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Monday February 27, 1984

## **Selected Subjects**

**Administrative Practice and Procedure** Immigration and Naturalization Service

Aircraft

Air Force Department

**Aviation Safety** 

Federal Aviation Administration

Federal Buildings and Facilities

Air Force Department

Flood Insurance

Federal Emergency Management Agency

Glass and Glass Products

Consumer Product Safety Commission

**Government Contracts** 

Immigration and Naturalization Service

**Government Employees** 

**Education Department** 

Marine Safety

Coast Guard

**Marketing Agreements** 

Agricultural Marketing Service

Health Care Financing Administration

Milk Marketing Orders

Agricultural Marketing Service

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

## **Selected Subjects**

**Natural Gas** 

Federal Energy Regulatory Commission

Privacy

Navy Department

Radio

**Federal Communications Commission** 

Reporting and Recordkeeping Requirements
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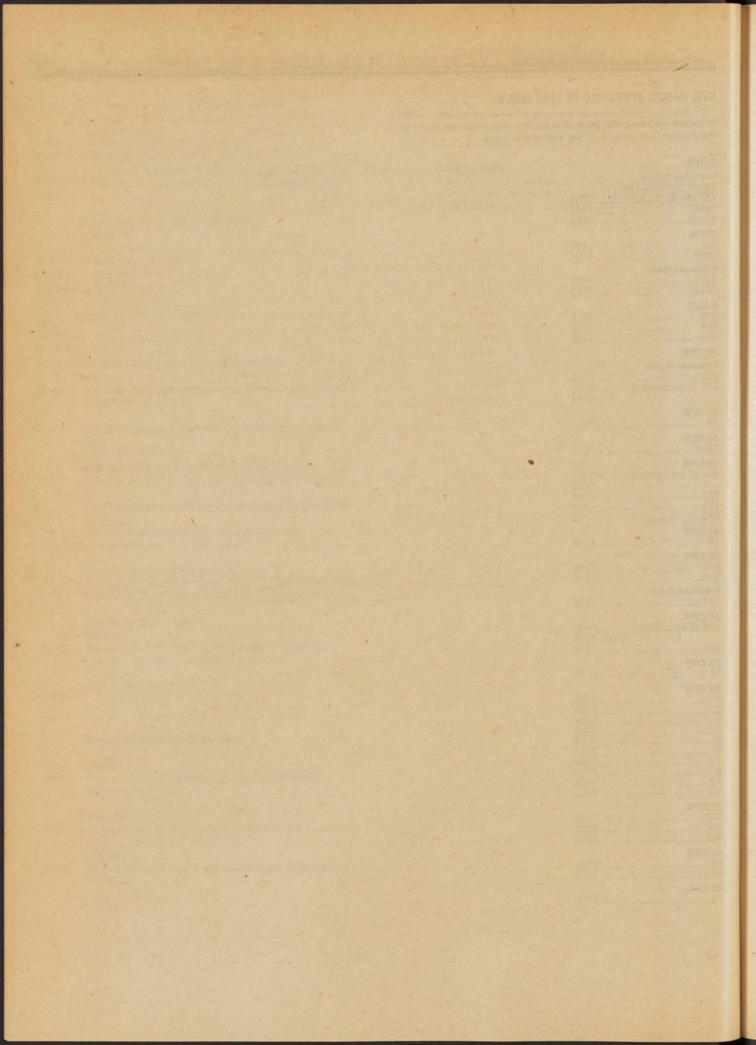
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Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

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## **Presidential Documents**

Title 3-

The President

Executive Order 12463 of February 23, 1984

Nuclear Cooperation With EURATOM

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 126a(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2155(a)(2)), and having determined that, upon the expiration of the period specified in the first proviso to Section 126a(2) of such Act and extended by Executive Order Nos. 12193, 12295, 12351 and 12409, failure to continue peaceful nuclear cooperation with the European Atomic Energy Community would be seriously prejudicial to the achievement of the United States non-proliferation objectives and would otherwise jeopardize the common defense and security of the United States, and having notified the Congress of this determination, I hereby extend the duration of that period to March 10, 1985.

Round Reagan

THE WHITE HOUSE, February 23, 1984.

[FR Doc. 84-5300 Filed 2-24-84; 10:30 am] Billing code 3195-01-M

Editorial Note: For the text of the President's letters to the Speaker of the House of Representatives and the President of the Senate, dated Feb. 23, 1984, on nuclear cooperation with EUR-ATOM, see the Weekly Compilation of Presidential Documents (vol. 20, no. 8).

## **Presidential Documents**

Executive Order 12464 of February 23, 1984

## Award of the Purple Heart

By the authority vested in me as President and as Commander in Chief of the armed forces by the Constitution and laws of the United States of America, Executive Order No. 11016 of April 25, 1962, as amended, is further amended as follows:

Section 1. Paragraph 1 is amended as follows:

- (a) In clause (d), delete "or" at the end thereof.
- (b) In clause (e), delete the period and substitute therefor a semicolon.
- (c) At the end of such paragraph, add the following new clauses:
- "(f) after March 28, 1973, as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack for the purposes of this Order by the Secretary of the department concerned, or jointly by the Secretaries of the departments concerned if persons from more than one department are wounded in the attack; or
- "(g) after March 28, 1973, as a result of military operations, while serving outside the territory of the United States as part of a peacekeeping force.".

Sec. 2. Paragraph 2 is amended to read as follows:

"The Secretary of a military department, or the Secretary of Transportation, shall, in the name of the President of the United States, award the Purple Heart, with suitable ribbons and appurtenances, posthumously, to any person covered by, and under the circumstances described in,—

- (a) paragraphs 1 (a)-(e) who, after April 5, 1917; or
- (b) paragraphs 1 (f)-(g) who, after March 28, 1973,

has been, or may hereafter be, killed, or who has died or may hereafter die after being wounded.".

Ronald Reagan

THE WHITE HOUSE, February 23, 1984.

[FR Doc. 84-5301 Filed 2-24-84; 10:31 am] Billing code 3195-01-M THE PARTY OF THE PARTY OF THE PARTY OF THE PARTY OF THE PARTY.

## **Rules and Regulations**

Federal Register

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

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

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 595]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 2–8, 1984. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 2, 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 is 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). This 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 this action will tend to effectuate the declared policy of the Act.

This action is 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 21, 1984, at Los Angeles, 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 is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

## List of Subjects in 7 CFR Part 907

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

#### PART 907—[AMENDED]

1. § 907.895 is added as follows:

## § 907.895 Navel Orange Regulation 595.

The quantities of navel oranges grown in California and Arizona which may be handled during the period March 2, 1984 through March 8, 1984, are established as follows:

- (a) District 1: 1,700,000 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 22, 1984.

Russell L. Hawes.

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

[FR Doc. 84-5118 Filed 2-28-84: 8:45 am]

BILLING CODE 3410-02-M

#### 7 CFR Part 1000

General Provisions of Federal Milk Marketing Orders; OMB Control Number Applicable to All Milk Orders

AGENCY: Agricultural Marketing Service, USDA

ACTION: Final rule.

SUMMARY: This order amends the General Provisions that are common to and part of each federal milk marketing order. A new section is added to the General Provisions indicating that the information collection requirements of each order have been approved by the Office of Management and Budget (OMB) through May 31, 1986. The approval by OMB is required by the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: February 27, 1984.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–7311.

SUPPLEMENTARY INFORMATION: The information collection requirements of all federal milk orders have been approved by OMB under the provisions of 44 U.S.C. Chapter 35, and have been assigned OMB No. 0581–0032 through May 31, 1986.

This order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and of the General Provisions of federal milk marketing orders (7 CFR Part 1000).

This rulemaking does not require an additional collection of information from the public under the Paperwork Reduction Act of 1980.

This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and has been classified "not major".

Further, William T. Manley, Deputy Administrator, Agricultural Marketing Service has certified that the amendment adopted herein will not have a significant impact on a substantial number of small entities.

#### Statement of Consideration

The Paperwork Reduction Act of 1980 (Title 44 U.S.C. Chapter 35) seeks to minimize the paperwork burden imposed by the federal government while maximizing the utility of the information requested. The Act requires that the agency responsible for the burden should balance the practical value of the information against the time and cost to the public in providing that information.

In March 1983, OMB implemented the Act by adopting the procedures contained in Part 1320 of 5 CFR Chapter III. These procedures became effective May 2, 1983. According to these procedures, once OMB has approved a collection of information, a control number and, if appropriate, an expiration date is assigned. The control number must be displayed by being published in the Federal Register and in the Code of Federal Regulations (CFR's). For existing collection requirements, the OMB control number must be assigned and displayed by March 1, 1984, or those requirements will become ineffective.

This amendment adds a new § 1000.7 to 7 CFR Part 1000 in the Code of Federal Regulations (CFR's). The new section, entitled "OMB control number assigned pursuant to the Paperwork Reduction Act" provides the display of the OMB control number assigned to federal milk orders and states that the information collection requirements contained in the regulation have been approved through May 31, 1986 by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Title 44 U.S.C. Chapter 35).

This amendment concerns intraagency procedural matters upon which public comment would not be useful or necessary. Because this amendment is technical in nature, it is unnecessary 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).

#### List of Subjects in 7 CFR Part 1000

Milk marketing orders, Milk, Dairy products.

Accordingly, a new § 1000.7 is added to 7 CFR Part 1000.

#### PART 1000—GENERAL PROVISIONS OF FEDERAL MILK MARKETING ORDERS

A new § 1000.7 is added to read as follows:

## § 1000.7 OMB control number assigned pursuant to the Paperwork Reduction Act.

The information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of Title 44 U.S.C. Chapter 35 and have been assigned OMB Control No. 0581–0032.

It is therefore ordered, that the aforesaid provisions of the General Provisions (7 CFR Part 1000) are hereby adopted effective upon the publication of this order in the Federal Register.

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

Signed at Washington, D.C., on February 21, 1984.

#### John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-5117 Filed 2-24-84; 8:45 am] BILLING CODE 3410-02-M

#### DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

#### 8 CFR Part 238

## Contracts With Transportation Lines; Addition of South Pacific Island Airways

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of carriers which have entered into agreements with the Service for the preinspection of their passenger and crews at locations outside the United States by adding the name of South Pacific Island Airways.

EFFECTIVE DATE: February 13, 1984.

#### FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with South Pacific Island Airways on February 13, 1984 to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier's name to the present listing and is editorial in nature. This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

## List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

#### PART 238—CONTRACTS WITH TRANSPORTATION LINES

#### § 238.4 [Amended]

Section 238.4 is amended by adding the name "South Pacific Island Airways" under "At Vancouver".

(Secs. 103 and 238 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103 and 1228))

Dated: February 21, 1984.

### Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84-5084 Filed 2-24-84; 8:45 am] BILLING CODE 4410-10-M

#### 8 CFR Parts 299 and 499

## Immigration Forms and Nationality Forms, Revised Edition Dates and Purchase Information

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rulemaking document amends the regulations of the Immigration and Naturalization Service to include the latest edition dates of Service forms and to provide current price schedules for purchasing Service forms from the Superintendent of Documents, GPO. These amendments are being made to advise the general public of the latest version of forms in use by the Service and where a supply of these forms may be obtained.

EFFECTIVE DATE: February 27, 1984.

#### FOR FURTHER INFORMATION CONTACT:

Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3291.

SUPPLEMENTARY INFORMATION: The Service is amending 8 CFR 299.1 and 499.1 by publishing an update of the latest edition dates of forms currently in use by the INS for general information of the public. Additionally, 8 CFR 299.3 is revised to include the current charges for purchasing INS forms from the Government Printing Office. All obsolete forms have been deleted from the list while any new forms have been included.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is not required because the rule is editorial in nature and merely updates an existing list.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities. This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

### List of Subjects

#### 8 CFR Part 299

Administrative practice and procedure, Immigration, Immigration forms.

#### 8 CFR Part 499

Citizenship and naturalization, Nationality forms.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

## PART 299—IMMIGRATION FORMS

1. Section 299.1 is revised to read as follows:

## § 299.1 Prescribed forms.

The forms listed below are hereby prescribed for use in compliance with the provisions of Subchapter A of this chapter and this Subchapter B. To the maximum extent feasible the forms used should bear the edition date shown or a subsequent edition date.

### Form No., Title and Description

AR-4 (8-30-72)—Alien Registration Fingerprint Chart.

AR-11 (3-21-79)—Alien's Change of Address Card.

CDC 4.417 (11-74)—(Formerly HSM-240 or PHS-124) (Medical Certificate).

IAP-66 (10-78)—Certificate of Eligibility for Exchange Visitor Status.

FD-258 (4-25-72)—Applicant Card. OF-157 (5-78)—Medical Examination of

Applicants for United States Visas.

G-27 (9-30-82)—Request for Recognition to
Represent before the Board of Immigration
Appeals and the Immigration and
Naturalization Service.

G-28 (10-25-79)—Notice of Entry of Appearance as Attorney or Representative. G-296 (9-12-58)—Report of Violation. G-297 (5-28-70)—Order to Seize Aircraft. G-298 (9-12-58)—Public Notice of Seizure.

G-325A (10-1-82)—Biographic information.

G-325C (10-1-82)—Biographic information. G-639 (6-12-82)—Freedom of Information Act/Privacy Act Request.

G-641 (5-5-83)—Application for Verification of Information from Immigration and Naturalization Records.

G-652 (2-1-78)—Affidavit of Identity. G-658 (11-1-75)—Record of Information Disclosure (Privacy Act).

I-17 (4-4-83)—Petition for Approval of School for Attendance by Nonimmigrant Students.

I-17A (5-1-83)—Designated School Officials. I-17B (5-1-83)—School System Attachment. I-20AB (5-1-83)—Certificate of Eligibility For Nonimmigrant (F-1) Student Status—For

Academic and Language Students.

I-20MN (5-1-83)—Certificate of Eligibility for Nonimmigrant (M-1) Student Status—For Vocational Students.

I-20ID (8-26-83)—Form I-20 ID Copy. I-38 (7-25-77)—Decision of the Immigration Judge.

I-39 (9-22-78)—Decision of the Immigration Judge.

I-67 (9-18-58)—Inspection Record (Hungarian Parolee).

I-68 (10-20-80)—Canadian Border Boat Landing Card.

I-79 (5-15-70)—Notice of Intention to Fine under Immigration and Nationality Act.

 I-90 (6-6-83)—Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-551,
 I-92 (6-1-73)—Aircraft/Vessel Report.

I-92 (6-1-73)—Aircraft/Vessel Report. I-94 (1-1-83)—Arrival-Departure Record. I-95AB (9-1-64)—Crewman's Landing Permit.

I-99 (3-1-83)—Notice of Revocation and Penalty.

I-102 (5-5-83)—Application by Nonimmigrant Alien for Replacement of Arrival Document.

I-122 (5-4-79)—Notice to Applicant for Admission Detained for Hearing before Special Inquiry Officer.

I-126 (10-30-82)—Report of Status by Treaty Trader or Investor.

I-129B (7-1-83)—Petition to Classify Nonimmigrant as Temporary Worker or Trainee.

I-129F (3-1-83)—Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.

I-130 (5-5-83)—Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa.

I-131 (5-5-83)—Application for Issuance or Extension of Permit to Reenter the United States.

I-134 (7-1-83)—Affidavit of Support. I-138 (11-5-70)—Subpeona.

I-140 (5-5-83)—Petition to Classify Preference Status of Alien on Basis of Profession or Occupation.

I-141 (4-21-69)—Medical Certificate. I-147 (10-30-83)—Notice of Temporary Exclusion from the United States.

I-151 (7-1-72)—Alien Registration Receipt Card.

I-171C (7-1-83)—Notice of Approval of Nonimmigrant Visa Petition or of Extension of Stay of H or L Alien.

I-175 (4-1-75)—Application for Nonresident Alien Canadian Border Crossing Card. I-180 (9-1-81)—Notice of Voidance of Form I-186. I-181 (3-1-83)—Memorandum of Creation of Record of Lawful Permanent Residence.

I-184 (4-1-58)—Alien Crewman Landing Permit and Identification Card.

I-185 (1-1-75)—Nonresident Alien Canadian Border Crossing Card.

I–186 (6–1–72)—Nonresident Alien Mexican Border Crossing Card.

I-190 (3-1-75)—Application for Nonresident Alien Mexican Border Crossing Card. I-191 (5-5-83)—Application for Advance

Permission to Return to Unrelinquished
Domicsion

I-192 (5-5-83)—Application for Advance Permission to Enter as Nonimmigrant.

I-193 (5-5-83)—Application for Waiver of Passport and/or Visa.

I-197 (5-1-76)—U.S. Citizen Identification Card.

 I-202 (11-15-79)—Authorization for Removal.
 I-212 (5-5-83)—Application for Permission to Reapply for Admission into the United States after Deportation or Removal.

I-221 (7-1-73)—Order to Show Cause and Notice of Hearing.

I-221S (8-1-77)—Order to show Cause, Notice of Hearing, and Warrant for Arrest of Alien.

 I-243 (9-27-75)—Application for Removal.
 I-246 (3-31-83)—Application for Stay of Deportation.

I-256A (12-30-82)—Application for Suspension of Deportation.

I-259 (10-1-69)—Notice to Detain, Deport, Remove or Present Aliens.

I-259A (2-12-55)—Agreement by Transportation Line to Assume Responsibility for Removal of Aliens. (Onetime basis.)

I-259B (4-1-70)—Agreement by Transportation Line to Assume Responsibility for Removal of Aliens. (Continuing basis.)

I-260 (6-1-73)—Notice to Take Testimony of Witness.

I-284 (12-20-66)—Notice to Transportation Line Regarding Deportation and Detention Expenses of Detained Alien.

I-286 (4-1-79)—Notification to Alien of Conditions of Release or Detention.

I-287 (4-10-72)—Special Care and Attention for Alien.

I-288 (2-20-62)—Notice to Transportation Line Regarding Deportation Expenses of Alien Completely Ready for Deportation.

I-290A (10-31-79)—Notice of Appeal to the Board of Immigration Appeals. I-290B (10-3-83)—Notice of Appeal to

Commissioner. I-290C (9-30-66)—Notice of Certification. I-292 (10-1-83)—Decision.

I-296 (12-15-82)—Notice to Alien Ordered
Excluded by Immigration Judge.

Excluded by Immigration Judge.

I-305 (5-1-76)—Receipt of Immigration
Officer—United States Bonds or Notes, o

Officer—United States Bonds or Notes, or Cash, Accepted as Security on Immigration Bond.

I-310 (4-16-62)—Bond for Payment of Sums and Fines Imposed under Immigration and Nationality Act (Term or Single Entry).

I-312 (4-15-76)—Designation of Attorney in Fact.

 I-323 (3-15-77)—Notice—Immigration Bond Breached.
 I-328 (6-5-74)—Order on Motion to Reopen.

