and requests further comments on the appropriateness and usefulness of specific labeling approaches as well as on the general labeling issue.

FDA is interested in receiving comments discussing: (1) whether FDA should require any type of label statement on food that has been treated by irradiation; (2) if so, whether the statement should be required only on every food that has been irradiated (first generation food) or also on finished food with respect to each irradiated ingredient (second generation food); (3) if a label statement is required, whether its phrasing should be the same as that in existing regulations ("treated with ionizing radiation") or whether some other phrasing would be more appropriate (e.g., "processed with ionizing energy"); and (4) whether consumers would be more misled by the presence of some type of label statement or by the absence of such a statement. As the latter question suggests, the issue of whether to require labeling on irradiated food is a difficult one because, as is discussed above, irradiation may alter foods in ways that would be important to individual consumers. On the other hand, any required label statement may be confusing to individual consumers who lack the background information needed to understand the brief information

provided (e.g., "treated with ionizing radiation," "processed with ionizing energy," or other statements that might be devised could raise unfounded concerns that the food was radioactive or otherwise hazardous). Because of these countervailing considerations, FDA has not proposed any labeling requirements but is inviting comments on the issue.

14. Some comments expressed concerns that consumers might mistakenly confuse "irradiation" of foods with "radioactivity" and that any kind of labeling that used the term "irradiation" or "irradiated" might deter consumers from buying a safe and wholesome food product. In that event, a few comments argued, the development of the irradiation industry might be hampered.

FDA agrees with the view that some consumers might erroneously associate the food irradiation process and the words "ionizing radiation" with the idea of radioactivity as pointed out in the study entitled "Marketing and Consumer Acceptance of Irradiated Foods" (see comment 10). Therefore, as the study points out, any label statement containing the word "radiation" may be confusing to consumer because it could convey an erroneous impression. At the level established in this proposal, irradiation does not present a safety or health risk.

Current Good Manufacturing Practice (CGMP)

16. In the ANPR the agency asked for comments on whether specific CGMP regulations, other than the existing umbrella CGMP regulations which apply to all foods that enter interstate commerce, are necessary for irradiated foods (21 CFR Part 110). The "umbrella" CGMP regulations set out criteria for determining whether the facilities, methods, practices, and controls used in the manufacturing, processing, packaging, or holding of food conform to current good manufacturing practice to ensure that the food is safe and prepared and held under sanitary conditions.

Two comments stated that 21 CFR Part 110 is adequate to ensure compliance with current good manufacturing practice, so that specific CGMP regulations for irradiated foods are unnecessary.

The agency disagrees with this assessment. Although all food processors, including those that irradiate food, must comply with the "umbrella" CGMP regulations contained in Part 110 that require establishment of certain standard procedures, such as segregating the incoming products from outgoing processed products, the agency believes that food irradiation poses a number of novel processing problems. Accordingly, FDA is including in the proposed general regulations governing irradiated foods certain specific CGMP requirements to which any firm that treats food with ionizing radiation would be required to conform. The proposed regulation would require that the processor have a scheduled process established by a qualified person with expert knowledge of radiation processing. The scheduled process would specify a dose range that will ensure that the absorbed dose will, under actual conditions, achieve its intended technical effect on the product being irradiated. The agency also believes that the labeling statement that would be required on nonretail containers and on the invoice or bill of lading that is used for shipment or delivery of bulk foods will ensure appropriate compliance with current good manufacturing practice because the label will alert food processors or packers receiving foods in bulk containers that the food has been irradiated, and that it should not be reirradiated. The agency proposes that the labeling of such food and the accompanying invoices or bills of lading bear the statement "treated with ionizing radiation—do not irradiate again." This statement would alert recipients of the containers that the food had already been processed by radiation and should not be irradiated again.

Section 409(c)(1)(A) of the act directs the Secretary to prescribe all the conditions under which an additive may be safely used, including "any labeling * * * requirements * * * to assure the safety of such use" (21 U.S.C. 348(c)(1)(A)). The agency believes that this additional labeling is necessary on nonretail packages to prevent food from being irradiated a second time. A second irradiation could exceed the maximum permitted cumulative does, and food properly stored after irradiation should not need further irradiation. The agency invites comments and suggestions for alternative labeling. Any suggested labeling must ensure that food processors can comply with dose limitations and that they receive adequate notice that the food has already been irradiated.

17. Some comments suggested that radiation processors should be monitored to ensure that the processors are treating food to the proper level of radiation energy. The agency initially considered monitoring food irradiation processors either through a registration process, or by requiring processors to submit a petition that contains data demonstrating the intended technical effect under specific conditions of use.