- I-342 (4-25-79)—Determination of the Immigration Judge with Respect to Custody.
- 1-351 (6-1-74)-Bond Riders.
- 1-352 (10-14-76)-Immigration Bond.
- I-356 (9-27-75)—Request for Cancellation of Public Charge Bond.
- I-391 (3-14-77)—Notice—Immigration Bond Cancelled.
- I-408 (4-1-83)—Application to Pay off or Discharge Alien Crewman.
- I-410 (5-1-83)—Receipt for Crew List.
- I-418 (7-1-74)—Passenger List-Crew List. I-420 (3-15-67)—Agreement (land-border) Between Transportation Line and United
- I-421 (6-29-58)—Agreement (overseas)
  Between Transportation Line and United
  States.
- I-425 (3-24-77)—Agreement for Preinspection at Places Outside United States.
- I-426 (5-1-65)—Immediate and Continuous Transit Agreement Between a Transportation Line and United States of America (special direct transit procedure).
- I-444 (4-1-83)—Mexican Border Visitors Permit.
- I-485 (5-5-83)—Application for Status as Permanent Resident.
- I-485A (3-25-81)—Application by Cuban Refugee for Permanent Residence.
- I-485C (10-28-79)—Application for Creation of a Record of Lawful Admission for an Indochine Refugee.
- I-486A (12-29-79)—Medical Examination and Immigration Interview.
- I-508 (5-5-83)—Application for Change of Nonimmigrant Status.
- I-508 (10-1-80)—Waiver of Rights, Privileges, Exemptions, and Immunities.
- I-508F (6-1-70)—Waiver of Rights, Privileges, Exemptions, and Immunities (Under Sec. 247(b) of the Act and under the Convention between the United States of America and the French Republic with respect to Taxes on Income and Property).
- I-509 (5-31-83)—Notice to Alien of Proposed Change from Lawfully Admitted for Permanent Residence to Nonimmigrant.
- I-510 (11-15-82)—Guarantee of Payment. I-512 (10-I-82)—Authorization for Parole or Conditional Entry of an Alien into the
- United States. I-526 (12-22-79)—Request for Determination that Prospective Immigrant is an Investor.
- I-538 (4-1-83)—Application by Nonimmigrant Student (F-1) for Extension of Stay, School Transfer or Permission to Accept or Continue Employment.
- I-539 (5-5-83)—Application to Extend Time of Temporary Stay.
- I-551 (Jan. 77)—Alien Registration Receipt Card.
- I-566 (9-21-79)—Application for Employment by a (G-4) Spouse or Unmarried Son or Daughter of an Official of an International Organization.
- 1-570 (5-5-83)—Application for Issuance or Extension of Refugee Travel Document.
- I-571 (11-1-79)—Refugee Travel Document.
  I-586 (Apr. 77)—Nonresident Alien Border Crossing Card.
- I-589 (3-1-81)—Request for Asylum in the United States.
- I-590 (5-1-80)—Registration for Classification as Refugee.

- I-591 (5-1-80)—Assurance by a United States Sponsor in Behalf of an Applicant for Refugee Status.
- I-600 (5-5-83)—Petition to Classify Orphan as an Immediate Relative.
- I-600A (5-5-83)—Application for Advance Processing of Orphan Petition.
- I-601 (6-20-80) Application for Waiver of Grounds of Excludability under Section 212 (g), (h), or (i) or the Immigration and Nationality Act.
- 1–602 (9–10–80)—Application by Refugee for Waiver of Grounds of Excludability.
- I-612 (3-30-83) Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, as amended.
- ICAO—International Civil Aviation
  Organization's General Declaration.
- MA 7-50 (4-70)—Application for Alien Employment Certification. (Part I— Statement of Qualifications of Aliens (MA 7-50A)). (Part II—Job Offer for Alien Employment (MA 7-50B)).
- 7507 (3-69)—Bureau of Customs' General Declaration.
  - 2. Section 299.3 is revised as follows:

### § 299.3 Forms available from Superintendent of Documents.

The immigration and naturalization forms indicated below may be obtained upon prepayment from the Superintendent of Documents, Washington, D.C. 20402.

Form No.	GPO stock No. (S/N)	Price per 1007pad			
G-28	S/N 027-002-00218-1	\$8.50/100			
G-325A	S/N 027-002-00277-6	13.00/100			
G-641	S/N 027-002-00293-8				
I-20AB	S/N 027-002-00285-7				
I-20MN	S/N 027-002-00286-5	13.00/100			
1-90	S/N 027-002-00301-2				
1-92	S/N-027-002-00124-9	5.00/pa			
1-94 (English)	S/N 027-002-00281-4				
1-94 (Spanish)					
I-95AB	S/N 027-002-00081-1				
I-129B	S/N 027-002-00300-4				
I-129F	S/N 027-002-00290-3				
I-130					
I-131	S/N 027-002-00289-0				
I-134	S/N 027-002-00303-9				
I-140	S/N 027-002-00295-4				
I-408					
1-418					
1-485					
I-506	S/N 027-002-00296-2				
1-526					
1-538					
1-539					
1-600					
N-400					
N-402					
N-426					
N-600	S/N 027-002-00302-1	14,00/10			

Prices are set by the Superintendent of Documents, Government Printing Office, and are subject to change without notice. A small supply of the above forms shall be set aside by immigration officers for free distribution and official use.

## PART 499-NATIONALITY FORMS

3. Section 499.1 is revised as follows:

#### § 499.1 Prescribed forms.

The forms listed below are hereby prescribed for use in compliance with the provisions of this Subchapter C. To the maximum extent feasible the forms used should bear the edition date shown or a subsequent edition date.

Form No., Title and Description

- G-639 (6-12-82)—Freedom of Information/ Privacy Act Request.
- C-641 (5-5-83)—Application for Verification of Information from Immigration and Naturalization Records.
- G-852 (2-1-78)-Affidavit of Identity.
- C-658 (11-1-75)—Record of Information Disclosure (Privacy Act).
- I-138 (11-5-70)-Subpoena.
- N-3 (1-30-83)—Requisition for Forms and Binders.
- N-4 (12-31-82)—Monthly Report— Naturalization Papers Forwarded.
- N-5 (12-24-52)—Continuation Sheet of Monthly Report—Naturalization Papers Forwarded.
- N-7 (5-5-83)—Quarterly Abstract of Collections of Naturalization Fees.
- N-12 (1-30-82)—Penalty Envelope (to be addressed to any office of Service).
- N-13 (4-1-81)—Penalty Envelope (Large—to be addressed to any office of Service).
- N-300 (5-5-83)—Application to File Declaration of Intention.
- N-305 (5-5-83)—Form Letter Notifying Alien that Form N-300 has been Forwarded to the Clerk of the Court.
- N-315 (3-1-80)—Declaration of Intention. N-400 (5-5-83)—Application to File Petition
- N-400 (5-5-83)—Application to File Petition for Naturalization.
- N-400B (1-1-66)—Supplement to Application to File Petition for Naturalizaton (by a seaman, under Sec. 330 of the Immigration and Nationality Act).
- N-402 (4-15-82)—Application to File Petition for Naturalization in Behalf of a Child (under Sec. 322, Immigration and Nationality Act).
- N-404 (8-1-65)—Request for Withdrawal of Petition for Naturalization.
- N-405 (4-1-82)—Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
- N-407 (3-25-82)—Petition for Naturalization (in behalf of a child, under Sec. 322, Immigration and Nationality Act).
- N-410 (5-5-83)—Motion for Amendment of Petition (application).
- N-414 (12-15-44)—Acknowledgement of Filing Petition for Naturalization.
- N-414a (7-15-85)—Acknowledgement of Filing Petition for Naturalization and Index Card.
- N-425 (2-12-82)—Notice to Petitioner of Proposed Recommendation of Denial of Petition for Naturalization.
- N-426 (5-12-77)—Certification of Military or Naval Service.
- N-445 (4-15-82)—Notice to Petitioner to Appear in Court for final Hearing on Petition for Naturalization, and Questionnaire to be Submitted by Petitioner at the Final Hearing.
- N-445B (4-20-82)—Notice to Petitioner to Appear in Court for Final Hearing on

Petition for Naturalization Filed in Behalf of his Natural or Adopted Child, and Questionnaire to be Submitted by Petitioner at the Final Hearing.

N-455 (5-5-83)—Application for Transfer of Petition for Naturalization.

N-458 (1-30-83)—Application to Correct Certificate of Naturalization.

N-459 (12-15-58)—Authorization to Clerk of Court to Correct Certificate of Naturalization.

N-470 (5-5-83)—Application to Preserve Residence for Naturalization Purposes (under Sec. 315(b) or 317. Immigration and Nationality Act).

N-472 (4-5-82)—Approval of Application to Preserve Residence for Naturalization Purposes.

N-480 (2-5-68)—Naturalization Petitions Recommended to be Granted (and) Order of Court Granting Petitions for Naturalization.

N-481 (9-20-67)—Naturalization Petitions Recommended to be Granted. (Continuation Sheet)

N-484 (2-5-68)—Naturalization Petitions Recommended to be Denied (and) Order of Court Denying Petitions for Naturalization.

N-485 (2-5-68)—Naturalization Petitions Recommended to be Granted (on behalf of children) [and] Order of Court Granting Petitions for Naturalization.

N-550 (3-1-80)—Certificate of Naturalization. N-565 (5-5-83)—Application for New

Naturalization or Citizenship Paper. N-577 (5-5-83)—Application for a Special Certificate of Naturalization to Obtain Recognition as a Citizen of the United States by a Foreign State.

N-578 (10-3-62)—Special Certificate of Naturalization.

N-606 (5-5-83)—Application for Certificate of Citizenship.

(Sec. 103 of the Immigration and Nationality Act, as amended; 9 U.S.C. 1103)

Dated: February 19, 1984.

## John W. Murray,

Associate Commissioner, Information Systems, Immigration and Naturalization Service.

[FR Doc. 84-5064 Filed 2-26-84; 8:45 am] BILLING CODE 4410-10-M

### DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

#### 14 CFR Part 39

[Docket Nos. 22148 and 83-NM-122-AD; Amdt. 39-4816]

Airworthiness Directives; Airbus Industrie Model A300 B2 and B4 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT. ACTION: Final rule. summary: This amendment adds a new airworthiness directive (AD) applicable to certain Airbus Industrie Model A300 series B2 and B4 airplanes which requires repetitive inspections, and repair as necessary, of the upper machined skins of the lefthand, righthand, and center spar boxes of the horizontal stabilizer. This is prompted by reports of cracks in these components which could result in failure of the horizontal stabilizer.

EFFECTIVE DATE: March 28, 1984.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France, or may be examined at the address shown below.

### FOR FURTHER INFORMATION CONTACT:

Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168.

SUPPLEMENTARY INFORMATION: The Direction Generale de l'Aviation Civile (DGAC), which is the French Civil Aviation Authority, issued an AD mandating compliance with Airbus Industrie Service Bulletin A300–55–022.

Fatigue testing done by the manufacturer on the test airplane has shown that the machined upper skins on the lefthand, righthand, and center spar boxes of the horizontal stabilizer developed cracks after 79,500 cycles which could result in structural failure of the horizontal stabilizer and loss of the airplane.

The service bulletin prescribes repetitive inspections, and repairs as necessary, of the affected components.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections, and repairs as necessary, of the upper machine skins of the lefthand, righthand, and center spar boxes of the horizontal stabilizer was published in the Federal Register on September 24, 1981 (46 FR 47082), under docket number 22148. The comment period closed on November 23, 1981, and interested persons have been afforded an opportunity to participate in the making of this amendment. Two comments were received.

One commenter indicated that the proposed AD will not have any effect on their fleet because the AD requirements

have been accomplished. Also, this commenter objected to the use of fatigue test results for issuing AD's. AD's are issued to implement air safety which is one of the basic objectives of the FAA. and the results obtained from cyclic or any other appropriate test have been used and will continue to be used as justification for issuing AD's. The other commenter stated that the world fleet of A300 airplanes has accomplished the proposed AD; therefore, there is no need to issue the AD. The FAA disagrees; there is still an outstanding French AD on the subject and no validation that the world fleet of A300 airplanes has accomplished the AD requirements. The AD is issued to cover the import of A300 airplanes that may not have completed the required inspections and repairs. Editorial changes have been incorporated in the final document.

There is no burden to the sole U.S. operator of these airplanes because this operator has incorporated the modification that terminates the AD requirements. For any future import that has not fulfilled these requirements the cost is estimated to be \$1,000 for each inspection and \$10,000 to incorporate the terminating modification. For these reasons, this rule is not considered to be a major rule under the criteria of Executive Order 12291. No small entities within the meaning of the Regulatory Flexibility Act will be affected.

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously noted.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Airbus Industrie: Applies to Model A300 B2 and B4 series airplanes, that have not incorporated modification No. 1642, described in Airbus Industrie Service Bulletin A300-55-017, Revision 3, dated November 5, 1979. Compliance is required as indicated, unless already accomplished. To detect cracks in the upper machined skins of the lefthand, righthand, and center spar boxes of the horizontal stabilizer, and to prevent the possible structural failure of the horizontal stabilizer, accomplish the following:

A. Prior to the accumulation of 12,000 hours time in service, or within the next 300 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished, inspect the upper skins of the horizontal stabilizer's lefthand, righthand, and center spar boxes in accordance with the instructions in paragraph 2.B inspection, of Airbus Industrie Service Bulletin A300-55-022, Revision 1, dated March 28, 1979.

B. Repeat the inspection required in paragraph A. of this AD at intervals not exceeding 3,000 hours total time in service from the last inspection until the aircraft has accumulated 21,000 hours total time in service. After 21,000 hours total time in service have been accumulated, perform the inspection required in paragraph A. of this AD at intervals not exceeding 1,500 hours time in service from the last inspection.

C. If cracks are found during the inspections required by paragraphs A. or B. of this AD, perform inspections and repairs in accordance with the Modification, Inspection and Repair Alternatives Flow Chart in Figure 1 of the Service Bulletin and continue the inspection required by paragraphs A. or B.

D. Incorporation of Airbus Industrie Modification 1642 constitutes terminating action to the requirements of this AD.

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

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

This amendment becomes effective March 28, 1984.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89)

Note.-For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, small entities operate Airbus Industrie Model A300 airplanes. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington, on February 7, 1984.

#### David E. Jones,

Acting Director, Northwest Mountain Region.
[FR Doc. 84-5078 Filed 2-28-84; 8:45 am]
BILLING CODE 4910-13-86

## CONSUMER PRODUCT SAFETY COMMISSION

#### 16 CFR Part 1201

Safety Standard for Architectural Glazing Materials; Amendment To Remove Termination Date for Exemption for Wired Glass Used in Fire Doors

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety
Commission is amending the Safety
Standard for Architectural Glazing
Materials to remove the termination
date of an exemption from the
requirements of the standard for wired
glass used in fire doors. The
Commission is taking this action
because the termination date for the
exemption was set aside by a U.S. Court
of Appeals on judicial review, and the
Commission has taken no further action
to establish a new termination date.

DATE: The amendment issued below shall become effective February 27,

#### FOR FURTHER INFORMATION CONTACT:

Allen F. Brauninger, Attorney, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6980.

SUPPLEMENTARY INFORMATION: In 1977, the Commission issued the Safety Standard for Architectural Glazing Materials (16 CFR Part 1201) in accordance with provisions of the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 et seq.). This standard is intended to eliminate or reduce unreasonable risks of injury associated with glazing materials used in certain architectural products if those glazing materials are broken by accidental human impact.

The standard prescribes tests to ensure that glazing materials subject to its provisions either will not break when impacted with a specified energy, or will break with characteristics which are less likely to present unreasonable risks of injury than glazing materials which do not meet the requirements of the standard.

Section 1201.1(a) of the standard states that its provisions are applicable to glazing materials used or intended for use in doors, storm doors, bathtub doors and enclosures, shower doors and enclosures, and sliding glass (patio) doors.

#### **Exemption for Wired Glass**

Section 1201.1(c) of the standard lists six exemptions for products which

would otherwise be covered by the standard, including

Wired glass used in doors or other assemblies to retard the passage of fire, where such door or assembly is required by a federal, state, local or municipal fire ordinance, except that this exemption shall terminate on January 6, 1980.

During the development of the standard, the Commission had received information to the effect that almost all state and local fire codes affirmatively require the use of wired glass in certain kinds of fire doors, and that none of the wired glass being manufactured or imported at that time could pass the impact test in the standard. Although the Commission desired to avoid a conflict between the provisions of the standard and requirements of state and local fire codes, the Commission was concerned that noncomplying wired glass used in fire doors could in many cases present a risk of serious injury if broken by accidental human impact.

In the Federal Register notice by which the Commission issued the standard on a final basis, the Commission expressed its belief that wired glass could be developed which would meet all requirements of state and local fire codes, and also pass the applicable tests prescribed by the standard. (See 42 FR 1428, at 1430, January 6, 1977).

For these reasons, the Commission included an exemption in the standard for wired glass used in fire doors, but specified that the exemption would terminate three years from the date the standard was issued on a final basis.

#### **Judicial Review**

Section 11 of the Consumer Product Safety Act (15 U.S.C. 2060) provides that consumer product safety standards issued under provisions of the CPSA shall be subject to review by the United States Courts of Appeal upon the petition of any consumer or of any person adversely affected by such a standard.

The architectural glazing standard was the subject of a petition for review brought before the United States Court of Appeals for the District of Columbia Circuit by A.S.G. Industries, Inc. and other parties. At the conclusion of the proceeding for judicial review, the Court of Appeals affirmed the action of the Commission by which the standard was issued, and most of the provisions of the standard, including those applicable to wired glass when used in the products covered by the standard. See A.S.G. Industries, Inc. v. CPSC, 593 F2d 1323 (1979).

However, the Court found that the record of the proceeding by which the Commission issued the standard did not include any statement of the Commission's reasons for establishing January 6, 1980, as the termination date for the exemption for wired glass, or any information to support the reasonableness of that date.

The Court of Appeals set aside the termination date for the exemption of wired glass used in fire doors. The Court stated that if the Commission desired to establish a termination date for the exemption, it must reopen the record of the proceeding by which the standard was issued, and obtain evidence to demonstrate that any termination date which may be established for the exemption is appropriate and reasonable.

After the decision in the A.S.G. Industries case became final, the Commission did not reopen the record of the proceeding by which the glazing standard was issued to establish a termination date for the exemption for wired glass used in fire doors. Consequently, because of the decision in the A.S.G. Industries case, that exemption continues indefinitely. However, the text of the standard, as it is published in the Code of Federal Regulations, continues to state that the exemption terminates on January 6, 1980.

#### Correction of Standard

To avoid confusion, the Commission is making a technical amendment of the standard to make the text of § 1201.1(c)(1) consistent with the decision of the Court in the A.S.C. Industries case. Section 9(h) of the CPSA (15 U.S.C. 2058(h)) provides that the Commission may amend a consumer product safety standard "by rule." That section provides further that sections 7. 8, and 9 (a) through (g) of the CPSA (15 U.S.C. 2056, 2057, 2058 (a) through (g)] are not applicable to any amendment which does not involve a "material change" to a consumer product safety standard. The amendment issued below does not make any material change to the requirements of the architectural glazing standard, but simply revises the language in § 1201.1(c)(1) to conform with the decision of the Court in the A.S.G. Industries case.

The Administrative Procedure Act provides at 5 U.S.C. 553(b) that agencies must publish notice of proposed rulemaking and afford interested parties opportunity to submit written comments on proposed rules except when the agency finds for good cause that notice and opportunity for comment are "impracticable, unnecessary, or contrary

to the public interest," and incorporates that finding and a brief statement of its reasons for such a finding in the rule.

In accordance with 5 U.S.C. 553(b)(B). the Commission finds for good cause that notice of proposed rulemaking and opportunity for public comment in this proceeding are unnecessary because the decision in the A.S.G. Industries case is final and not subject to further review. and the Commission has taken no action to reopen the proceeding by which the standard was issued in order to establish a termination date for the exemption for wired glass in fire doors. Unless the Commission amends § 1201.1(c)(1) to delete the termination date for the exemption of wired glass used in fire doors, the text of the standard as it is published in the Code of Federal Regulations will continue to be inaccurate and a source of confusion to all persons and firms affected by the standard. In these circumstances, publication of a notice of proposed rulemaking and providing opportunity for written comment on the proposal would serve no useful purpose.

The Administrative Procedure Act provides further at 5 U.S.C. 553(d) that a substantive rule shall not become effective less that 30 days after publication unless it grants an exception or recognizes an exemption. Since the purpose of the amendment issued below is to clarify that the exemption of wired glass used in fire doors continues indefinitely, the amendment issued below shall become effective immediately.

#### **Environmental Considerations**

The rule issued below falls within the categories of Commission actions described in 16 CFR 1021.5(c) that have little or no potential for affecting the human environment. For this reason, neither an environmental assessment nor an environmental impact statement is required.

## List of Subjects in 16 CFR Part 1201

Consumer protection, Glass and mirrors.