FDA is now satisfied that neither a registration nor a petition process is necessary. The available evidence demonstrates that the radiation doses permitted under the proposed regulations are both safe and effective. Under these circumstances FDA cannot agree that monitoring through a registration or a petition process would be an appropriate use of agency resources. However, the agency will inspect the pertinent records maintained by the processors on the irradiated foods.

18. Some comments said that radiation processing records should be open for FDA inspection.

FDA agrees with the comment, and believes that such a provision is the only practical way to ensure that processors comply with the regulations being proposed. Under the act a petition to establish the safety of a food additive must include methods for determining the amount of the additive in foods (section 409(b)(2)(D) of the act (21 U.S.C. 348(b)(2)(D))). A food additive petition for which tolerance limits have been established will not be approved unless methods for determining compliance with those limits are submitted. Ordinarily, a food additive is a chemical, and the analytical method submitted with the petition will describe a procedure that will enable the agency to determine the concentration of the chemical. However, no practicable methods exist for determining the dose of irradiation to which a food has been exposed. For this reason, FDA believes that it needs access to records to ascertain compliance with the irradiation regulations. Based on sections 409, 703, and 704 of the act (21 U.S.C. 348, 373, and 374), these record inspection requirements provide an adequate alternative to the traditional analytical methods, which are not available for determining doses of irradiation. Thus, if a food manufacturer chooses to engage in radiation processing of food, FDA will consider that processor to have waived any objections to the agency's inspections of pertinent records limited to irradiated foods only. These records will include the food treated, the lot number, the scheduled process, information relating to compliance with the scheduled process, distribution of the irradiated food product, and date of irradiation.

FDA does not believe that this recordkeeping requirement will impose any additional burden on manufacturers

or processors, for these records are kept in the ordinary course of business. In addition, the agency is aware of the Occupational Safety and Health Administration's (OSHA) requirements for worker safety from ionizing radiation sources (29 CFR 1910.96). Furthermore, radiation plants using a radioactive source must conform to the Nuclear Regulatory Commission's (NRC) regulations concerning worker safety, including personnel dose monitoring devices, radiation protection programs, personnel qualifications and training, and licensing of byproduct material irradiators (10 CFR Parts 20 and 30). Finally, manufacturers of machine sources of radiation must already comply with the reporting requirements of FDA's National Center for Devices and Radiological Health (21 CFR Part 1002). The agency is proposing that such records that are currently kept by food manufacturers and radiation processors be maintained and available for FDA inspection for the expected shelf life of the irradiated food product plus 1 year and invites comments on this proposed requirement.

19. A few comments suggested that FDA require minimum levels of training for food processing employees with respect to radiation health physics, dosimetry, worker safety, and proper recordkeeping as these areas relate to radiation processing.

These suggestions are similar to the recommendations recently issued by the Codex Commission, "Recommended International General Standards for Irradiated Foods" and a "Recommended International Code of Practice for the Operation of Radiation Facilities for the Treatment of Foods". (CAS/RC 106–1979, CAC/RCP 19–1979, Reference 4(c).) These documents include sections on radiation plants, dosimetry, producer handling, and recordkeeping.

The agency considers the Codex Standards and the Code of Practice to be useful guides for food irradiation processors, but is not including them in this regulation.

The agency is proposing to limit the source energy to 5 Mev for an X-ray generator and to 10 Mev for an electron generator. A current regulation limits the source energy for an electron accelerator to 5 Mev (21 CFR 179.24(a)). The 10 Mev limit would allow the use of electron beams with greater penetrating power but would keep the source energy low enough to prevent any induction of radioactivity. The agency believes that a limit of 10 Mev for an electron accelerator would provide greater flexibility to processors and a safe product to consumers. Both of these limits—5 Mev for X-rays and 10 Mev for electron accelerators—are consistent with JECFI recommendations.

Standardized Foods

20. The agency would like to make it clear that these proposed regulations would also apply to ingredients used in standardized foods. Irradiated foods could be used in a food for which a standard of identity has been established under section 401 of the act, providing that the standard of identity does not preclude such use, and that the labeling, invoices, or bills of lading of the food comply with any relevant requirement in this proposal.

Conclusion and Proposed Action

These proposed regulations are designed to ensure (1) that foods that are irradiated are safe, (2) that foods are irradiated only at the dose reasonably required, and under the conditions that would accomplish the intended technical effect, and (3) that current good manufacturing practice will be followed. These proposed regulations would govern the use of food irradiation below 1 kGy (100 krad) for inhibiting the growth and maturation of fresh fruits and vegetables, and for disinfesting all food of insects. Doses below 1 kGy (100 krad) have been shown to effectively inhibit or delay the growth of fresh produce, and to control insects in infested food. The agency will consider other uses below 1 kGy (100 krad) if a comment or petition presents evidence that a specific technical effect can be accomplished below 100 krad and that an appropriate food additive regulation can be promulgated and can be enforced through records inspection.

The agency is also proposing to permit the irradiation of dry spices at levels up to 30 kGy (3 Mrad) to control microbial contamination. As indicated earlier, the unique nature of individual spices and their relatively low consumption leads the agency to conclude that this higher dose poses no safety risk. The agency has no data indicating that doses over 30 kGy (3 Mrad) would be needed to eliminate microbial contamination, and invites comments on that point.

The agency believes that all food irradiation processors should be required to develop a scheduled irradiation process for each food, emphasizing processing atmosphere, temperature, and the dose range of a particular radiation source. Such a schedule will ensure consistency of the irradiation process and the food that is so treated. The agency is also proposing that food irradiation processors be required to retain those records and data on the irradiation process that will substantiate compliance with the CGMP provision of this proposal and that the food irradiation processors make those records available for inspection up to 1 year beyond the expected shelf life of the product. In addition, the agency emphasizes that food irradiation processors are required to comply with the "umbrella" CGMP.

No retail labeling requirement is being proposed because any changes in food are of no safety concern at the proposed doses and because the agency is not persuaded that special labeling is necessary. The agency requests further comments on the labeling issue. Adoption of the proposed regulation would delete the existing labeling requirement for retail packages of irradiated food in the current regulations (sections 179.22 and 179.24).

Adoption of the proposed regulations would make the existing regulations for reduction or control of microbial contamination in specific spices and vegetable seasonings, sprout inhibition and insect disinfestation (§§ 179.22 and 179.24) redundant. Thus, this proposal would delete these regulations. The proposal would also allow a source energy of 5 million electron volts (5 Mev) for an x-ray machine and a source energy of 10 Mev for an electron accelerator, instead of 5 Mev as in the current regulation (§ 179.24).

The agency is not yet prepared to propose regulations establishing safe conditions of use for the irradiation of food other than spices at doses above 1 kGy (100 krad). Nor are there enough data to permit the use of irradiation under conditions where spoilage microorganisms may be destroyed but where spore-forming organisms, such as *C. botulinum*, can grow and produce toxins. Further action with respect to this use of irradiation awaits completion of the review of available mutagenicity and animal feeding studies and the development of an appropriate regulatory policy where *C. botulinum* may be a problem.

Request for Comments

FDA invites public comment on all aspects of the agency's proposed regulation.

References

The following sources referred to in this document are listed below. Documents with an asterisk (*) have been placed on display in the Dockets Management Branch (HFA–305), address above, and may be seen from 9 a.m. to 4 p.m., Monday through Friday. All of these references are available as published articles and books.

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Impact Analyses

The ANPR requested comments on all aspects of food irradiation, including environmental data. The agency received nine submissions on the environmental impact of food irradiation. Four comments stated that they were not aware of any effect on the environment, or that there may be only a negligence effect. Four comments said that the irradiation of food would have a positive impact because it would provide an alternative process to more harmful conventional food sanitation processes, such as fumigation. Irradiation would control and reduce a number of food-borne diseases, and would reduce the amount of food spoilage and decrease the amount of food discarded. Some comments suggested that food irradiation might have a positive impact by saving energy. Other comments indicated that regulations are needed to protect workers and others from exposure due to unshielded radiation or to radioactive leaks.

The agency notes that OSHA regulates worker safety from all ionizing radiation sources. Facilities using a radionuclide must be licensed under the regulations of the NRC or an agreement State (a State that licenses and inspects its own facilities). The NRC has jurisdiction over the safe production, storage, use, transport, and disposal of radioactive material. The Department of Transportation (DOT) also has carrier requirements for the transport of hazardous materials. Facilities using machine-generated sources of radiation are under FDA's jurisdiction and the agency issues performance standards under the authority of the Radiation Control for Health and Safety Act of 1968 to ensure worker safety. As discussed earlier in this document, the consumer will not be exposed to additional radiation by the application of these sources for food irradiation. Thus, the agency believes that existing safeguards in the OSHA, NRC, DOT, and FDA regulations are adequate to ensure that there will be no adverse environmental impact.

The BFIFC report discussed the probable amount of radiolytic products formed during processing. Most of these products are normally found in food and are of no environmental concern. To the extent that irradiation replaces fumigation by toxic chemicals (ethylene oxide, ethylene dibromide, and their byproducts (ethylene chlorohydrin, ethylene bromohydrin)), it would reduce the amount of toxic residues entering the environment from fumigation. Additionally, no evidence exists that exposure to radiation will result in mutant pathogens.