Conclusion and Promulgation

#### PART 1201—SAFETY STANDARD FOR ARCHITECTURAL GLAZING MATERIALS

Therefore, in accordance with section 9(h) of the Consumer Product Safety Act (15 U.S.C. 2058(h)) and the Administrative Procedure Act (5 U.S.C. 553), the Commission hereby amends Title 16 of the Code of Federal Regulations, Chapter II, Subchapter B, Part 1201, by revising § 1201.1(c)(1) to read as follows:

§ 1201.1 Scope, application and findings.

- (c) Exemptions. The following products, materials and uses are exempt from this Part 1201:
- (1) Wired glass used in doors or other assemblies to retard the passage of fire, where such door or assembly is required by a federal, state, local, or municipal fire ordinance.

Effective date: This amendment shall become effective on February 27, 1984.

(15 U.S.C. 2058(h); 5 U.S.C. 553)

Dated: February 21, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 84-4922 Filed 2-24-84; 8:45 am] BILLING CODE 6355-01-M

#### DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket Nos. RM83-73-001, etc., Order No. 349-B]

Standard Form for Purchased Gas Adjustment Filings Submitted by Natural Gas Pipeline Companies: FERC Form No. 542-PGA; Partial Granting and Denial of Applications for Rehearing

Issued: February 17, 1964.

AGENCY: Federal Energy Regulatory Commission.

**ACTION:** Order granting in part and denying in part applications for rehearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) grants in part and denies in part requests for rehearing, reconsideration and clarification of Order No. 349, issued on November 21, 1983, and amends FERC Form No. 542-PGA. accordingly. Order No. 349 required natural gas pipeline companies that file purchased gas adjustment filings to use a standard form. The Commission amends Form No. 542-PGA, Purchased Gas Adjustment (PGA) Filing by: (1) Providing an alternative schedule for reporting detailed projected cost of purchased gas and (2) making certain other technical changes in the format in which the support data for PGA filings must be reported. Copies of the revised form and instructions for preparing it can be obtained from the Commission's Division of Public Information.

EFFECTIVE DATE: June 1, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph H. Long, Office of the General Counsel, Rulemaking and Legislative Analysis Division, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, (202) 357–8033.

#### SUPPLEMENTARY INFORMATION:

In the matter of Docket Nos. RM83–73–001, RM83–73–002, RM83–73–003, RM83–73–004, RM83–73–005, RM83–73–006, RM83–73–007, RM83–73–008.

The Federal Energy Regulatory Commission (Commission) grants in part and denies in part requests for rehearing, reconsideration, and clarification of Order No. 349, issued on November 21, 1983, and amends FERC Form No. 542-PGA, accordingly.

### I. Background

Order No. 349 requires natural gas pipeline companies that file purchased gas adjustment filings to use a standard format prescribed in FERC Form No. 542-PGA, Purchased Gas Adjustment (PGA) Filing. The Commission issued this rule to reduce the costs incurred by the Commission and the Department of Energy, and to allow users of this information to use it more easily, effectively and accurately.

The rule was originally scheduled to be effective on February 1, 1984.

However, several natural gas pipeline companies petitioned the Commission for waiver from the requirements of the rule, and rehearing, reconsideration, and clarification of the rule. Most of the companies also requested additional time by which to comply with the new requirements.

In response to these requests, on January 16, 1984, the Commission issued Order No. 349-A. Order No. 349-A extended the effective date of the final rule from February 1, 1984, until June 1, 1984, for PGA filings that are to be effective on or after July 1, 1984. In Order No. 349-A, the Commission also granted rehearing of the petitions solely for purposes of further consideration of the substantive issues raised by the petitioners. The Commission now responds to those substantive issues insofar as petitioners' arguments warrant amendment of the form. The Commission has reviewed the remaining requests and finds further amendment unnecessary.

## II. Changes to Form 542-PGA

### A. New Optional Schedule

The Commission's new Form 542-PGA requires natural gas pipeline companies in making PGA filings to submit detailed projected costs of purchased gas in the format prescribed by Schedules A-1 and A-2. In its request for clarification, the Tennessee Gas Pipeline Company ("Tennessee") recommends that the Commission substitute Schedules A-1 and A-2 with a single schedule (the "Tennessee Schedule") designed by Tennessee. Tennessee claims that the Tennessee Schedule possesses the following three attributes: (1) It avoids unnecessary cross-referencing between Schedules A-1 and A-2 by displaying all the necessary information in a single record covering two lines; (2) by displaying the information by producer on more than one line, it provides additional record space (which resolves certain record length problems presented by Schedules A-1 and A-2): and (3) it provides a format that is meaningfully organized and that presents the necessary data in a concise and understandable manner.

The Commission agrees and is amending Form 542-PGA to allow use of the Tennessee Schedule by any company to which the form applies. The Commission is adopting the Tennessee Schedule, with a few minor technical changes, as the preferred schedule for presenting detailed projected costs of purchased gas. In presenting projected costs of their purchased gas, the natural gas pipeline companies may now use either: (1) New Schedule A (the modified Tennessee Schedule) or, in the alternative, (2) Schedules A-1 and A-2, as revised herein. The Commission is retaining Schedules A-1 and A-2 as an optional format for pipelines that find them more convenient.

B. Reduction in the Number of NGPA Subcategories That Must be Separately Reported

Tennessee and Northern Natural Gas Company ("Northern") object to the extent to which the new form requires them to report NGPA subcategories separately. They argue that some of these subcategories could be combined with little or no loss in the useable information provided. The Commission agrees. The form is being changed to adopt Tennessee's list of separate reported subcategories of NGPA section 107 gas and a shorter list of separate reported subcategories of NGPA section 102 gas. Also, the number of separate reported subcategories of NGPA section 104 gas is being reduced.

### C. Insufficient Space to Provide All the Required Information

Transcontinental Gas Pipeline Corporation ("Transcontinental") argues that, in Schedule B-1 of the new form funrecovered purchased gas cost account), the Commission does not provide an adequate format for reporting the monthly deferral of unrecovered purchased gas costs in compliance with Commission regulations, orders or settlement agreements. Transcontinental specifically refers to adjustments to the deferral for items such as, among others. interest on producer refunds, revenues collected under certain transportation agreements, and certain storage revenues. Transcontinental therefore suggests that additional columns be provided in the form for presenting this information.

Form 542-PGA was designed to provide a standard format for reporting the minimum essential information that pipeline companies are required to submit in their PGA filings. Transcontinental and the other pipeline companies must continue to supply in their PGA filings all the information that they are currently required or in the future are required to file under their tariffs, settlement agreements or Commission orders. The Commission is not at this time prescribing a format for reporting this additional information. The pipeline companies may use their own discretion in designing a reasonable format.

## D. Reporting by Pipeline-Supplied Pipelines

Algonquin Gas Transmission
Company ("Algonquin") argues that
pipeline-supplied pipelines should be
excused from using the new form in
submitting their PGA filings. Because
Algonquin receives all of its natural gas

<sup>449</sup> FR 2886 (Jan. 24, 1984).

<sup>148</sup> FR 53,091 (Nov. 25, 1983).

<sup>\*</sup>To the extent that individual pipeline companies have already requested, or in the future request, waiver from compliance with the new filing requirements, the Commission will respond individually to their petitions. However, the Commission believes that the June 1, 1984 filing date for rates effective on or after July 1, 1984 is ample time to comply with the new requirements and that few, if any, pipeline companies will need additional time by which to comply.

<sup>\*</sup>The Commission received applications for clarification, reconsideration or rehearing of the final rule from the following: Michigan Wisconsin Pipe Line Company; Algonquin Gas Transmission Company; Transcontinental Gas Pipe Line Corporation; Northern Natural Gas Company, Division of InterNorth Inc.; Consolidated Gas Supply Corporation; Interstate Natural Gas Association of America; Tennessee Gas Pipeline Company and Southern Natural Gas Company. Some of these petitioners requested waivers of application of the rule to the petitioner, or, in the alternative, rehearing of the final rule. All the above petitioners are referred to herein as the "petitioners."

from Texas Eastern, it cannot supply the Commission with wellhead purchase classifications under the NGPA or official DOE/EIA Geographic Area Names.

Algonquin misunderstands the reporting requirements of the new form. The form does not require that a pipeline-supplied pipeline report the information to which Algonquin objects, namely, information that relates to the source of the gas to the pipeline-supplier. Algonquin and any other similarly-situated company need only report information on its purchases from its pipeline suppliers.

## E. DOE/EIA Geographic Names

Northern states that the mere requirement of providing DOE/EIA Geographic Names for sources of gas would be no problem, if only surface geographic locations are required to be reported. Northern alleged that pipeline companies would incur great expense in compiling this information, if the form requires a combination of the surface location and geologic (depth) from which the gas is produced. The Commission wishes to make clear that Form 542-PGA requires reporting of only surface geographic locations. It does not require pipeline companies to report information on the depth or pool from which the purchased gas is produced. The instructions for the form are being changed to clarify this point.

## F. Miscellaneous Problems With the Form

Tennessee objects that there is insufficient spacing on the form to provide annualized quantities of gas and costs in Schedules A-1 and A-2 and the rate designation in Schedule A-2. The forms are being changed to provide additional space.

Tennessee also argues that Schedules A-1 and A-2 do not provide sufficient space to give the full names of producers. The producer names should be abbreviated to fit in the space provided on the form. The full legal name need not be given.

#### IV. The Commission Orders

A. To the extent described above, the requests for clarification, reconsideration, and rehearing are granted and FERC Form 542-PGA, Purchased Gas Adjustment (PGA) Filing is amended, in accordance with this order. A revised edition of the form will be made available at the Commission's Division of Public Information.

B. In all other respects, the requests are denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4997 Filed 2-24-84; 8:45 sm]

BILLING CODE 6717-01-M

## 18 CFR Parts 154, 157, and 275

[Docket No. RM83-50-000; Order No. 362]

Natural Gas Companies; Independent Producer Filing Requirements and Receipt of Determinations of Eligibility

Issued: February 22, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is amending its rules concerning the blanket affidavit procedure for sales of natural gas under the notice of rate change filing requirements of the Natural Gas Act. The blanket affidavit procedure allows producers to receive the monthly escalations in the maximum lawful prices under the Natural Gas Policy Act without making monthly rate change filings, once they have established a base rate. The rule is amended by making the procedure available for additional categories of gas, extending the deadline for making the filing required to take advantage of the procedure after a jurisdictional agency's determination of eligibility becomes final, and changing the consequences of failure to meet this deadline. In addition, this rule changes the Commission's procedures for acknowledging receipt of well category determinations from jurisdictional agencies.

DATE: This rule will be effective March 28, 1984.

#### FOR FURTHER INFORMATION CONTACT:

Jan Macpherson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8033

Garry Penix, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8622

Brooks Carter, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8622

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending §§ 154.94, 157.40, 275.201 and 275.203 of the Commission's regulations under the Natural Gas Act (NGA). Section 154.94 sets forth a blanket affidavit procedure under which producers can collect the monthly escalations in the maximum lawful prices (MLPs) applicable under sections 102(d), 104(b)(1)(A), 106(a) or 108 of the Natural Gas Policy Act of 1978 (NGPA)2 without filing monthly rate change notices under section 4 of the NGA. The Commission is amending this provision to allow producers to take advantage of the blanket affidavit procedure for section 107(c)(5) gas (highcost gas produced under conditions of extraordinary risk or cost), section 109 gas (other categories of gas), and gas sold at contract rates below the applicable MLP where the contract permits monthly rates change in accordance with a monthly escalation in the NGPA. The final rule provides that once a producer has established his right to collect an MLP for a sale and has filed for blanket affidavit coverage of that MLP, the blanket affidavit will continue to cover that sale even when the price at which the natural gas is sold temporarily falls below the MLP because of contract limitations. The rule also allows 90 rather than 30 days for producer to establish a new base rate after a determination of eligibility becomes final in order to make uninterrupted collections of the monthly MLP escalations. It allows producers who have qualified for interim or retroactive collections to continue collecting the rate in effect on the date the determination of eligibility becomes final, although they may not collect any subsequent monthly escalations in that rate until a notice of rate change and blanket affidavit are filed.

The Commission also is amending §§ 275.201 and 275.203 to provide that notice of its receipt of jurisdictional agency (JA) determinations of eligibility will be posted at the Commission, sent directly to the applicants, and made available through the Commission's printing contractor, rather than being published in the Federal Register.

#### II. Background

The blanket affidavit rule allows independent producers of gas subject to both the NGPA and the NGA to collect the monthly NPGA escalations in MPLs without making monthly rate change filings under section 4 of the NGA. The producer does this by filing for a base rate to establish its right to charge the MLP and by filing a blanket affidavit

<sup>115</sup> U.S.C. 717-717w.

<sup>215</sup> U.S.C. 3301-3432 (Supp. V 1982).

which states its intention to collect the monthly escalation in the MLP.

On October 7, 1983,3 the Commission issued a proposed rule which would amend the blanket affidavit rule in several ways. The proposed rule would (1) make the blanket affidavit mechanism available for NGPA section 107(c)(5) and 109 gas and for gas which is sold at a rate which is less than the applicable MLP but which changes in accordance with the NGPA monthly escalations to that MLP or the price of alternate fuels, (2) require producers who make interim or retroactive collections to file a blanket affidavit within 60 days of the date a determination of eligibility becomes final rather than filing a rate change within 30 days of that date in order to make uninterrupted collections of the monthly escalations in the new rate, and (3) permit producers who miss the deadline to continue collecting the new rate, even though they may not collect subsequent monthly, escalations in the new rate.

The reason for proposing the second and third changes described above is that many producers missed the 30-day deadline and thus could collect only the old, lower rate even though they had received a determination that they qualified for the higher rate. This problem is discussed in detail in the preamble to the proposed rule, 48 FR 47004 (October 17, 1983).

The proposed rule also would change the Commission's procedure for acknowledging receipt of eligibility determinations from IAs. Instead of publishing notice in the Federal Register, the Commission proposed to send notice directly to the producer who applied for the eligibility determination, make the information available at the Commission, and have its printing contractor make the information available. Publication in the Federal Register would cost an estimated \$326,400 in fiscal year 1984, while mailing direct notice to the applicant, posting notice at the Commission, and having the information available through the Commission's printing

\*FR 47003 (October 17, 1983).

contractor will cost the Commission an estimated \$28,500.

The Commission received comments from thirteen entities. While the Commission has made some changes in the details of the final rule, it is issuing the rule essentially as proposed.

#### III. Discussion

#### A. The Comments

Numerous commenters expressed general support for the proposals related to the blanket affidavit mechanism, and no commenter objected to the basic purpose of these aspects of the proposal.

## 1. Proposal to Include Section 107(c)(5) and 109 Gas

Numerous commenters supported the proposal to make the blanket affidavit mechanism available for section 107(c)(5) and 109 gas. No commenter opposed it.

One commenter asked that the rule affirm all previous monthly escalations under section 107(c)(5) "tight sands" gas. They argued that the previous regulation was ambiguous as to whether § 154.94 requires monthly filings for such gas.

The Commission agrees that it was unclear whether monthly filings were required. The necessity of making rate filings was not discussed in rulemaking proceedings concerning tight sands gas. In addition, since the Commission did not expand the blanket affidavit procedure to cover section 107(c)[5) gas when it extended coverage to section 102(d) and 108 gas, producers could have believed that the Commission intended to exclude section 107(c)(5) gas from NGA filing requirements.<sup>5</sup>

Because of this misunderstanding, the Commission finds good cause exists to waive §§ 154.94(h)(2)(iii) and §§ 154.94(h)(4)(iii) in order to permit untimely filed notices of rate change and related blanket affidavits for sales of 107(c)(5) gas to become effective on the date of the final determination or the date of initial delivery, whichever is later. The Commission intends that this waiver shall apply to all such sales of section 107(c)(5) gas where notices of rate change and related blanket affidavits are filed within 90 days of the effective date of this order. Requests for waiver of the 30-day period need not accompany notices of rate change made during this 90-day period. This period

should give producers sufficient time to review their sales of section 107(c)(5) gas and make all necessary filings. The Commission emphasizes that following this 90-day period, producers are expected to comply fully with the Commission's filing requirements.

The same commenter also asked that the rule not affect the commenter's past practice of making section 109 filings in the form of certificate amendments. The Commission agrees that this rule does not affect the validity of this practice. The rule also will not affect any future proceedings to amend certificate authority to cover NGPA section 109 gas. If, as a result of such a certificate proceeding, a producer has filed an affidavit (oath statement) covering NGPA section 109 gas, no additional oath statement to cover additional sales of section 109 gas needs to be filed.

## 2. Proposal to Include Other Categories of Gas

Numerous commenters supported the Commission's proposal to make the blanket affidavit mechanism available for gas which is sold at a contract rate which is less than the MLP but which changes in accordance with either (1) the monthly escalations in the MLP or (2) the price of alternate fuels. No commenter opposed the proposal.

The final rule goes further than the proposed rule in that it makes the blanket affidavit procedure available in any situation in which by contract the price of a sale is temporarily reduced below the applicable MLP. The Commission proposed to make the blanket affidavit procedure available in the second situation above because some gas prices were being temporarily reduced (as a result of market conditions and market out clauses in contracts) to rates based on the prices of alternate fuels. However, the price of sales covered by blanket affidavits may also be temporarily reduced below the applicable MLP by other types of contracts. It would serve no purpose to require a producer to file a notice of rate change for such a temporary reduction, or for blanket affidavit coverage for such a reduced price, since the producer has already made the appropriate filings.

For these reasons, the final rule provides that regardless of the nature of the contract provision temporarily reducing the price to a price below the applicable MLP, such a reduced price and any change in the price will be covered by the producer's previously filed blanket affidavit. The Commission has revised § 154.94(h)(1) to provide for

<sup>\*</sup>The Commission has issued a series of waivers to prevent this anomalous result.

Order Waiving Section 154.94(h)[2](iii), Amoco Production Co., et al. Rate Schedule No. 818, et al., issued July 9, 1980, 12 FERC ¶61,024. Order Granting Blanket Waiver of Section 154.94(h)[2](iii) for Specified Period, Accepting Notices of Changes in Rate and Terminating Dockets, American Natural Gas Production Co., et al., Rate Schedule No. 51, et al., issued December 18, 1980, 13 FERC ¶61,233. Order Granting Waiver of Section 154.94(h)[2](iii) and Accepting Notices of Change in Rate, Arco Oil and Gas Co., et al., Rate Schedule No. 285, et al., issued November 22, 1982, 21 FERC ¶61,241.

<sup>&</sup>lt;sup>5</sup> There are currently only two categories of gas eligible to collect section 107(c)(5) rates which are subject to the NGA filing requirements. The first category is gas produced from wells which are recompleted into tight formations. The second category is gas from wells under sections 104 and 106(a) on which producer enhancement work covered by § 271.704 of the regulations has been performed on or after September 26, 1983.

continued blanket affidavit coverage of such sales.

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Since the blanket affidavit only covers price changes, contract amendments which provide for such temporary price reductions must be filed with the Commission. Under this rule, where the initial price for a sale is temporarily reduced by contract to a price below the MLP, the rate filing to establish the base rate and blanket affidavit coverage should show the MLP applicable to the sale with a footnote stating the current lower temporary price. This will establish blanket affidavit coverage up to the applicable MLP and permit protests to be filed should the producer's right to collect the MLP be in doubt.

Two commenters requested that the blanket affidavit mechanism be made available for gas sold at contract rates which are less than the MLP and which either increase by a percentage point every quarter or by a fixed amount at specified times, or which require renegotiation at specified times. The commenters argued that the same considerations which underlie the proposal to allow use of the blanket affidavit mechanism for the categories of gas described above apply to these situations.