The agency has considered the potential environmental impact of the proposed action and the environmental assessment discussing the issues above, and has concluded that the proposed 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 environmental assessment may be seen in the Dockets Management Branch (address above).

between 9 a.m. and 4 p.m., Monday through Friday.

Comments regarding economic impact state that issuance of these regulations would benefit the consumer and all sectors of the food industry including small businesses. The consumer may also benefit from the availability of a greater variety of food items at reduced cost because of a reduction in food spoilage and a resultant increase in productivity.

This proposed action is governed by the rulemaking procedures for food additives (section 409 of the act (21 U.S.C. 348)). These procedures involve a hearing and are thus exempt from Executive Order 12291, but the agency has prepared a threshold assessment to analyze the possible economic effects of this proposal. This assessment demonstrates that the rule is not a major rule as defined by the Order. Furthermore, the economic impact of these regulations would be to increase opportunity for competition. These regulations impose no additional requirements, but permit new activities. FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities, including small businesses, and certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will result from this action, because there is no food irradiation business, either large or small, to feel the impact of this regulation. In addition, the regulation is permissive in nature, but not in ways that erect barriers to small entities that large entities can easily surmount. A copy of the threshold assessment supporting these determinations is on file with the Dockets Management Branch (address above).

Section 179.25(d) (21 CFR 179.25(d)) of this proposed rule contains a collection of information requirement. FDA has submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of this collection of information requirement under section 3504(h) of the Paperwork Reduction Act of 1980 as interpreted by OMB in 5 CFR Part 1320 (See 48 FR 1366; March 31, 1983). Other organizations and individuals desiring to submit coments on the collection of information requirements should direct them th FDA's Dockets Management Branch (address above) and to the Office of Information and Regulatory Affairs, OMB, Rm. 3208, New Executive Office Bldg., Washington, DC 20503, Attn: Richard Eisinger.

List of Subjects in 21 CFR Part 179

Food additives, Food packaging, Irradiation of foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 403, 409, 703, and 704, 52 Stat. 1046–1048 as amended, 1057, 67 Stat. 477 as amended, 72 Stat. 1784–1788 as amended 21 U.S.C. 321, 342, 343, 348, 373, 374)) and under 21 CFR 5.11, it is proposed that Part 179 be amended as follows:

PART 179—IRRADIATION IN THE PRODUCTION, PROCESSING, AND HANDLING OF FOOD

§§ 179.22 and 179.24 [Removed]

1. By removing § 179.22 *Gamma radiation for the treatment of food* and § 179.24 *Low-dose electron beam radiation for the treatment of food.*

2. By adding new § 179.25, to read as follows:

§ 179.25 General provisions for food irradiation.

For the purpose of § 179.26, current good manufacturing practice shall be defined to include the following restrictions.

(a) Any firm that treats food with ionizing radiation shall comply with the requirements of Part 110 of this chapter and other applicable regulations.

(b) Food treated with ionizing radiation shall receive the minimal radiation dose reasonably required to accomplish its intended technical effect and not more than the maximum dose specified by the applicable regulation for that use.

(c) Radiation treatment of food shall conform to a scheduled process. A scheduled process for food irradiation is a written procedure that ensures that the radiation dose range selected by the food irradiation processor is adequate under commercial processing conditions (including atmosphere and temperature) for the radiation to achieve its intended effect on a specific product and in a specific facility. A food irradiation processor shall use for each food a scheduled process established by qualified persons having expert knowledge in radiation processing requirements of food and specific for that food irradiation processor's radiation treatment facility.

(d) A food irradiation processor shall maintain records as specified in this section for a period of time that exceeds the shelf life of the irradiated food product by 1 year and shall make these records available for inspection by authorized employees of the Food and Drug Administration. Such records shall include the food treated, lot identification, scheduled process, compliance with the scheduled process, ionizing energy source, source calibration, dosimetry, dose distribution, and the date of irradiation.

3. By adding new § 179.26, to read as follows:

§ 179.26 Ionizing radiation for the treatment of food.

Ionizing radiation for treatment of foods may be safely used under the following conditions:

(a) *Energy sources.* Ionizing radiation is limited to:

(1) Gamma rays from sealed units of the radionuclides cobalt-60 or cesium-137.

(2) Electrons generated from machine sources at energy levels not to exceed 10 million electron volts.

(3) X-rays generated from machine sources operated at energy levels not to exceed 5 million electron volts.

(b) Limitations.