When the NGPA and its provisions for monthly changes in MLPs were passed, the Commission realized that without the blanket affidavit procedure, producers selling gas at MLPs would have to make monthly rate change filings to collect the monthly escalations. The Commission decided that since the MLPs and increases in the MLPs are authorized by statute, monthly filings are unnecessary; moreover, monthly changes would impose needless burdens on both the producers and the Commission. Thus, the blanket affidavit procedure was established to satisfy NGA section 4 filing requirements for the monthly changes in MLPs permitted under the NGPA. However, the types of rate escalations these commenters propose to include under the blanket affidavit procedure are not a result of any statutory provision. They represent contract changes at specific times as determined by arms-length bargaining and do not necessarily present the overwhelming burden that would be presented by monthly escalation filings. Thus, the Commission is not changing the rule as these commenters suggested.

Another commenter requested clarification of the language making the blanket affidavit mechanism available for gas sold at the price of alternate fuels.<sup>7</sup> The commenter wanted the rule to make it clear that this provision applies to gas sold under special marketing programs such as the program approved for the Transcontinental Gas Pipe Line Corp., Docket No. CP63–279–000 (issued May 13, 1983), 23 FERC [61,221.

Under some special marketing programs, the Commission authorizes an interstate pipeline to relinquish its traditional role as buyer and permits a producer to sell directly to nontraditional buyers. When such a marketing program is approved, the Commission grants participating producers blanket authority for limitedterm partial abandonment of certificated sales to the current purchaser so that the producer may sell gas to another purchaser. In addition, all terms and conditions contained in the producers' rate filings covering gas sold under the special marketing program are deemed to apply to sales under that program to the extent that they are consistent with the terms of the program. Thus, the rule applies to these sales, since the producer's existing rate schedules and blanket affidavit cover sales to another purchaser under a special marketing program.

## 3. Sixty Day Deadline

Many commenters supported the proposal to set a longer deadline for filing a blanket affidavit and notice of rate change after a determination of eligibility in order to make uninterrupted collection of the monthly escalations in the MLP, and no commenter opposed an extension. However, several commenters argued that the proposed 60 days is not long enough. One suggested 120 days; another argued that 60 days will not be adequate unless the Commission gives adequate notice of determinations of eligibility, suggesting a 90 day deadline.

The Commission has decided to allow 90 days. This should allow producers ample time to become aware of eligibility determinations and make the necessary filings. The Commission's procedure for giving notice of its receipt of JAs' determinations of eligibility will be adequate to allow diligent producers to know when a filing is necessary, as discussed below under "Notice of Commission's Receipt of Jurisdictional Agencies' Determinations of Eligibility."

## 4. Consequences of Missing Deadline

Under the proposed rule, a producer who applies for an eligibility

determination and qualifies for interim or retroactive collections, but who misses the deadline described above, would be allowed to continue collecting the new rate after the eligibility determination becomes final. However, such a producer would not be allowed to collect any subsequent monthly escalations in the MLP until it files a blanket affidavit and notice of rate change. Several commenters supported this proposal, and no commenter opposed it. The final rule adopts the proposal without substantive change.

#### 5. Miscellaneous

One commenter asked whether the proposed rule would require re-filing of already filed blanket affidavits. The answer is no. As stated in the Notice of Proposed Rulemaking, only producers who wish to include the additional categories of gas will have to file a new affidavit (oath statement) or amend the previously filed blanket affidavit.

The same commenter also asked that the affidavit form be changed to accommodate filings by corporations rather than individuals. Since the Commission established the blanket affidavit procedure in 1978, it has accepted numerous affidavit filings from corporate producers, including the commenting corporation. No change in the form of the affidavit is necessary to allow corporations to file affidavits.

#### 6. Notice of Commission's Receipt of Jurisdictional Agencies' Determinations of Eligibility

Numerous commenters objected to the proposal that the Commission give notice of its receipt of JA eligibility determinations by giving direct notice to the applicant, posting notice at the Commission, and making the information available through its printing contractor, rather than by publishing notice in the Federal Register.

Several commenters argued that other interest owners in a well cannot count on the person who applied for the determination to inform them when the determination is received by the Commission. One commenter stated that it would be impractical for it to obtain the information from the Commission's printing contractor. Others noted that not everyone can maintain personnel in Washington to make daily checks in the Commission's public information room.

<sup>\* 43</sup> FR 55756 (November 29, 1978).

<sup>&</sup>lt;sup>7</sup> This language is not in the final rule. It has been replaced with broader language, as discussed above.

<sup>\*48</sup> FR 47001, n.9 (October 17, 1983).

<sup>&</sup>lt;sup>9</sup> A producer may cover individual sales under the previously filed Exhibit A to the affidavit by answering "yes" to Item (9) on Form 559 [Independent Producer Rate Change or Initial Billing Statement) when filing to establish a base rate under one of the newly added categories of gas.

Several commenters pointed out that the information concerning receipt of eligibility determinations is important because it affects interim and retroactive collections. In addition, they argued that if the JA denies the application and owners other than the applicant do not know of the denial, the othe owners may inadvertently overcollect. They would then be liable for refunds with interest. One commenter noted that the date on which the Commission receives a determination is also important because it ultimately determines the date on which the determination becomes final as well as triggering the deadline for protesting the determination. This commenter also argued that many states levy severance taxes at a percentage of value, and the information in the Federal Register is used to support requests for waiver of state severance tax penalties and interest arising out of retroactive tax recalculations due to price changes based on revised well categories.

Both the Federal Register and another commenter argued that publication of this type of information is one of the reasons for the Federal Register's existence. The Federal Register argued that even though it may be cheaper from the Commission's point of view not to publish notice in the Federal Register, the proposal would impose a large burden on the public because: (1) Some JAs may not give notice of applications, and thus a determination could become final without any general public notice at all; (2) posting notice at the Commission and making the information available through the Commission's printing contractor is not comparable to publication in the Federal Register, which is widely available across the nation; (3) The Federal Register provides a historical set of notices for those who may want to know what well category determinations were in effect at a particular time; and (4) those who subscribe to the Federal Register have a right to expect to see significant notices from the Commission.

The Commission does not agree that the methods of giving notice in this rule are inferior to Federal Register publication. As of August 1983, the Commission has received 241,506 determinations and fewer that 20 protests, none of which were from the general public or consumer groups. Moreover, the Commission's printing contractor will send the information anywhere in the United States. Both the contractor and the Commission's Office of Public Information can provide a historical set of notices.

Several commenters made suggestions as to how to improve the proposal. One stated that if the Commission required its contractor to meet strict standards of performance which would allow non-operator owners to monitor determinations, the proposal would be acceptable. Other commenters would support the proposal if the Commission either required the applicant to inform other owners within a certain time after the Commission's issuance of the notice or if the Commission itself informed those other owners.

Many of the commenters seem to have misunderstood the proposal. Under the rule, working interest owners will be no more dependent on the applicant than under the prior system of publication in the Federal Register. By purchasing the notices from the Commission's printing contractor, these owners will obtain the same information they would obtain through the Federal Register. The cost of obtaining all or some of these notices will be much less than the cost of a subscription to the Federal Register.10 Since the content of the notices will be the same, the Commission does not agree with commenters who said it would be necessary to sift through a lot of irrelevant material to obtain the information.

In response to those commenters who suggested requiring applicants to list all interest owners in each filing and to require the applicant or the Commission to notify them, we note that adopting the proposal would increase the filing burden and require supplemental data to be filed for many pending applications. Such a procedure would be difficult to enforce, and many interest owners have no desire for a copy of the notice. It would be very expensive for the Commission to directly notify all these interest owners. Costs can be minimized for everyone if notices are sent to those people specifically requesting them through the printing contractor. Interest owners may wish to address this matter in operating agreements.

In response to commenters who expressed concern that the number of notices purchased from the printing contractor will be large and that strick requirements must be imposed on the contractor, we point out that we have received assurances in writing from the

current printing contractor that they will sell the notices on the terms stated in their contract with the Commission. This service has worked satisfactorily in the

In order to ease the transition to the new rule, we will continue to publish notices of receipt in the Federal Register for 60 days after the effective date of this order. The introduction to the notices will explain the new procedure, and the rule sets forth the name and address of the Commission's printing contractor so that persons interested in purchasing the notices may submit their requests. All requests should refer to "Notices of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978."

### B. Section by Section Description

Section 154.94(h)(1) sets forth the general rule that a producer who has established a base rate may file a blanket affidavit under which it may collect the applicable MLP, including monthly escalations, for section 102(d), 104(b)(1)(A), 106(a), 107(c)(5), 108 or 109 gas or for gas which is sold at a contract rate which is less than the applicable MLP but which changes in accordance with the NGPA monthly escalations. The only substantive change in this provision is the addition of some of the above categories of gas and the provision that once a sale of natural gas is covered by the blanket affidavit procedure, coverage continues when the price of the gas temporarily falls below the MLP.

Appendix A to § 154.94, which sets forth the form of the blanket affidavit, is amended to include the additional categories of gas under amended § 154.94(h)(1).

Section 154.94(h)(2)(ii) explains when a gas sale has qualified for a base rate. This final rule adds language which provides that a producer who has applied for an eligibility determination and has qualified for interim or retroactive collections may continue to collect that rate after the eligibility determination becomes final. However, until a blanket affidavit and rate change are filed, the producer may not collect subsequent monthly escalations in that rate.

Section 154.94[h](2](iii] governs when a base rate takes effect. The final rule adds new language governing the date the base rate takes effect for the categories of gas added under § 154.94(h)(1).

Section 154.94(h)(4) governs the effective date of blanket affidavits. This rule amends paragraph (iii) to provide that for gas under NGPA sections 102(d).

<sup>&</sup>lt;sup>10</sup> The estimated cost is based on a maximum of 1000 pages issued per year, with notices mailed weekly. A single mailing will include more than one volume, in most instances. The current printing contractor rate is seven cents per page plus a one dollar mail packaging fee for each mailing. This yields an estimated annual maximum cost of (1000 pages ×\$0.07/page) + (\$1.00/mailing ×52 mailings) = \$122.00 plus postage. The Federal Register is \$300.00 a year.

107(c)(5), or 108, blanket affidavits filed within 90 days of either (1) the date the determination of eligibility becomes final or (2) the date certificate authorization is granted become effective on the later of either (1) the date the base rate takes effect or (2) the date a filing to establish a base rate is made. New paragraph (iv) provides that where this 90-day deadline is missed, the affidavit becomes effective on the date it is filed or on the date of the filing to establish a base rate, whichever is later.

Section 157.40 sets forth procedures for small producers to receive blanket certificates so that they do not have to file rate changes. Section 157.40(c)(1)(v)(A) requires that sales by small producers which are subject to sections 102(d), 104(b)(1)(A), 106(a), or 108 of the NGPA not exceed the maximum lawful prices under these sections. This provision is amended to include gas subject to sections 107(c)(5) or 109.

Section 275.201 sets forth the Commission's procedure for acknowledging receipt of JA determinations of eligibility. The final rule provides that the Commission will directly notify the producer who applied for the determination, post notice in the Commission's Division of Public Information, and make the information available through its printing contractor. The rule also allows protests to be filed within 20 days after the Commission issues notice. This replaces the 15-day deadline in the prior rule. Section 275.203(a), which also sets forth the deadline for filing protests, is also changed to allow 20 days.

### IV. Effective Date and Notice of OMB Control Number

The information collection provisions in this final rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501-3502 (Supp. V 1981), and OMB's regulations, 48 FR 13666, 13694 (1983) (to be codified at 5 CFR Part 1320). OMB has assigned control number 1902-0055 to these information collection provisions, with an expiration date of March 31, 1985. Inquiries relating to the information collection provisions in this rule can be made to: Jan Macpherson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8033.

This rule will become effective March 28, 1984, as provided in the Administrative Procedure Act, 5 U.S.C. 553(d).

### V. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) <sup>11</sup> requires certain statements, descriptions, and analyses of rules that will have "a significant economic impact on a substantial number of small entities." <sup>12</sup> The Commission is not required to make an RFA analysis if it certifies that the rule will not have such an impact. <sup>13</sup>

There are approximately 10,000 natural gas producers in the United States, many of which would be classified as small entities under the RFA.14 This rule will affect independent producers, since they are generally required to file notices of rate changes. However, small producers are exempt under § 157.40 from the requirement to file notices of rate change and thus would not be affected by this proposed amendment. Small producers are defined as independent producers who are not affiliated with Class A pipeline companies and whose total jurisdictional sales, together with sales by affiliated producers, did not exceed 10,000,000 Mcf at 14.73 psia during the preceding year (§ 157.40(a)). While this group of small producers may not correspond exactly to the definition of a small entity under the RFA, the Commission does not expect this rule to affect a substantial number of small entities. Moreover, any impact from this rule would lessen the burden on those affected. Thus, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects

18 CFR Parts 154 and 157

Natural gas, Wage and price costs.

18 CFR Part 275

Administrative practice and procedure, Natural gas, Wage and price controls.

In consideration of the foregoing, the Commission orders: 1. Sections 154.94(h)(2)(iii) and 154.94(h)(4)(iii) of Chapter I, Title 18 of the Code of Federal Regulations are waived to permit untimely filed notices of rate change and related blanket affidavits for sale of section 107(c)(5) gas to become effective on the date of the final determination or the date of initial delivery, whichever is

later. This waiver applies to all such sales where notices of rate change and related blanket affidavits are filed within 90 days of the effective date of this order:

2. Parts 154, 157 and 275 of Chapter I, Title 18 of the Code of Federal Regulations are amended as set forth below.

By the Commission. Kenneth F. Plumb, Secretary.

## PART 154-[AMENDED]

1. The authority citation for Part 154 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. § 717-717w.

2. 18 CFR 154.94 is amended by revising paragraphs (h)(1), (h)(2), (h)(4)(iii), and (h)(5) and adding paragraph (h)(4)(iv) to read as follows:

## § 154.94 Changes in rate schedules.

(h) Blanket filing.—(1) General rule. An independent producer may file a blanket affidavit under this paragraph under which it may collect any applicable maximum lawful price (including periodic escalations) under sections 102(d), 104(b)(1)(A), 106(a), 107(c)(5), 108 or 109 of the Natural Gas Policy Act of 1978 (NGPA) or any contract price less than the applicable maximum lawful price which changes monthly in accordance with an NGPA inflation adjustment and to which it is entitled on the basis of having qualified under the Natural Gas Act (NGA) filing requirements for a base rate. Such price may be collected only in accordance with this paragraph. A producer who has qualified under this section to collect a base rate (including periodic escalations) for a sale of natural gas continues to have blanket affidavit coverage for that sale when the price received for the sale is by contract temporarily less than the applicable NGPA maximum lawful price.

(2) Base rate. For purposes of this paragraph:

(i) Definition. "Base rate" means the maximum lawful price under section 104, 106(a) or 109 of the NGPA applicable to a first sale of natural gas, the maximum lawful price under section 102(d), 107(c)(5) or 108 of the NGPA for first sales for which a jurisdictional agency's determination of eligibility has become final within the meaning of §273.102 of the chapter, or a contract rate which is less than the applicable maximum lawful price under the NGPA and which changes monthly in

<sup>115</sup> U.S.C. 601 through 612 (Supp. V. 1981).

<sup>12</sup> Id. at 603(a).

<sup>13</sup> Id. at 605(b).

<sup>&</sup>lt;sup>14</sup> ID. at 601(3), citing to section 3 of the Small Business Act (SBA), 15 U.S.C. 632 (Supp. V 1981). Section 3 of the SBA defines "small business concern" as a business which is independently owned and operated and which is not dominant in its field of operation.

accordance with an NGPA inflation adustment.

(ii) Establishment of base rate. An independent producer has established qualification for a base rate if: (A) It has made a filing with the Commission under § 154.92 or the preceding paragraphs of this section to collect such base rate; (B) such filing has taken effect; and (C) except in the case of minimum rate gas (as defined in § 271.402(b)(9) of this chapter), collection of such rate is permissible under the applicable sales contract. A producer who has qualified for interim collections under §§ 273.202 or 273.203 or retroactive collections under § 273.204 of this chapter may charge and collect the applicable maximum lawful price allowable on the date the determination of eligibility for the sales becomes final. However, until the base rate is established under the rate schedule and a blanket affidavit is filed pursuant to requirements of paragraph (h) of this section, the producer is not entitled to collect subsequent monthly escalations in the maximum lawful price applicable on the date of the final determination.

(iii) Date of base rate. An initial filing under § 154.92 to collect a base rate has taken effect if such filing has been accepted by the Commission. A rate change filing under the preceding paragraphs of this section to collect a base rate takes effect on the thirty-first day after the date of filing (or any later effective date specified in the filing) unless such filing has been suspended or rejected. In the case of natural gas eligible under section 102(d), 107(c)(5) or 108 of the NGPA, a rate change filing under the preceding paragraphs of this section to collect a base rate takes effect on the latest of the following: the date the determination of eligibility becomes final; the date of initial deliveries; or any other effective date specified in the filing or in the contract authorizing collection of the filed rate. A rate change filing under the preceding paragraphs of this section to collect a base rate less than the maximum lawful price but which changes monthly in accordance with an NGPA inflation adjustment takes effect on the date the otherwise applicable maximum lawful price would take effect.

- (4) Effective date of coverage under affidavit.
- (iii) Affidavits with respect to natural gas eligible under section 102(d), 107(c)(5) or 108 of the NGPA which are

filed no later than 90 days after the date a determination of eligibility has become final or 90 days after the date certificate authorization is granted become effective on the later of the following: the date the base rate takes effect; or the date a filing to establish the base rate is made (if the filing to establish the base rate is made more than 90 days after the date the determination becomes final or more than 90 days after the date certificate authorization is granted).

(iv) Affidavits filed with respect to natural gas eligible under section 102(d), 107(c)(5) or 108 of the NGPA, and filed later than 90 days after the date the determination becomes final or the date certificate authorization is granted, become effective on the date the affidavit is filed or the date of the filing to establish the base rate, whichever is later.

(5) Effect of affidavit. An affidavit filed under this paragraph is deemed to be a notice of change in rate for purposes of section 4(d) of the NGA. A filing made under this paragraph does not constitute a waiver of the right to apply for a higher rate under sections 104(b)(2), 106(c) or 109(b)(2) of the NGPA.

3. Amend 18 CFR Part 154 by revising the Blanket Affidavit and Paragraph I of the Instructions for Completing Exhibit A which are part of Appendix A at the end of § 154.94 to read as follows:

## Appendix A to § 154.94

Blanket Affidavit Filing Under § 154.94(h)

——— (the affiant) certifies that he or she is ———— (exact legal title or capacity of the affiant) of ————— (filing party) and, that:

(1) Under 18 CFR 154.94(h) the filing party is entitled, and intends, to collect a maximum lawful price (including periodic escalations) under section 102(d), 104(b)(1)(A), 106(a), 107(c)(5), 108, or 109 of the Natural Gas Policy Act of 1978 (NGPA) or a lesser contract rate which changes monthly in accordance with an NGPA inflation adjustment for each of the sales identified in the form attached as Exhibit A to his or her affidavit; and

(2) He or she will notify the Commission that additional first sales are covered by this affidavit in accordance with the requirements of section 154.94(h).

The undersigned swears or affirms that with respect to each rate filing under 18 CFR 154.92 or 154.94 which is identified in Exhibit A and on which he or she relies to collect the applicable price under this affidavit, he or she has made a diligent inquiry of individuals with personal knowledge of the facts contained in such filing and has determined after such inquiry that all statements made in such filings are true and accurate to the best

of his or her knowledge, information and belief concerning, among other things, the factors relating to the eligibility to charge the rates therein, and that he or she has examined the prices to be charged under the NGPA for sales covered by this affidavit and found them to be in accordance with sections 102(d), 104(b)(1)(A), 106(a), 107(c)(5), 108 and 109 of the NGPA.

Signature

#### Instructions for Completing Exhibit A

I. General Instructions. Exhibit A shall be attached to the affidavit filed pursuant to section 154.94(h)(1) to identify those sales that qualify for the maximum lawful price permitted under section 102(d), 104, 106(a). 107(c)(5), 108, or 109 of the NGPA, or any lesser contract rate which changes monthly in accordance with an NGPA inflation adjustment. Where necessary, the list may be continued on succeeding pages in the same form. An affidavit and Exhibit A or revised Exhibit A thereto may be filed in conjunction with a qualifying initial service application and should be attached to the billing statement filed therewith. A "yes" answer to Item 9 on Format No. 559 (§ 250.14) is considered a revision of Exhibit A.