Use	Limitations
For growth and maturation inhibition of fresh fruits and vegetables.	Not to exceed 1 kGy (100 krad).
For insect disinfestation of food	Do.
For microbial disinfection of the following dried spices and dried vegetable seasonings:	
Allspice; anise; basil; bay leaves; caraway seed; cardamon; celery seed; chervil; cinnamon; cloves; coriander; cumin seed; dill seed; fennel seed; fenugreek; garlic; ginger; horseradish; mace; marjoram; mustard seed; mustard flour; onion; nutmeg; oregano; paprika; parsley, pepper, black; pepper, white; pepper, red; rosemary; saffron; sage; savory; star aniseed; tarragon; thyme; turmeric.	Not to exceed 30 kGy (3 Mrad).

(c) *Labeling.* For a food, any portion of which is irradiated in conformace with paragraph (b) of this section, and which is shipped to a foood manufacturer or processor for further processing, labeling, or packing, the label and labeling and invoices or bills of lading shall bear the statement, "Treated with ionizing radiation—do not irradiate again."

Interested persons may, on or before April 16, 1984, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be indentified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 10, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

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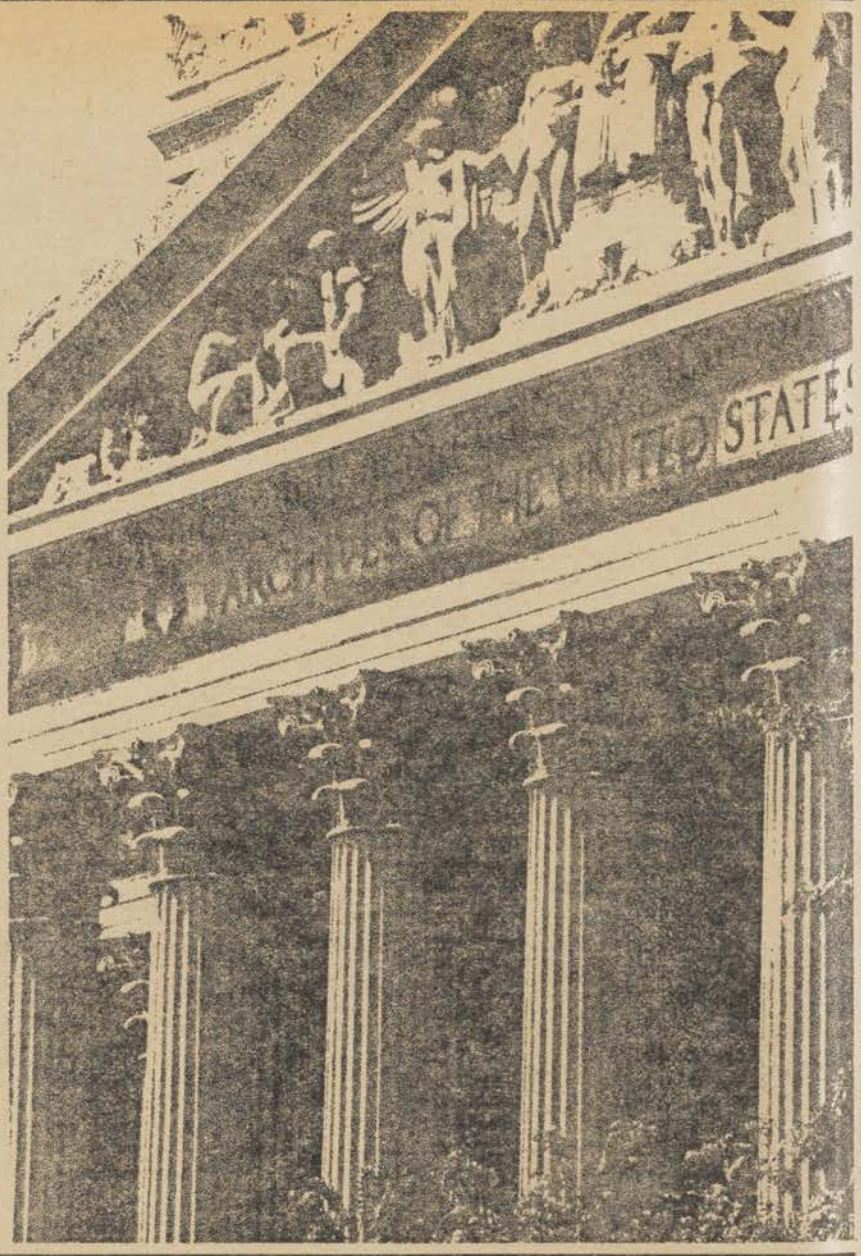

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