## PART 157-[AMENDED]

4. The authority citation for Part 157 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w; Department of Energy Organization Act, 42 U.S.C. 7101–7352; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; E.O. 12,009, 3 CFR 142 (1978).

5. 18 CFR Part 157 is amended by revising § 157.40(c)(1)(v)(A) to read as follows:

## § 157.40 Exemption of small producers from certain filings.

(c) \* \* \* (1) \* \* \*

(v)(A) All sales of natural gas by small producers for resale which are subject to a maximum lawful price under sections 102(d), 104(b)(1)(A), 106(a), 107(c)(5), 108, or 109 of the Natural Gas Policy Act of 1978, shall be made at a price which does not exceed the applicable maximum lawful price under such section.

6. The introductory text of § 275.201 is revised to read as follows:

## § 275.201 Publication of notice from jurisdictional agency.

Upon receipt of a notice of determination by a jurisdictional agency under § 274.104, the Commission will send an acknowledgement to the applicant and will post acknowledgement in the Commission's Division of Public Information. Another source of the information is the Commission's printing contractor: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, D.C. 20426.

The acknowledgement will contain the following:

#### § 275.201 [Amended]

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7. Section 275.201(d) is amended by removing the words "15 days after the publication" and inserting in their place the words "20 days after the date that notice of receipt of a determination is issued by the Commission pursuant to \$ 275.201 of this subpart."

#### § 275.203 [Amended]

8. Section 275.203(a) is amended by removing the words "15 days after the publication of notice of that determination" and inserting in their place the words "20 days after the date that notice of receipt of a determination is issued by the Commission."

[FR Doc. 84-4996 Filed 2-24-84; 8:45 am]

BILLING CODE 6717-01-M

#### 18 CFR Part 282

#### [Docket No. RM79-14]

Incremental Pricing Regulations Implementing the Incremental Pricing Provision of the Natural Gas Policy Act of 1978

Issued: February 22, 1984.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Prescribing Incremental Pricing Thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: March 1, 1984.

#### FOR FURTHER INFORMATION CONTACT:

Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357–8500.

SUPPLEMENTARY INFORMATION: Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such

figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of March 1984 is issued by the publication of a price table for the applicable month. See FERC Statutes and Regulations ¶ 24,764.

## List of Subjects in 18 CFR Part 282

Natural gas.

## Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

### TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

Treatment of the Line	Janu- ary	Febru- ary	March	April	May	June	July	August	Sep- tember	Octo- ber	No- vember	De- cembe
Charles of the Control of the Contro						Calendar	Year 1980	)	14			
Incremental pricing threshold	\$1,702	\$1.738	\$1.750	\$1.762	\$1.776	\$1.790	\$1,804	\$1.819	\$1.834	\$1.849	\$1.863	\$1.877
NGPA sec. 102 threshold	2.358	2.361	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA sec. 109 threshold	1.786	1.799 7.260	1.812 7.410	7.110	1.839 7.380	1.853 8.040	1.867 7.840	1.883 7.380	1.899 7.400	1.915 7.400	1,929 7,450	7.580
	- Chill					Calendar	Year 198					
Incremental pricing threshold	\$1.891	\$1.908	\$1.925	\$1,942	\$1.954	\$1.967	\$1,980	\$1.990	\$2.000	\$2.010	\$2.025	\$2.041
NOPA SEC. 102 Inreshold	2667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA sec. 109 threshold	1.957 7.610	1.975 7.760	1.993 8.260	9.010	2.024 9.510	2.037 9.430	2.050 9.360	9.260	2.070 8.860	2.080 8.700	2,096 8,930	2.112 8.990
				PER		Calendar	Year 1982	2			-	100
Incremental pricing threshold	\$2.057	\$2.071	\$2.085	\$2.099	\$2.106	\$2.113	\$2.120	\$2.129	\$2.139	\$2.149	\$2.159	\$2.169
NGPA sec. 102 threshold	3.003	3.033	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	3.249	3,274
130 pct of No. 2 fuel oil in New York City threshold	2.128 9.180	2.143 9.340	2.158 9.470	2.173 9.340	2.180 9.280	2.187 8.000	2.194 8.170	2.204 8.670	2.214 9.660	2.224 8.950	2.234 8.640	2:244 8.890
	gallas believes		-112	175		Calendar	Year 1983			N.		
Incremental pricing threshold	\$2.179	\$2.187	\$2.195	\$2.203	\$2.214	\$2.225	\$2.236	\$2.245	\$2.254	\$2.263	\$2.270	\$2.277
NGPA sec. 102 threshold	3.299	3.321	3.344	3.367	3.394	3.421	3.448	3,472	3.496	3.520	3.542	3.564
130 pct of No. 2 fuel oil In New York City threshold	2.254 9.420	2.262 9.320	2.270 8.820	2.278 8.120	2.289 7.550	2.300 6.950	2.311 7.540	2.320 7.610	2.329 7.440	2.338 7.550	2.345 7.670	2.352 7.860
			1	1	-	Calendar	Year 1984					
Incremental pricing threshold	\$2.283	\$2.291	\$2.299	67.0	181-							
NGPA sec. 102 threshold NGPA sec. 109 threshold	3.586	3.609	3.632				4.50	1 10				F
130 pct of No. 2 fuel oil in New York City threshold	2.359	2.367	2.375	11					1			
75. 57 FO. E IDDI ON BY FOR City INVESTIGIA	7.730	7.570	7.570				1 7000		The same			

FR Doc. 84-5102 Filed 2-24-84: 8:45 am] BILLING CODE 6717-01-M

#### **DEPARTMENT OF THE TREASURY**

## Office of the Secretary

31 CFR Part 10

Regulations Governing the Practice of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries Before the Internal Revenue Service; Correction

AGENCY: Department of the Treasury.
ACTION: Final Rule: correction.

SUMMARY: The Final Rule relative to tax shelter opinions published in the Federal Register on February 22, 1984 omits a portion of the definition of "tax shelter." The omission is corrected in this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury,

Washington, D.C. 20220, (202) 634–5135 (non toll free).

Adoption of Correction:

31 CFR 10.33(c)(2)(ii) is corrected to read as follows:

§ 10.33 Tax Shelter Opinions.

(c) Definitions

(2) \* \* \*

(ii) Credits in excess of the tax attributable to the income from the investment being available in any year to offset taxes on income from other sources in that year. Excluded from the term are municipal bonds; annuities; family trusts (but not including schemes or arrangements that are marketed to the public other than in a direct practitioner-client relationship); qualified retirement plans; individual retirement accounts; stock option plans; securities issued in a corporate reorganization; mineral development ventures, if the only tax benefit would be percentage depletion; and real estate where it is anticipated that in no year is it likely that deductions will exceed gross income from the investment in that year, or that tax credits will exceed the tax attributable to gross income from the investment in that year. Whether an investment is intended to have tax shelter features depends on the objective facts and circumstances of each case. Significant weight will be given to the features described in the offering materials to determine whether the investment is a tax shelter.

Dated: February 23, 1984.

Leslie S. Shapiro,

Director of Practice, Department of the Treasury.

[FR Doc. 84-5176 Filed 2-24-84; 8:45 am]

BILLING CODE 4810-25-M

#### **DEPARTMENT OF DEFENSE**

Department of the Air Force

32 CFR Part 838

## Granting Temporary Use of Real Property

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 838—Granting temporary use of real property, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 87–3, has been determined to be for internal guidance only and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: February 27, 1984.

#### FOR FURTHER INFORMATION CONTACT: Mr. Jonkers, HQ USAF/LEERA, Washington, D.C. 20331, telephone (202) 767–4033.

SUPPLEMENTARY INFORMATION: Accordingly, 32 CFR is amended by removing Part 838.

#### List of Subjects in 32 CFR Part 838

Federal buildings and facilities, Utilities.

#### PART 838-[REMOVED]

Authority: 10 U.S.C. 8012.
Winnibel F. Holmes,
Air Force Federal Register Liaison Officer.
[FR Doc. 84-5110 Filed 2-24-84: 845 am]
BILLING CODE 3910-01-86

#### 32 CFR Part 859

#### Non-Air Force Pilots Flying Air Force Test Aircraft

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 859—Non-Air Force pilots flying Air Force test aircraft, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 60–30, has been rescinded. This action is a result of departmental review in an effort to insure that only current regulations are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: February 27, 1984.

FOR FURTHER INFORMATION CONTACT: Major Davis, HQ USAF/RDPT, Washington, D.C. 20330, Telephone (202) 694–4590.

#### SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 859

Aircraft, Airmen.

#### PART 859-[REMOVED]

Accordingly, 32 CFR is amended by removing Part 859.

Authority: 10 U.S.C. 8012.
Winnibel F. Holmes,
Air Force Federal Register Liaison Officer.
[FR Doc. 84-5108 Filed 2-24-84; 8:45 am]
Billing CODE 3910-01-M

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## **DEPARTMENT OF TRANSPORTATION**

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**Coast Guard** 

33 CFR Part 100

[CGD11 84-002]

# Special Local Regulations; NJBA Regatta

AGENCY: Coast Guard, DOT. ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the NJBA Regatta on the Colorado River. This event will be held on 10 and 11 March 1984, at river mile 179.5. The regulations are needed to provide for the safety of life on navigable waters during the event.

**EFFECTIVE DATE:** These regulations become effective on 10 March 1984 and terminate on 11 March 1984.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Commander (bb), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590–2331.

supplementary information: A notice of proposed rule making has not been published for these regulations since this is an annual event and has received wide advertisement and media attention in past years, as well as this year, in anticipation of its occurrence. Also, the event is scheduled to occur in less than 35 days. Therefore, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed

rulemaking, and opportunity for public participation are considered unnecessary. Nevertheless, interested persons wishing to comment may do so by submitting written comments to the office listed under "FOR FURTHER INFORMATION CONTACT" in this preamble. Commenters should include their names and addresses, identify the docket number for the rulemaking, and give reasons for their comments. Based on comments received, the regulation may be changed.

## **Drafting Information**

The principal individuals involved in drafting this rule are LTJG Jorge Arroyo, Chief, Boating Affairs Branch, Eleventh Coast Guard District, and LT Joseph R. McFaul, Project Attorney, Legal Office, Eleventh Coast Guard District.

### Discussion of Regulation

National Jet Boat Association "NJBA REGATTA" will be conducted beginning March 10, 1984, on the Colorado River starting from river mile 179.5. This event will have 200 inboard high speed ski boats 18 to 20 feet in length that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

#### Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

## PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

#### **Final Regulations**

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding the following section:

## § 100.35-11-84-002 Colorado River, NJBA Regatta.

- (a) Regulated Area: That portion of the Colorado River, starting at river mile 179.5, thence southerly along the natural flow of the river to Headgate Rock Dam and return to the starting point.
- (b) Effective Date: The regulated area will be closed intermittently to all vessel traffic from 7:00 AM to 7:00 PM on 10 and 11 March 1984.
  - (c) Special Local Regulations:

- (1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.
- (2) When hailed by Coast Guard or Coast Guard Auxiliary vessels patrolling the event area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Coast Guard Regatta Patrol.
- (3) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(B)(1); 33 CFR 100.35; 49 CFR 1.46(B))

Dated: February 14, 1984.

#### F. P. Schubert.

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 84-5151 Filed 2-24-84; 8:45 am] BILLING CODE 4910-14-M

#### 33 CFR Part 100

[CGD-11-84-001]

### Special Local Regulations; Parker Enduro Regatta

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Parker Enduro Regatta on the Colorado River. This event will be held on 3 and 4 March 1984, from Ah-Villa County Park to Lake Moovalya, AZ. The regulations are needed to provide for the safety of life on navigable waters during the event.

**EFFECTIVE DATE:** These regulations become effective on 3 March 1984, and terminate on 4 March 1984.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Commander (bb), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590–2331.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. The application to hold the event was not received until 6 January 1984, and there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

#### **Drafting Information**

The principal individuals involved in drafting this rule are LTJG Jorge Arroyo, Chief, Boating Affairs Branch, Eleventh Coast Guard District, and LT Joseph R. McFaul, Project Attorney, Legal Office, Eleventh Coast Guard District.

## **Discussion of Regulation**

Parker Area Chamber of Commerce "PARKER ENDURO REGATTA" will be conducted beginning March 3, 1984, on the Colorado River to Lake Moovalya, AZ. This event will have 100 inboard and outboard water and jet ski boats 14 to 25 feet in length that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessels or an event committee boat.

#### **Evaluation**

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opended periodically to recreational vessels.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

## PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

#### **Final Regulations**

In consideration of the foregoing, Part 100 of Title 33, Gode of Federal Regulations, is amended by adding the following section:

#### § 100.35-11-84-001 Colorado River, Parker Enduro Regatta.

- (a) Regulated Area: That portion of the Colorado River, starting at river mile 185 off Ah-Villa County Park, thence southerly along the natural flow of the river to river mile 179 (approximately .5 miles south of Bluewater Marina).
- (b) Effective Date: The regulated area will be closed intermittently to all vessel traffic from 12:00 PM to 4:00 PM on 3 March 1984 and from 8:00 AM to 3:30 PM on 4 March 1984.
  - (c) Special Local Regulations:
- (1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) When hailed by Coast Guard or Coast Guard Auxiliary vessels patrolling the event area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Coast Guard Regatta Patrol.

(3) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period

set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(B)(1); 33 CFR 100.35; 49 CFR 1.45(B))

Dated: February 14, 1984.

F. P. Schubert,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 84-5154 Filed 2-24-84; 8:45 am] BILLING CODE 4910-14-M

#### 33 CFR Part 100

[CGD11 84-008]

#### Special Local Regulations; Sunshine Marina Boat Drags

AGENCY: Coast Guard, DOT. ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Sunshine Marina Boat Drags on the Colorado River. This event will be held on 3 and 4 March 1984, at Riviera Marina, Riviera, AZ. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 3 March 1984 and terminate on 4 March 1984.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Commander (bb), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590–2331.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. The application to hold the event was not received until 23 January 1984, and there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

### **Drafting Information**

The principal individuals involved in drafting this rule are LTJG Jorge Arroyo, Chief, Boating Affairs Branch, Eleventh Coast Guard District, and LT Joseph R. McFaul, Project Attorney, Legal Office, Eleventh Coast Guard District.

#### Discussion of Regulation

Sunshine Marina & D. J. Propeller "SUNSHINE MARINA BOAT DRAGS" will be conducted beginning March 3, 1984, on the Colorado River starting from the entrance of Riviera Marina, Riviera, AZ. This event will have 60 high speed boats 18 feet in length that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

#### Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

## PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

## **Final Regulations**

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding the following section:

#### § 100.35-11-84-008 Colorado River, Sunshine Marina Boat Drags.

(a) Regulated Area: That portion of the Colorado River, starting from the entrance of Riviera Marina, Riviera, AZ to approximately 1700 feet north. Race boats will compete in heats moving 1200 feet north. 500 additional feet will be allowed for slow down and turn around; then they will idle southerly along the natural flow of the river back to the starting point.

(b) Effective Date: The regulated area will be closed intermittently to all vessel traffic from 9:00 AM to 3:00 PM on 3 March 1984 and from 9:00 AM to 3:00 PM

on 4 March 1984.

(c) Special Local Regulations:

(1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) When hailed by Coast Guard or Coast Guard Auxiliary vessels patrolling the event area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Coast Guard Regatta Patrol.

(3) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(B)(1); 33 CFR 100.35; 49 CFR 1.46(B))

Dated: February 14, 1984.

#### F. P. Schubert,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 84-5152 Filed 2-24-84; 8:45 am] BILLING CODE 4910-14-M

#### 33 CFR Part 175

[CGD 82-073]

### Visual Distress Signal Equipment Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the regulations governing the carriage of visual distress signals on boats. Members of the boating public have expressed considerable confusion over the language in the present regulation that identifies the waters on which visual distress signals are required. The rule has been rewritten to clearly define where the signals are required.

EFFECTIVE DATE: These regulations are effective August 27, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Ray Franseen, Office of Boating, Public, and Consumer Affairs (G-BBS/43), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202) 426–1080, between 8 am and 4 pm Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rulemaking in the Federal Register on September 23, 1982 (47 FR 41992). Interested persons were invited to participate in this rulemaking by submitting relevant comments. The comments received were carefully considered. The National Boating Safety Advisory Council was consulted and its opinions and advice have been considered in the formulation of these amendments. The transcripts of the proceedings of the National Boating Safety Advisory Council at which the proposed rule was discussed are available for examination in Room 4304, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. The minutes of the meetings are available from the Executive Director. National Boating Safety Advisory Council, C/O Commandant (G-BBS/43). U.S. Coast Guard, Washington, D.C. 20593.

### **Drafting Information**

The principal persons involved in drafting these rules are Mr. Ray Franseen, Regulatory Coordinator, Office of Boating, Public, and Consumer Affairs and Lt. Mark Hanlon, Project Attorney, Office of the Chief Counsel.

### Background

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The Coast Guard published final rules on the carriage of visual distress signals on December 17, 1979 (44 FR 73024). Since the publication of those rules, the Coast Guard has received numerous inquiries on the definition of "coastal waters". Confusion exists regarding the requirement in waters which, although named "bays" or "sounds", do not appear to meet the intent of the rules. The rules were not intended to include restricted or otherwise confined waters where a boater would normally be able to attract the attention of others nearby. This change establishes a definition not dependent on the size or name a body of water has been given, and delimits those areas where visual distress signals are most needed.

### **Discussion of Comments**

Only one written comment was received. The commentor was opposed to the amendment as proposed. The commentor wished to retain the original wording and stated that interpretation of the original wording was no longer a problem. The commentor offered an alternative solution of leaving the definition in its present form but giving the boating public more specific guidance by providing maps which delineate the waters on which distress signals are required. This commentor also requested a public hearing. This rulemaking was discussed at public meetings of the National Boating Safety Advisory Council which were announced in advance through publication in the Federal Register. The discussion of the rulemaking was a published agenda item. The National Boating Safety Advisory Council concurred that the regulations needed to be amended and concurred in the rulemaking. Under these circumstances holding a public hearing is not considered necessary. No revisions have been made to the final rule.

## **Economic Evaluation**

These regulations are considered to be non major under Executive Order 12291 and non significant under the Department of Transportation Policies and Procedures for Simplication, Analysis and Review of Regulations, [DOT Order 2100.5 of May 22, 1980]. No

new costs will be imposed on the boating public or the manufacturers of distress signals. Since the economic impact is expected to be minimal, the Coast Guard has determined that no further evaluation is necessary. This rulemaking contains no information collection or record keeping requirements. The Coast Guard has considered the impact of this action on small entities under the provisions of Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164) and certifies that this rule will not have a significant economic impact on a substantial number of small entities.

## List of Subjects in 33 CFR Part 175

Marine safety.

In consideration of the foregoing Part 175 of Title 33, Code of Federal Regulations, is amended as follows:

#### PART 175—EQUIPMENT REQUIREMENTS

1. The authority citation for Part 175 is revised to read as follows:

Authority: 46 U.S.C. 4105, 4302; 49 CFR 1.46(n)(1).

2. Part 175 is amended by revising § 175.105(b) to read as follows:

### Subpart C-Visual Distress Signals

§ 175.105 Definitions.

- (b) "Coastal waters" means:
- (1) The U.S. waters of the Great Lakes (Lake Erie, Huron, Michigan, Ontario, and Superior);
- (2) The territorial seas of the United States; and
- (3) Those waters directly connected to the Great Lakes and territorial seas (i.e., bays, sounds, harbors, rivers, inlets, etc.) where any entrance exceeds 2 nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to 2 miles, as shown on the current edition of the appropriate National Ocean Survey chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

Dated: January 24, 1984.

J. A. McDonough, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 84-5153 Filed 2-4-84; 8:45 am] BILLING CODE 4910-14-M

## DEPARTMENT OF EDUCATION

## 34 CFR Part 31

Salary Offset for Federal Employees Indebted to the United States Under Programs Administered by the Secretary of Education

AGENCY: Department of Education.
ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations establishing rules for offsetting a debt against the Federal pay of a current or former Federal employee who is indebted to the United States under a program administered by the Secretary of Education. The regulations implement debt collection procedures provided for under the Debt Collection Act of 1982.

EFFECTIVE DATE: These regulations shall take effect March 28, 1984.

FOR FURTHER INFORMATION CONTACT: Jack Reynolds, Student Loan Collection Task Force, Office of Postsecondary Education, Department of Education (ROB-3—Room 3661), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone (202) 755–1467.

## SUPPLEMENTARY INFORMATION:

On May 24, 1983, the Secretary published in the Federal Register, 48 FR 23277, a notice of proposed rulemaking setting forth proposed rules for offsetting the Federal pay of current and former Federal employees who are indebted to the United States under programs administered by the Secretary of Education. The preamble to the notice of proposed rulemaking set forth, in detail, the basis and purpose of the proposed rule. The Secretary is adopting the proposed rule as a final rule with only minor technical changes and accordingly, is incorporating by reference into this preamble the preamble to the proposed rule. [48 FR 23277-23280, May 24, 1983).

### **Comments and Responses**

Five commenters submitted comments on the proposed rule. Two commenters lauded and endorsed the approach taken by the Secretary in the proposed regulations. Another commenter requested that the Secretary address in these regulations employees indebted to the United States under the Nursing Student Loan Program. However, this program is not administered by the Secretary and thus the Secretary cannot include this program within the scope of these regulations. Two other commenters, the United States Air Force and the United States Department of Transportation, raised questions with

regard to particular aspects of the proposed regulations. The following is a summary of these comments and the Secretary's response to them.

Comment: One commenter suggested that the regulations address the interaction between the Department of Education and the Federal agency that will actually perform the offset of pay once the Department of Education has established a basis for offset in accordance with these regulations.

Response: The Secretary does not agree with this suggestion. The Secretary does not believe it is necessary or appropriate to set out, in these salary offset regulations, the internal administrative procedures that are to be used within the Federal Government to carry out the offsets of pay. Further, the Secretary is without legal authority to establish the internal administrative procedures of other Federal agencies.

Section 31.2 Definitions.

Comment: One commenter questioned the propriety of the Secretary establishing definitions for terms as "agency," "disposable pay," and "pay." The commenter suggested that these terms should be uniformly defined throughout the Government, and that the terms should be defined by the Department of Justice and the General Accounting Office (GAO) in their joint regulations implementing the Federal Claims Collection Act.

Response: The Secretary agrees that such terms should be uniformly defined throughout the Government, and if the General Accounting Office and the Department of Justice issue definitions for these terms, the Secretary will amend these regulations accordingly. However, the Secretary believes that it is necessary for the proper implementation of these regulations to include definitions of these terms. The definitions adopted are largely statutory in origin.

Comment: One commenter noted, with regard to the definition of "disposable pay," that the Secretary did not include all deductions which are required by law to be withheld. The commenter included, as an example of required deductions, health and life insurance premium payments.

Response: The Secretary agrees. The Secretary has amended the definition of disposable pay to also exclude from disposable pay premium payments for

life and health insurance benefits.

Section 31.3 Pay subject to offset.

Comment: One commenter said that the regulations should address the situation where an employee is indebted to more than one agency. The commenter also stated that if an employee is indebted to more than one agency and the employing agency is one of the creditor agencies, the employing agency should have priority in the collection of its debt.

Response: The Secretary does not believe that the regulations should address these issues since the Secretary is not, under section 5 of the Debt Collection Act of 1982, legally authorized to address the indebtedness of Federal employees to other agencies.

Section 31.4 Notice of debt—request for records—submission of information.

Comment: Under § 31.4, the Secretary sets forth several deadline dates for requesting documents from the Secretary and submitting materials and documents to the Secretary. These deadline dates relate to the date the employee receives information from the Secretary. One commenter indicated that there could be confusion with regard to the dates by which an employee must respond to the Secretary under § 31.4, since it will be difficult to determine the date the employee receives the notice or documents from the Secretary.

Response: The Secretary will send all written notices and documents to an employee in a manner that will enable the Education Department to determine the date the employee receives the notice or document. The most frequent method will be to send material through the mail with a return receipt requested.

Section 31.5 Formal notice to employee.

Comment: One commenter felt there was confusion between the notices provided for in § 31.4 and § 31.5

Response: Under § 31.4, the Secretary permits an employee to informally challenge the Secretary's initial determination of the existence or amount of his indebtedness. Further, the employee is permitted to submit documents and materials to the Secretary so that the Secretary can make a final determination regarding his indebtedness on the basis of a complete record. The purpose of the notice sent under § 31.4 is to inform the employee of the opportunity to take advantage of this informal review. The purpose of the notice sent under § 31.5 is to inform the employee of his right to a formal hearing challenging the final determination of the Secretary regarding the existence or amount of the employee's debt.

Section 31.7 Hearings—time, date, and location.

Comment: One commenter suggested that the head of an agency be consulted with regard to the time, date, and location of a hearing for one of his civilian employees in the same manner that the Secretary of Defense is consulted for military employees. Further, the commenter raised questions concerning the leave/travel status of an employee while attending a hearing.

Response: The Secretary believes that members of the military face unique circumstances, such as being stationed aboard ships, in foreign countries, and in inaccessible areas in the United States, that may prevent them from attending offset hearings unless coordination is attempted regarding the time and place of the hearings. The Secretary believes that appropriate consultation with the Department of Defense will alleviate that problem to the maximum extent possible. The Secretary does not believe that similar circumstances exist for civilian employees to the extent that consultation with the head of the employee's employing agency is necessary. The Secretary will, however, as indicated in § 31.7, to the extent feasible, select the location of the hearing that is most convenient for the employee.

The leave/travel status of an employee who requests and attends an offset hearing is a matter to be addressed by the employee's employing agency and not by the creditor agency.

Comment: One commenter infers from § 31.7 that a hearing will always be held in person and objects to this requirement.

Response: Under § 31.6(a)(2), an employee is given the choice of having a hearing consisting of written submissions or a hearing in person.

Section 31.9 Hearing procedures.

Comment: One commenter stated that § 31.9 should indicate who will conduct a hearing rather than who will not conduct the hearing.

Response: Section 5 of the Debt
Collection Act of 1982 provides that an offset hearing "may not be conducted by an individual under the supervision or control of the head of the [creditor] agency, . . ." Section 31.9 merely rephrases that statutory requirement.

Comment: One commenter noted that § 31.9(e)(1)(i) provides that the hearing official may overturn a decision of the Secretary concerning the existence or amount of a debt only if the "employee has demonstrated that the Secretary's determination was clearly erroneous based on information that was available to the Secretary before he issued the notice set forth in § 31.5 . . ." The commenter recommended, since the purpose of the hearing is to determine whether the employee is indebted to the United States, that the hearing procedures be modified to allow reversals in cases when the employee can document that the debt has been repaid.

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Response: No change has been made. Section 5 of the Debt Collection Act of 1982 provides that an employee may request a hearing on the determination of the agency concerning the existence or amount of the debt. Under § 31.4, the employee is given an opportunity, immediately before the formal commencement of an offset proceeding, to provide evidence to the Secretary concerning the existence or amount of his debt. Based upon information presented to the Secretary, including information presented under § 31.4, the Secretary makes a determination concerning the existence or amount of that debt. If information is permitted to be presented during the hearing that was not previously presented to the Secretary, the hearing official would not be evaluating the Secretary's determination of the existence or amount of the employee's debt, but would instead be making a de novo decision concerning that debt.

While the Secretary is not revising the procedures regarding the introduction of documents at the hearing, as indicated in the preamble to the proposed rule, the Secretary does not intend to offset the pay of an employee who, in reality, is not indebted to the United States. Accordingly, in extraordinary circumstances, the Secretary may, after the conclusion of the procedures established in this part, determine that an employee is not indebted to the United States in the amount previously established, based upon conclusive documents produced by the employee after the deadline date established by

the regulations.

## Situations Not Covered By Regulations

The Secretary in this part is not establishing rules for offsetting a debt against the pay of a Federal employee to satisfy a judgment obtained by the United States against the employee in a court of the United States. Further, the Secretary is not in this part establishing rules for offsetting the pay of one of his employees who received an

overpayment of pay or allowances.
When the Department of Justice and
the General Accounting Office issue
their final joint regulations implementing

the Federal Claims Collection Act as amended by the Debt Collection Act of 1982, the Secretary will revise the Department's offset regulations if the Department's regulations are inconsistent with the joint regulations.

## Paperwork Reduction Act of 1980

Under section 3518 of the Paperwork Reduction Act of 1980 and 5 CFR 1320.3(c), the information collection provisions contained in these regulations are not subject to the Office of Management and Budget review and approval.

#### Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

### Regulatory Flexibility Certification Act Certification

The Secretary certifies that these final regulations will not have significant economic impact on a substantial number of small entities.

These regulations do not affect small entities. They affect only individual employees of the United States.

## List of Subjects in 34 CFR Part 31

Administrative practices and procedures, Debt collection, Government employees, Student aid, Loan programs—education, Grant programs—education.

## Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each section of these regulations.

Dated: February 21, 1984. (Catalog of Federal Domestic Assistance number does not apply) T. H. Bell,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by adding a new part, Part 31, to read as follows:

### PART 31—SALARY OFFSET FOR FEDERAL EMPLOYEES WHO ARE INDEBTED TO THE UNITED STATES UNDER PROGRAMS ADMINISTERED BY THE SECRETARY OF EDUCATION

Sec

31.1 Scope.

31.2 Definitions.

31.3 Pay subject to offset.

31.4 Advance notice of debt—request for records—submission of information.

31.5 Formal notice to employee.

Sec.

31.6 Request for a hearing—prehearing submissions.

31.7 Hearings-time, date, and location.

31.8 Consequence of employee's failure to meet deadline dates.

31.9 Hearing procedures.

31.10 Representation.31.11 Applicable legal principles.

31.12 Standards for determining extreme financial hardship.

Authority: 5 U.S.C. 5514, as amended by section 5 of Pub. L. 97-365, 96 Stat. 1751-1752.

(a) If a Federal employee is indebted to the United States under a program administered by the United States Secretary of Education ("the Secretary"), the employee's pay may be offset to satisfy that indebtedness under the procedures set forth in this part.

(b) The Secretary in this part establishes rules for offsetting a debt against the pay of an employee of the United States if that employee—

(1) Is in default and indebted to the United States on a loan made under the Guaranteed Student Loan (GSL)/PLUS Program (20 U.S.C. 1071 et seq.);

(2) Is in default and indebted to the United States on a loan made under the National Defense/Direct Student Loan (NDSL) Program (20 U.S.C. 1087aa et sea.):

(3) Has not repaid an overpayment on a grant made under the Pell Grant Program (20 U.S.C. 1070a);

(4) Has not repaid money owed under the terms of a grant, or is in default on a loan, made under the Law Enforcement Education Program (42 U.S.C. 3775);

(5) Is in default and indebted to the United States on a loan made under the Cuban Student Loan Program (22 U.S.C. 2601 et seq.); or

(6) Is indebted to the United States under any other program administered

by the Secretary.

(c) An offset against pay shall be carried out in accordance with the standards established under the Federal Claims Collections Act of 1966, as amended (31 U.S.C. 951 et seq.).

(d) The Secretary in this part is not establishing rules for offsetting a debt against the pay of a Federal employee—

(1) To satisfy a judgment obtained by the United States against that employee in a court of the United States; or

(2) To recover an overpayment of pay or allowances.

(5 U.S.C. 5514)

#### § 31.2 Definitions.

As used in this part:

(a) "Agency" means-

-(1) An Executive department, military department, Government corporation, or independent establishment as defined in 5 U.S.C. 101, 102, 103, or 104, respectively;

(2) The United States Postal Service:

(3) The Postal Rate Commission.

- (b) "Disposable pay" means the amount that remains from an employee's Federal pay after required deductions for Federal, State, and local income taxes; Social Security taxes, including Medicare taxes; Federal retirement programs; premiums for life and health insurance benefits; and such other deductions that are required by law to be withheld.
- (c) "Employee" means a current or
- (1) Civilian employee, as defined in 5 U.S.C. 2105;
- (2) Member of the Armed Forces or Reserves of the United States;
- (3) Employee of the United States
- Postal Services; or (4) Employee of the Postal Rate Commission.
- (d) "Offset" means a deduction from the pay of an employee to satisfy a debt.
- (e) "Pay" means basic pay, special pay, incentive pay, retired pay, retainer pay, or, in case of an employee not entitled to pay, other authorized pay.

(5 U.S.C. 105, 2105 and 5514(a))

#### § 31.3 Pay subject to offset.

(a) An offset from an employee's pay may not exceed 15 percent of the employee's disposable pay, unless the employee agrees in writing to a larger offset.

(b) An offset from pay shall be made monthly or at officially established pay intervals from the employee's current

pay account.

(c) If an employee retires, resigns, or is discharged, or if his or her employment period or period of active duty otherwise ends, an offset may be made from subsequent payments of any nature due to the individual from the Federal government.

(5 U.S.C. 5514(a))

#### § 31.4 Advance notice of debt-request for records-submission of information.

(a) Before initiating an offset proceeding, the Secretary establishes an individual administrative case file for each employee to be covered by the offset proceeding and then notifies the employee that-

(1) The Secretary has determined that the employee is indebted to the United States in a specified amount under a program administered by the Secretary:

and

(2) The Secretary intends to satisfy that indebtedness by offsetting 15 percent of the employee's disposable pay unless the employee can

demonstrate that this offset schedule would produce an extreme financial hardship under § 31.12.

(b)(1) An employee notified of the Secretary's determination of the existence and amount of the debt, and the offset schedule, may submit a request to the Secretary to-

(i) Send a copy of the records in his possession relating to the debt, not later than 10 days from the date the employee

receives the notice:

(ii) Reconsider his determination of the existence or amount of the debt, within the time period specified in paragraph (c) of this section; or

(iii) Reconsider the proposed offset schedule if it would produce an extreme financial hardship for the employee under § 31.12, within the time period specified in paragraph (c) of this section.

(2) If the employee requests the Secretary to reconsider his determination concerning the existence or amount of the debt, the employee shall submit to the Secretary a statement, with supporting documents, indicating why the employee believes he or she is not so indebted.

(3) If the employee requests the Secretary to reconsider the proposed offset schedule, the employee shall file an alternative proposed offset schedule and a statement, with supporting documents, showing why the Secretary's schedule would produce an extreme financial hardship for the employee under § 31.12. The supporting documents must show, for the employee and his or her spouse and dependents, for the one year period preceding the Secretary's notice and for the repayment period proposed by the employee in his or her offset schedule, their-

(i) Income from all sources,

(ii) Assets, (iii) Liabilities,

(iv) Number of dependents,

(v) Expenses for food, housing, clothing, and transportation, (vi) Medical expenses, and

(vii) Exceptional expenses, if any.

(c) An employee, who requests the Secretary to reconsider the existence or amount of the debt, or the Secretary's proposed offset schedule, shall submit his or her statement with supporting documents to the Secretary not later

(1) 45 days from the date the employee receives the Secretary's notice, if he or she did not request records; or

(2) 45 days from the date the employee receives the records, if the records were

requested. (d) If the employee submits the appropriate statements and documents in a timely manner, the Secretary reconsiders whether the employee is

indebted to the United States, the amount of the indebtedness, or the appropriate offset schedule.

(e) The Secretary notifies the employee, if the Secretary so determines on the basis of the statements and documents provided, that-

(1) The employee is not indebted to

the United States; or

(2) The employee's proposed alternative offset schedule is approved.

(f) If, after considering the statement and supporting documents, the Secretary determines that the employee is indebted to the United States, the Secretary sends the employee-

(1) A statement indicating the reasons for the decision regarding the indebtedness, including, if applicable, the reasons for reducing the amount of

the indebtedness; and

(2) The notice described in § 31.5.

(g) If, after considering the statement and supporting documents, the Secretary determines that his original offset schedule, or a modification to that schedule, will not impose an extreme financial hardship for the employee under § 31.12, the Secretary sends the employee-

(1) A statement indicating why he concluded that his original or modified offset schedule will not impose an extreme financial hardship under

§ 31.12; and

(2) The notice described in § 31.5. (5 U.S.C. 5514(a))

#### § 31.5 Formal notice to employee.

At least 30 days before requesting an agency to offset the pay of one of its employees under this part, the Secretary sends the employee a notice informing the employee of-

(a) The nature and amount of the debt the Secretary believes the employee owes the United States under a program

administered by the Secretary;

(b) The Secretary's intention to collect the debt by having the employee's employing or payor agency offset 15 percent, or the amount that the Secretary determines under § 31.4, from the employee's disposable pay until the debt is fully repaid;

(c) The employee's opportunity for a

hearing regarding-

(1) Whether the Secretary's determination concerning the existence or amount of the debt was clearly erroneous based on information that was available to the Secretary before he issued this notice; and

(2) Whether the Secretary's proposed offset schedule, as described in paragraph (b) of this section, would produce an extreme financial hardship for the employee under § 31.12; and

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(d) Applicable hearing procedures and requirements.

(5 U.S.C. 5514(a)(1))

## § 31.6 Request for a hearing—prehearing submissions.

(a)(1) An employee must file a petition with the Secretary for a hearing not later than 15 days from the date the employee receives the notice described in § 31.5 if an employee wants a hearing concerning—

(i) The existence or amount of the debt; or

(ii) The Secretary's proposed offset schedule.

(2) The employee shall also indicate whether he or she wishes the hearing to consist solely of written submissions. However, the employee may, not later than 3 days before the hearing date, request that the hearing consist solely of written submissions if the employee did not originally request that type of hearing.

(b) If an employee timely files a petition for a hearing under paragraph(a) of this section, the Secretary—

(1) Notifies the employee of the time, date, and location of the hearing if the employee does not request a hearing consisting solely of written submissions; and

(2) Provides the employee, if the employee has not received the records under § 31.4, and the hearing official with a copy of the records in the Secretary's possession relating to the

employee's debt.

(c) Not later than 15 days from the date the employee receives the records described in paragraph (b) of this section, or not later than 25 days from the date the employee receives the notice described in §31.5 if he or she has received records under § 31.4, the employee shall file with the Secretary and the hearing official—

(1) The items listed in paragraph (d) of this session, if the employee contests the Secretary's determination of the existence or amount of the debt; or

(2) The items listed in paragraph (e) of this section, if the employee contests the Secretary's offset schedule.

(d)(1) An employee contesting the Secretary's determination of the

existence or amount of the debt shall

(i) A statement of the reasons why the employee believes that the Secretary's determination of the existence or amount of the debt was clearly erroneous. The statement shall include a recitation of the facts on which the employee relies to support his or her belief and any legal arguments supporting that belief.

(ii) A list of witnesses the employee will call at the hearing and a summary of their anticipated testimony; and

(iii) A copy of the records that the employee intends to introduce at the hearing if they differ from the ones provided by the Secretary.

(2) However, the employee may not—

 (i) Raise any issue that he or she has not previously raised with the Secretary concerning the existence or amount of the debt; or

(ii) Introduce any facts or records that he or she has not previously submitted to the Secretary concerning the existence or amount of the debt.

(e) An employee contesting the Secretary's proposed offset schedule shall file with the Secretary—

(1) A proposed alternative offset schedule:

(2) A statement of the reasons why the Secretary's proposed offset against disposable pay will produce an extreme financial hardship under § 31.12;

(3) The information required in

§ 31.4(b)(3);

(4) A list of witnesses the employee intends to call at the hearing and a summary of their anticipated testimony; and

(5) A copy of the records that the employee intends to introduce at the hearing if they differ from the ones provided by the Secretary.

(f) As applicable, not later than 15 days from the date the Secretary receives the materials submitted under paragraph (c) of this section, the Secretary provides the employee and the hearing official with—

(1) A statement supporting the Secretary's determination regarding the existence and amount of the debt:

(2) A statement setting forth the reasons why the Secretary's proposed offset schedule does not produce an extreme financial hardship for the employee under § 31.12;

(3) A list of witnesses that the Secretary intends to call at the hearing;

(4) A summary of their anticipated testimony.

(5 U.S.C. 5514(a))

## § 31.7 Hearings—time, date, and location.

(a) If an employee timely files a petition for a hearing under § 31.6, the Secretary selects the time, date, and location for the hearing. The Secretary selects, to the extent feasible, the location that is most convenient for the employee.

(b) For a civilian employee or a former employee, the hearing will be held in Washington, D.C., or in one of the following cities: Boston, Philadelphia.

New York, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, or Seattle.

(c) For a current military employee, the Secretary shall select the time, date, and location of the hearing after consultation with the Secretary of Defense.

(d) For a current Coast Guard employee, the Secretary selects the time, date, and location of the hearing after consultation with the Secretary of Transportation.

(5 U.S.C. 5514(a))

## § 31.8 Consequence of employee's failure to meet deadline dates.

(a) An employee waives his or her right to a hearing, and will have his or her disposable pay offset in accordance with the Secretary's offset schedule, if the employee—

(1) Fails to file a petition for a hearing before the deadline date established

under § 31.6;

(2) Is scheduled to appear and fails to appear on time at the hearing; or

(3) Fails to file the required submissions under § 31.6 within 5 days after the deadline date established under § 31.6.

(b)(1) If the employee files his or her required submissions within 5 days after the deadline date established under § 31.6, and the hearing official finds that the employee has shown good cause for the failure to comply with the established deadline date, the hearing official may find that an employee has not waived his or her right to a hearing.

(2) In making the determination under paragraph (b)(1) of this section, the hearing official shall take into account that the employee was provided 45 days to respond to the Secretary's positions on the same issues under § 31.4.

(5 U.S.C. 5514(a))

#### § 31.9 Hearing procedures.

(a)(1) The hearing is conducted by a hearing official who is not an employee of the United States Department of Education or otherwise under the supervision or control of the Secretary.

(2) A record or transcript of the hearing shall not be made.

(b)(1) The hearing shall not be conducted in accordance with formal rules of evidence with regard to the admissibility of evidence or the use of evidence once admitted.

(2) The hearing official may only permit the introduction of evidence described in the pre-hearing submissions under § 31.6 that are relevant to the issues being considered. However, the employee may introduce other evidence, previously provided to

the Secretary before the issuance of the notice described in §31.5, to rebut the evidence of the Secretary.

(3) The hearing official may not require discovery other than that

permitted in §31.6.

(c)(1) At the hearing, the employee and the Secretary may introduce evidence and may call witnesses, consistent with the provisions of paragraph (b) of this section.

(2) Witnesses shall testify under oath.

(3) Witnesses may be cross examined.
(d)(1) At the hearing, the Secretary has the burden of first presenting his evidence on the relevant issues.

(2) The employee then presents his or her evidence regarding these issues.

(3) The Secretary may offer evidence rebutting the evidence introduced by the employee.

(e)(1)(i) If the Secretary's determination regarding the existence or amount of the debt is contested, the hearing official shall issue a decision in favor of the Secretary's determination, unless the hearing official finds that the employee has demonstrated that the Secretary's determination was clearly erroneous based on information that was available to the Secretary before he issued the notice described in § 31.5

(ii) If the hearing official finds the Secretary's determination of the amount of the debt was clearly erroneous based on information that was available to the Secretary before he issued the notice set forth in § 31.5, the hearing official shall indicate the amount owned by the

employee, if any.

(2)(i) If the Secretary's offset schedule is contested, the hearing official shall uphold the Secretary's offset schedule unless the employee has demonstrated by clear and convincing evidence that the payments called for under the Secretary's schedule will produce an extreme financial hardship for the employee under § 31.12.

(ii) If the hearing official finds that the payments called for under the Secretary's offset schedule will produce an extreme financial hardship for the employee, the hearing official shall establish an offset schedule that will result in the repayment of the debt in the shortest period of time without producing an extreme financial hardship for the employee.

(f) The hearing official shall issue a written opinion stating his or her decision, with a rationale supporting that decision, as soon as practicable

after the hearing.

(g) The Secretary does not offset the debt against the employee's disposable

pay during the course of the hearing. (5 U.S.C. 5514))

## § 31.10 Representation.

An employee may represent himself or herself or may be represented by another person, including an attorney, during any portion of any proceedings under this part.

(5 U.S.C. 5514(a))

## § 31.11 Applicable legal principles.

(a) The hearing official may not find that the Secretary's determination of the existence or amount of the employee's debt was clearly erroneous—

(1) If a judgment was obtained against the employee on the debt in a court of

competent jurisdiction;

(2) On the basis of Federal, State or

local statutes of limitations;

(3) On the basis of the quality, or lack of quality, of the education provided by the educational institution the student attended, unless the student is indebted to the United States as a result of being in default on a loan made by that institution and the employee has a legal defense to the repayment of the loan by reason of the lack of quality of the education provided by that institution;

(4) On the basis that the employee is owed a refund by the institution he attended and that refund would eliminate or reduce the debt, unless the employee, not later than the period of

time specified in § 31.4(c)-

(i) Submitted written confirmation from the institution to the Secretary that the refund is owed, and

(ii) Assigned the refund to the

Secretary; or

(5) On the basis of any factual or legal argument that was decided on the merits adverse to the employee in a court of

competent jurisdiction.

(b) In determining whether the Secretary's determination of the existence or amount of the employee's debt was clearly erroneous, the hearing official is governed by the relevant Federal statutes and regulations authorizing and implementing the programs giving rise to the debt, and by State law, if relevant.

(5 U.S.C. 5514(a))

## § 31.12 Standards for determining extreme financial hardship.

(a)(1) An offset produces an extreme financial hardship for an employee if the offset prevents the employee from meeting the costs necessarily incurred for essential subsistence expenses of the employee and his or her spouse and dependents.

(2) These essential subsistence expenses include only costs incurred for

food, housing, clothing, transportation and medical care.

(b) In determining whether an offset would prevent the employee from meeting the essential subsistence expenses described in paragraph (a) of this section, the Secretary and the hearing official shall consider—

(1) The income from all sources of the employee and his or her spouse and

dependents;

- (2) The extent to which the assets of the employee and his or her spouse and dependents are available to meet the offset and the essential subsistence expenses;
- (3) Whether these essential subsistence expenses have been minimized to the greatest extent possible;

(4) The extent to which the employee and his or her spouse and dependents can borrow money to meet the offset and other essential expenses; and

(5) The extent to which the employee and his or her spouse and dependents have other exceptional expenses that should be taken into account, and whether these expenses have been minimized.

(5 U.S.C. 5514(a))

[FR Doc. 84-5079 Filed 2-24-84; 8:45 am] BILLING CODE 4000-01-M

#### DEPARTMENT OF THE INTERIOR

**National Park Service** 

36 CFR Parts 1, 2, 3, 4, 5, 6, 7, 9, 12, and 13

General and Special Regulations for Areas Administered by the National Park Service

AGENCY: National Park Service, Interior.

ACTION: Final rule; delay in effective date.

SUMMARY: On June 30, 1983, the National Park Service published (48 FR 30252) final rules containing regulations for areas administered as part of the National Park System. These rules provide guidance and controls for public use and recreation activities such as camping, fishing, boating, hunting and winter sports. On September 22, 1983, (48 FR 43174) the National Park Service delayed the effective date of these final regulations from October 3 to December 19, 1983, to allow for the promulgation of additional special regulations to implement certain sections of the final regulations. The development of the

special regulations took longer than expected and on December 8, 1983, [48 FR 54977) the National Park Service further delayed the implementation date to March 2, 1984. On December 27, 1983, (48 FR 56971) the special regulations and certain amendments to the final regulations were published. The special regulations authorized special uses in certain park areas for aircraft operations, snowmobiling, fishing, hunting and trapping. The amendments related to trapping, the use and possession of weapons, definitions, information collection and were necessary to correct and clarify certain points in the June 30 final regulations.

This notice again delays implementing the final regulations from March 2, 1984 to April 30, 1984. This further delay is necessary to provide sufficient time to evaluate comments received during the public comment period that was extended on January 27, 1984, (49 FR 3492) until February 25, 1984.

DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Weston P. Kreis, Acting Chief, Branch of Ranger Activities, National Park Service, Washington, D.C. 20240, telephone (202) 343–5607.

## SUPPLEMENTARY INFORMATION:

## Background

Many individuals and organizations were critical that the 30-day comment period (December 27, 1983-January 26, 1984) was insufficient to allow adequate public participation. In response, the National Park Service extended the comment period an additional 30 days. The extended comment period closes February 25, 1984. The four working days between February 25 and March 2 do not allow sufficient time for the National Park Service to evaluate the received comments and make a final determination. The new date of April 30 provides adequate time for the review and approval process.

Dated: February 16, 1984.

#### J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-4732 Filed 2-24-84; 8:45 am]

BILLING CODE 4310-70-M

### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 65

[Docket No. FEMA-6588]

## Changes in Flood Elevation Determinations; Montana

AGENCY: Federal Emergency Management Agency. ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Administrator, reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-

ADDRESSES: The modified base (100year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

## FOR FURTHER INFORMATION CONTACT:

Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation

determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The change in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency
Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

## List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Communi- ty No.
Montana: Cascade	Great Falls (city of)	Great Falls Tribune, Jan. 25, 1984 and Feb. 1, 1984.	Hon. Robert Worthington, Mayor, City of Great Falls, Civic Center Bidg., P.O. Box 5021, Great Falls, Montana 59401.	Jan. 20, 1984	300010C

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator)

Issued: February 15, 1984.

Jeffrey S. Bragg.

Administrator, Federal Insurance Administration.

[FR Doc. 84-5048 Filed 2-24-84; 8:45 am] BILLING CODE 6718-03-M

#### 44 CFR Part 67

## Final Flood Elevation Determinations; Georgia et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below:

ADDRESSES: See table below:

## FOR FURTHER INFORMATION CONTACT:

Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the Federal Register for

each community listed.

days has been provided.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90)

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been proposed. It does not involve any collection of information for purposes of The Paperwork Reduction Act.

## List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
Georgia	(Uninc.) Catoosa County (Docket No. FEMA-6563)	Tributary No. 3 to Black Branch	At mouth with black Branch Just downstream of Neal Drive.  Just downstream of Midway Avenue.	* 589 * 703 * 725
Maps available for inspect	ion at the Office of Commissioner of Roads and Revenu	e, Ringgold, Georgia.		
Illinois	(V) Bartonville, Peoria County (Docket No. FEMA-6366).	Kickapoo Creek	Area bounded on the east by the Chicago Rock Island and Pacific Railroad, on the west by a fine parallel to and approximately 300 feet west of the Chicago Rock Island and Pacific Railroad, on the south by Hill Street, and on the north by a line parallel to and approximately 600 feet south of Second Avenue. Interstate 474	* 459 * 464 * 463 * 459 * 463
Illinois	(C) South Beloit, Winnebago County (Docket No. FEMA-8568).  tion at City Hall, 519 Blackhawk Boulevard, South Beloit,		Upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.  Upstream of Dearborn Avenue (U.S. Route 51)	* 750 * 753
Missouri	(C) Eureka, St. Louis County (Docket No. FEMA-6547).	Meramec River	About 1,000 feet downstream of the confluence of Flat Creek. About 1.7 miles upstream of County Highway W (upstream corporate limits). At confluence with Meramac River Just upstream of Euroka-Altentown Road. At confluence with Flat Creek. About 600 feet upstream of crossing of Forby Road (upstream corporate limits).	* 440 * 455 * 440 * 478 * 441 * 449

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
Maps available for inspec	tion at P.O. Box 125, Eureka, Missouri,			
New York	Cheektowaga, town, Erie County (Docket No. FEMA-6568). tion at the Town Hall, Broadway and Union Road, Cheek	Cayuga Creektowaga, New York.	Approximately 300 feet upstream of Union Road	* 608
North Carolina	(C) Fayetteville, Cumberland County (Docket No. FEMA-6583).  tion at the City Engineering Department, City of Fayettevi	Country Club Branch	About 1,000 feet upstream of Rosehill Road	* 129 * 136 * 143
Pennsylvania		Briar Creek	Approximately 2,000 feet upstream of U.S. Route 11	* 496

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator)

Issued: February 15, 1984.

### Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-5049 Filed 2-24-84; 8:45 am] BILLING CODE 6718-03-M

## FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 74

[BC Docket No. 82-20; RM-2500; FCC 84-40]

### Amendment of the Commission's Rules To Provide for the Operation of Microwave Boosters

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC provides for the use of microwave booster stations in the Aural Broadcast STL and Intercity Relay Radio Service and in the TV Auxiliary Radio Services (Subparts E and F of Part 74). This action is taken in response to a petition filed by Marti Electronics, Inc. The effect of this action is to provide for more efficient use of available broadcast auxiliary station spectrum. Booster stations transmit and receive on the same frequency. Other types of relay stations require the use of two frequencies.

DATE: The new rules become effective on March 26, 1984.

FOR FURTHER INFORMATION CONTACT: James E. McNally, Jr., Federal Communications Commission, Mass Media Bureau, Policy and Rules Division, Washington, D.C. 20554, (202) 632–9660.

## SUPPLEMENTARY INFORMATION:

## List of Subjects in 47 CFR Part 74

Radio, Television.

## Report and Order; Proceeding Terminated

In the matter of amendment of subparts E and F of Part 74 to provide for the operation of microwave boosters, (BC Docket 82–20 RM–2500).

Adopted: February 3, 1984. Released: February 17, 1984. By the Commission.

## Introduction

1. The Commission has under consideration a Notice of Proposed Rule Making (Notice) adopted on January 13, 1982, and the comments and reply comments filed in response thereto, concerning a proposal to permit the operation of microwave boosters. A booster is a class of relay station whose output frequency is the same as the input frequency.

#### Background

2. Broadcasters now use two types of radio relay devices to circumvent obstacles in the transmission paths of their studio-transmitter-link (STL) stations and inter-city relay (ICR) stations. These relay devices are either active or passive repeaters. Passive repeaters require no power input and simply change the direction of the microwave signal similar to the way a mirror or prism redirects a light beam. Active repeaters, on the other hand, amplify, redirect, and transmit on a different frequency than that of the received signal.

3. Microwave boosters possess characteristics of both active and passive repeaters. They use the same frequency for both reception and retransmission by simply amplifying the original signal. They depend on antenna directivity, physical spacing and microwave shielding to "isolate" the input and output circuits of the booster from each other. Failure to adequately isolate the receive and transmit circuits could result in a type of feedback or self-oscillation that would render the booster useless and possibly result in interference to other services.<sup>2</sup>

- 4. Boosters are now operated in the VHF and UHF bands by licensees of FM and TV broadcast stations. They are used to retransmit the signals of a primary broadcast station to an area otherwise unable to receive it. The Notice proposed rules to provide for the use of boosters in the microwave spectrum as a new class of station in the aural and TV broadcast auxiliary services (Part 74).
- 5. Comments in response to the Notice were received from Argonaut
  Broadcasting Co. ("Argonaut"), National Association of Broadcasters ("NAB"), Multimedia, Inc. ("Multimedia"), National Broadcasting Company, Inc. ("NBC"), National Public Radio ("NPR"). A reply comment was received from American Broadcasting Companies, Inc. ("ABC"). All commenters welcomed rules that would authorize the use of microwave boosters. Several expressed reservations, however, on minor aspects

<sup>147</sup> FR 9251 (1982).

<sup>&</sup>lt;sup>2</sup>An analogy would be the "squeal" sometimes heard in public address systems when the microphone gain is set too high. Such feedback is caused by signals containing frequencies at or close to the natural resonant frequency of the room or auditorium being reflected back to the microphone, amplifier, and "rebroadcast" by the speakers at an even higher level. The cycle is repeated until certain circuits in the amplified are saturated and no higher level of output is possible. The problem is remedied by either reducing the gain or volume of the amplifier, or by installing filters or equalizers that attenuate frequencies at which the room is resonant.

of the proposal. These reservations are discussed below.

Discussion

6. The Notice expressed concern that interference could occur if boosters failed to have sufficient isolation between their input and output circuits. Stable operation requires that the isolation between the input and output circuits exceeds the gain of the booster. Nevertheless, we did not propose a minimum isolation figure. Rather, we indicated that the isolation between the input and output circuits (including the transmitting and receiving antenna systems) must be sufficiently greater than the gain of the booster so it may operate properly.3 As a means of preventing the feedback, we proposed requiring suitable automatic circuits that would cease radiation in the event of amplifier oscillation.

7. However, NPR cautioned against the use of narrow protection limits. NAB had identical comments but pointed out that licensees must of necessity operate properly designed and installed microwave boosters. To do differently, it stated, means that a licensee would be willing to risk disruption of its broadcast signal and the accompanying negative impact this would have on its technical integrity and ability to serve its audience. NPR indicated that circuits to automatically detect and terminate operation in the event of oscillation would be an unnecessary complication and expense for very low powered boosters (those designed to operate with less than 25 milliwatts). We agree and will not require microwave boosters to have these circuits. We shall also adopt our original proposal that did not specify a minimum isolation for boosters.

8. A related concern expressed in the Notice was the potential for interference if a booster picked up an undesired cochannel signal, or was adversely affected by an adjacent channel signal. However, the commenters agreed that such interference would probably cause as many problems to the interfering booster licensee as others. NBC stated that effective local frequency coordination would avoid many possible problems. ABC suggested that frequency selective devices, such as bandpass filters, be used at both the booster input and output, if necessary, to preclude potential adjacent channel problems. NAB believed the proposed antenna requirements were too restrictive, especially as compared to those in the

\*See the *Notice*, proposed §§ 74.537 and 74.638.

regular broadcast (Part 73) booster rules.4

9. After carefully considering the comments, we have decided not to generally require the use of such specific spectrum conserving measures as tight beamwidth antennas or bandpass filters. Instead, the rules will allow boosters to operate in accordance with any existing antenna requirements. However, the rules will state that additional technical means may be required if a booster causes interference, or, due to use of a wide beamwidth antenna, precludes re-use of a frequency in a particular geographic area. This action is consistent with the desire we expressed in the Notice to make boosters available to licensees as a lowcost alternative to the problem of path obstruction. Thus, the rules we are currently adopting pose few restrictions and allow licensees considerable flexibility, while retaining the ability to protect other actual or potential users from interference on a case-by-case

10. The Notice also proposed that boosters contain circuits that would cause them to cease operating in the absence of an incoming signal.5 ABC agreed with this proposal. NPR dissented in part, believing such a precaution was unnecessary at very low powers. Having given this matter further consideration, and recognizing the fact that boosters will be operating on carefully coordinated, fully dedicated communications paths, and that boosters should be no more susceptible to being activated by unwanted signals that any other class of fixed station in these services, we have decided not to require the use of circuits which would automatically terminate a booster's operation upon loss of the desired primary signal. However, we would remind licensees of the provisions of § 74.533(b)(2) and § 74.635(a)(2) which apply to operation of unattended fixed relay stations (of which boosters are a type) and which require that such transmitters be provided with adequate safeguards to prevent improper operation. We think this current general

provision is sufficient to prevent or remedy instances of interference, and that it provides licensees with a degree of flexibility in dealing with particular circumstances.

11. The comments also focused on our proposal to adopt a maximum power limit of one watt. Argonaut questioned the wisdom and desirability of this limitation, and argued that one watt may not be sufficient to render satisfactory service, particularly when the distance from the booster to the final receiving point is great. This distance could vary from a few hundred feet to 20 miles or more, depending on the particular situation. Instead of a fixed power limitation, Argonaut suggested a restriction similar to the current provision (§ 74.534) applicable to aural microwave stations. That is, it would limit power output to that required to render satisfactory service. NPR also indicated that one watt might not provide the flexibility needed for microwave boosters to be useful in a variety of situations.

12. We agree that broadcast auxiliary stations should be licensed with sufficient power to render satisfactory service. Thus, we have decided not to adopt the one watt power limit originally proposed. However, all applications for booster stations will be examined to ensure that the requested power is not excessive for the required path length. This is the current licensing policy and we have concluded that its continuation will afford applicants sufficient flexibility in system design to avoid the need for waiver requests.

13. We also proposed that microwave boosters be type accepted. ABC supported this proposal. However, we note that currently type acceptance is not required for other transmitters used pursuant to Subpart E of Part 74. Notification is required for transmitters to be operated in the 18 GHz band. We have concluded that it would be inappropriate to require type acceptance of booster transmitters to be used in the lower frequency bands, because it would be unreasonable to expect that they should remedy any deficiencies in signals transmitted by their non-type accepted signal sources. Such is not the case in Subpart F, however, so type acceptance of boosters to be used in the

<sup>\*</sup>We proposed that an aural broadcast booster antenna's half-power horizontal beamwidth not exceed 11°, and that radiation in any minor lobe of the antenna pattern 20° or more removed from the main lobe of radiation should be attenuated by at least 20 dB. A slightly less stringent limit was proposed for TV boosters to operate in the 12.7-13.2 GHz band.

SObviously, in the absence of an input signal it would be expected that the booster would effectively cease transmission because it simply amplifies the input signal. However, we proposed that some additional means be provided to prevent retransmission of low level signals normally masked by the desired signal.

<sup>\*</sup>Section 74.534 already requires that aural broadcast STL and ICR stations be licensed with an output power not in excess of that necessary for satisfactory service. The same requirement will be applied to boosters. Section 74.636, which applies to TV auxiliary stations (and will apply to TV boosters) lists output power limits, yet requires that the transmitter output power be no greater than necessary.

TV auxiliary services was formerly necessary. Type acceptance has now been replaced with a notification procedure. The same circumstances apply to aural broadcast transmitters that will operate in the 18 GHz band. In the absence of comments on our proposed out-of-band emission limitations, those rules are being adopted as proposed.

14. ABC, in its reply comments. proposed expanding this proceeding to allow for limited use of TV heterodyne translators. In such devices, the incoming signal is translated to a different microwave frequency and then amplified for retransmission. Because ABC's proposal was filed as a reply comment, there was no opportunity for others to comment. Further, the ABC suggestion lacked sufficient detail upon which we could formulate proposed rules. Since the proposal goes beyond the scope of this proceeding, no action will be taken on it. However, we encourage interested parties to review the ABC filing and if there is interest, we would encourage ABC or others to file a formal petition for rule making, with additional emphasis on methods for maintaining system frequency stability. Alternatively, this issue may be raised in response to the Second Notice of Proposed Rule Making to be issued in General Docket No. 82-334.

15. Other Commission actions have or could have an impact on the operation herein being permitted. A Notice of Proposed Rulemaking in General Docket No. 83-10, adopted January 13, 1983, looks toward changing the type acceptance procedures that would be applicable to microwave boosters. A First Report and Order in General Docket 82-334, adopted September 9, 1983, limits broadcaster use of Band D channels for TV auxiliary station use. Future changes could arise from this proceeding if a new spectrum management policy is established for certain bands between 947 MHz and 40 GHz. Broadcast auxiliary microwave users should exercise reasonable diligence in keeping informed of such developments that could have a significant impact on their use of the spectrum.

16. Form 313 (application for broadcast auxiliary stations) will be changed to provide for boosters as a new class of station. However, until new forms are available, applicants should file a separate application for each booster and type in "BOOSTER" in the space next to Item 4B or 4C as appropriate. Also, equipment should be indicated as "Type Accepted", If required, in Item 14.

## 17. Regulatory Flexibility Act Final Analysis

## I. Need for Rules

The Commission believes that provisions need to be made to provide economical and spectrum-efficient alternatives for redirecting broadcast auxiliary microwave signals around obstructions such as buildings, trees and hills. Present rules require an additional microwave station with the attendant use of another microwave channel to perform this function. We have expanded the petition for rule making to allow the use of microwave boosters with all broadcast auxiliary microwave services.

## II. Purpose of Rules

The rules adopted herein will provide licensees in the broadcast auxiliary service an alternative method of "bending" a microwave signal around obstructions with a savings both in cost and in spectrum. These changes will benefit both small and large broadcasters.

III. Flexibility Issues Raised in the Comments

None.

IV. Significant Alternatives Not Adopted

ABC suggested in its reply comments that the proposal be expanded to provide for heterodyne translators. See paragraph 14, supra.

- 18. Accordingly, it is ordered, pursuant to the authority contained in § 4(i) and 303 of the Communications Act of 1934, as amended, that Part 74 of the Commission's Rules is Amended effective March 26, 1984, as set forth in the attached Appendix.
- 19. It is further ordered, that subject to approval by the Office of Management and Budget, FCC Form 313 is amended as set forth in Appendix B.
- 20. It is further ordered, That this proceeding is terminated.
- 21. Further information on this matter may be obtained by contacting James E. McNally, Jr., Mass Media Bureau, at (202) 632–9660.

Federal Communications Commission.
William J. Tricarico,
Secretary.

## Appendix A

## PART 74-[AMENDED]

1. Part 74 of Subpart E is amended by revising the subpart headnote to read as follows:

## **Aural Broadcast Auxiliary Stations**

2. Section 74.501 is amended by revising the headnote and adding a new paragraph (c) defining aural broadcast microwave booster stations, as follows:

## § 74.501 Classes of aural broadcast auxiliary stations.

- (c) Aural broadcast microwave booster station. A fixed station in the broadcast auxiliary service that receives and amplifies signals of an aural broadcast STL or intercity relay station and retransmits them on the same frequency.
- 3. Section 74.531 is amended by redesignating existing paragraphs (c), (d), and (e) as (d), (e), and (f) respectively, and by adding a new paragraph (c), as follows:

## § 74.531 Permissible service.

- (c) An aural broadcast microwave booster station is authorized to retransmit the signals of an aural broadcast STL or intercity relay station.
- 4. Section 74.532 is amended by revising paragraph (c), revising paragraph (d) and redesignating it as (e) and adding a new paragraph (d) to read as follows:

## § 74.532 Licensing requirements.

- (c) If more than one broadcast station or class of broadcast station is to be served by a single aural broadcast auxiliary station, this information must be stated in the application for construction permit or license.
- (d) Licensees of aural broadcast STL and intercity relay stations may be authorized to operate one or more aural broadcast microwave booster stations for the purpose of relaying signals over a path that cannot be covered with a single station.
- (e) Each aural broadcast auxiliary station will be licensed at a specified transmitter location to communicate with a specified receiving location, and the direction of the main radiation lobe of the transmitting antenna will be a term of the station authorization.

The type acceptance requirement for broadcast auxiliary stations to be operated in the 18 GHz band was adopted in the First Report and Order in GEN Docket 82-334, because we authorized additional types of emissions and channel bandwidths. Furthermore, we believed it appropriate to apply the technical standards already applicable to Private and Common carrier services to Broadcast Auxiliary Services and cable television relay systems. A new frequency tolerance and a new amplitude modulation emission limitation applicable to 18 GHz operation were also adopted.

4. Section 74.533 is amended by revising the introductory text of paragraph (b) and revising paragraph (b)(4) as follows:

## § 74.533 Remote control and unattended operation.

(b) Aural broadcast auxiliary stations may be operated unattended subject to the following provisions:

- (4) Whenever an unattended aural broadcast auxiliary station is used, appropriate observations must be made at the receiving end of the circuit as often as necessary to ensure proper station operation. However, an aural broadcast STL (and any aural broadcast microwave booster station) associated with a radio or TV broadcast station operated by remote control may be observed by monitoring the broadcast station's transmitted signal at the remote control or ATS monitoring point.
- 5. Section 74.535 is amended by revising paragraphs (c) and (d) and adding a new paragraph (g) as follows:

## § 74.535 Emission and bandwidth.

\* \*

- (c) For operation in the 947–952 MHz band: The channels assigned to aural broadcast auxiliary stations are 500 kHz in width, the assigned frequency being at the center of the channel. Emissions appearing outside the assigned channel must be attenuated as follows:
- (d) For operation in the 18 GHz band: Aural broadcast STL, intercity relay stations and booster stations may be authorized to employ either digital or frequency modulation.

\*

(g) The following limitations apply to the operation of aural broadcast microwave booster stations:

(1) The booster station must receive and amplify the signals of the originating station and retransmit them on the same frequency without significantly altering them in any way. The characteristics of the booster transmitter output signal shall meet the requirements applicable to the signal of the originating station.

(2) The licensee is responsible for correcting any condition of interference that results from the radiation of radio frequency energy outside the assigned channel. Upon notice by the FCC to the station licensee that interference is being caused, operation of the apparatus must be immediately suspended and may not be resumed until the interference has been eliminated or it

can be demonstrated that the interference is not due to spurious emissions. However, short term test transmissions may be made during the period of suspended operation to determine the efficacy of remedial measures.

(3) In each instance where suspension of operation is required, the licensee must submit a full report to the FCC after operation is resumed. The report must contain details of the nature of the interference, the source of interfering signals, and the remedial steps taken to eliminate the interference.

(6) In Section 74.536, the text of paragraphs (a) and (b) are revised as follows:

## § 74.536 Directional antenna required.

(a) Each aural broadcast auxiliary station is required to use a directional antenna. Antennas with narrower beamwidths and reduced sidelobe radiation may be required in congested areas or to resolve an interference problem.

- (b) An aural broadcast auxiliary station operating in the 18 GHz band shall employ transmitting and receiving antennas meeting the appropriate performance Standard A indicated below, except that in areas not subject to frequency congestion, antennas meeting performance standard B may be used subject to paragraph (c) of this section. Additionally, the main lobe of each antenna shall have a minimum power gain of 38 dBi. The values indicated represent the suppression required in the horizontal plane without regard for the polarization plane of intended operation.
- 7. Section 74.551 is amended by revising paragraphs (a)(1), (a)(2), and (a)(6) to read as follows:

#### § 74.551 Equipment changes.

(a) \* \* \*

(1) A change in the transmitter as a whole (except replacement with an identical transmitter) or with one that has been type accepted or notified for use under the provisions of this Subpart.

(2) A change in the frequency of the operating channel or the transmitter

output power.

- (3) A change in the location of the transmitter or transmitting antenna except when relocation of the transmitter is within the same building.
- 8. Section 74.550 is revised to read as follows:

#### § 74.550 Equipment authorization.

Type acceptance or notification is required by the Commission for all

Aural broadcast STL and intercity station transmitters or boosters employed in the 18 GHz band. Requirements for obtaining an equipment authorization are contained in Subpart J of Part 2 of this chapter. As of March 5, 1984, all equipment designed exclusively for fixed operation shall be authorized under the notification procedure (see Section 2.904(d) of this chapter).

 Section 74.565 is amended by revising the section headnote to read as

follows:

follows:

# § 74.565 Aural broadcast auxiliary station operator requirements

10. Section 74.582 is amended by redesignating existing paragraph (d) as paragraph (e) and adding new paragraph (d) as follows:

## § 74.582 Station identification.

(d) Aural broadcast microwave booster stations will be assigned individual call signs. However, station identification will be accomplished by the retransmission of identification as provided in paragraph (a) of this section.

(e) \* \* \*

11. In Part 74, Subpart F, § 74.601 is amended by revising the headnote, and adding new paragraph (f) to read as

§ 74.601 Classes of TV broadcast auxiliary stations.

(f) TV microwave booster station. A fixed station in the TV broadcast auxiliary service that receives and amplifies signals of a TV pickup, TV STL, TV relay, or TV translator relay station and retransmits them on the same frequency.

12. Section 74.631 is amended by redesignating existing paragraph (h) as paragraph (i) and adding new paragraph

(h) to read as follows:

## § 74.631 Permissible service.

- (h) A TV microwave booster station is authorized to retransmit the signals of a TV pickup, TV STL, TV relay, or TV translator relay station.
- 13. Section 74.632 is amended by adding new paragraph (f) as follows:

## § 74.632 Licensing requirements.

(f) Licensees of TV pickup, TV STL, TV relay, and TV translator relay stations may be authorized to operate one or more TV microwave booster stations for the purpose of relaying signals over a path that cannot be covered with a single station.

14. Section 74.635 is amended by revising the introduction of paragraph (a) and paragraphs (a)(2) and (a)(4) to read as follows:

#### § 74.635 Unattended operation.

- (a) TV relay stations, TV translator relay stations, TV STL stations, and TV microwave booster stations may be operated unattended under the following conditions:
- (2) The transmitter must be provided with adequate safeguards to prevent improper operation.
- (4) TV relay stations, TV STL stations, TV translator relay stations, and TV microwave booster stations used with these stations, shall be observed at the receiving end of the microwave circuit as often as necessary to ensure proper station operation by a person designated by the licensee, who must institute measures sufficient to ensure prompt correction of any condition of improper operation. However, an STL station (and any TV microwave booster station) associated with a TV broadcast station operated by remote control may be observed by monitoring the TV station's transmitted signal at the remote control point. Additionally, a TV translator relay station (and any associated TV microwave booster station) may be observed by monitoring the associated TV translator station's transmitted signal.
- 15. Section 74.637 is amended by revising the introductory text of paragraph (c) and by adding a new paragraph (e) to read as follows:

# § 74.637 Emissions and emission limitations.

- (c) For operation in the 17,700–19,700 MHz band: TV broadcast STL, relay and booster stations may be authorized to employ analog or digital modulation in this band. The mean power of any emission shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:
- (e) The following limitations also apply to the operation of TV microwave booster stations:
- (1) The booster station must receive and amplify the signals of the originating station and retransmit them on the same frequency without significantly altering them in any way. The characteristics of the booster transmitter output signal shall meet the

requirements applicable to the signal of the originating station.

- (2) The licensee is responsible for correcting any condition of interference that results from the radiation of radio frequency energy outside the assigned channel. Upon notice by the FCC to the station licensee that interference is being caused, operation of the apparatus must be immediately suspended and may not be resumed until the interference has been eliminated or it can be demonstrated that the interference is not due to spurious emissions. However, short term test transmissions may be made during the period of suspended operation to determine the efficacy of remedial measures.
- (3) In each instance where suspension of operation is required, the licensee must submit a full report to the FCC after operation is resumed. The report must contain details of the nature of the interference, the source of interfering signals, and the remedial steps taken to eliminate the interference.
- 16. Section 74.641 is amended by revising paragraph (a)(1) to read as follows:

## § 74.641 Antenna systems.

(a) \* \* \*

- (1) Fixed TV broadcast auxiliary stations shall use directional antennas that meet the performance standards indicated in the following table. Upon adequate showing of need to serve a larger sector, or more than a single sector, greater beamwidth or multiple antennas may be authorized. Applicants shall request, and authorization for stations in this service will specify, the polarization of each transmitted signal. Booster station antennas having narrower beamwidths and reduced sidelobe radiation may be required in congested areas, or to resolve interference problems. \* \* \*
- 17. Section 74.651 is amended by revising subparagraphs (a)(1), (a)(2), and (a)(3) to read as follows:

## § 74.651 Equipment changes.

(a) \* \* \*

- (1) Replacement of a specifically authorized transmitter by a transmitter that is not type accepted or notified for operation under this Subpart pursuant to § 74.655(c).
- (2) A change in the frequency of the operating channel or the transmitter output power.
- (3) A change in the location of the TV broadcast auxiliary station transmitter or transmitting antenna authorized for use at a fixed location except when the

relocation of the transmitter is within the same building.

18. Section 74.655 is amended by removing existing paragraph (e), redesignating existing paragraphs (a), (b), (c), and (d) as paragraphs (b), (c), (d), and (e) respectively, by revising and redesignating existing paragraph (f) as paragraph (a), by redesignating existing paragraph (g) as paragraph (f), and by revising and redesignating existing paragraph (h) as paragraph (g) as follows:

#### § 74.655 Authorization of equipment.

- (a) Except as provided in paragraph (b), all transmitting equipment first marketed for use under this subpart or placed into service after October 1, 1981, must be type accepted or notified, as detailed in paragraph (g) of this section. Equipment which is used at a station licensed prior to October 1, 1985, which is not type accepted or notified, as detailed in paragraph (g) of this section, may continue to be used by the licensee or its successors or assignees, provided that if operation of such equipment causes harmful interference due to its failure to comply with the technical standards set forth in this subpart, the FCC may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference. However, such equipment may not be further marketed or reused under Part 74 after October 1, 1985. \* \* \*
- (g) As of March 5, 1984, transmitters designed to be used exclusively for a TV STL station, a TV intercity relay station, a TV translator relay station, or a TV microwave booster station, shall be authorized under the notification procedure. All other transmitters will be authorized under the type acceptance procedure. Transmitters authorized under type acceptance are acceptable for use in all TV broadcast auxiliary stations (see § 2.904(d) of this Chapter).
- 19. Section 74.682 is amended by adding paragraph (f) as follows:

## § 74.682 Station identification.

- (f) TV microwave boosters stations will be assigned individual call signs. However, station identification will be accomplished by the retransmission of identification as provided in paragraph (a) of this section.
- 20. The alphabetical index to Part 74 of the rules is amended by making the following revisions and additions in alphabetical sequence:

A. Under Classes of stations, revise "Aural STL/Relay" to read "Aural Auxiliary."

B. Under Type acceptance of equipment, add new line

## Appendix B

FCC Form 313, Application for Authorization in the Auxiliary Radio Broadcast Services, will be changed to provide for boosters, a new class of station. Items 4B and 4C will now include booster.

[FR Doc. 84–4994 Filed 2–24–84; 8:45 am] BILLING CODE 6712–01–M

## **Proposed Rules**

Federal Register

Vol. 49, No. 39

Monday, February 27, 1984

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

## DEPARTMENT OF AGRICULTURE

**Agricultural Marketing Service** 

7 CFR Parts 1006 and 1012

[Docket Nos: AO-356-A20 and AO-347-A23]

Milk in the Upper Florida and Tampa Bay Marketing Areas; Extension of Time for Filing Briefs on Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

**ACTION:** Extension of time for filing briefs to proposed rule.

summary: This notice extends the time for filing briefs from February 21, 1984 to March 6, 1984 with respect to proposed amendments to the Upper Florida and Tampa Bay marketing orders that were considered at a public hearing on December 6, 1983 in Orlando, Florida. The request for additional time was made by a participant at the hearing.

DATE: Briefs are now due on or before March 6, 1984.

ADDRESS: Briefs (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Hearing: Issued November 10, 1983; published November 17, 1983 (48 FR 52318).

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held December 6, 1983, at Orlando, Florida, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Upper Florida and Tampa Bay marketing areas pursuant to notice issued November 10, 1983 (48 FR 52318) is extended to March 6, 1984.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

List of Subjects in 7 CFR Parts 1006 and 1012

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C., on February 21, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-5055 Filed 2-24-84; 8:45 am] BILLING CODE 3410-02-M

## FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; Docket No. R-0502]

Electronic Fund Transfers; Proposed Rule and Proposed Update to Official Staff Commentary; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

**ACTION:** Proposed rulemaking and proposed update to official staff commentary; extension of comment period.

SUMMARY: By notice published on January 18, 1984 (49 FR 2204), the Board of Governors requested comment on proposed amendments to Regulation E (Electronic Fund Transfers) and a proposed update to the official staff commentary. Comment was requested on the proposal by February 24, 1984. The Board has been asked to extend the comment period, to provide interested parties with additional time in which to present their views.

EFFECTIVE DATE: The comment period has been extended through March 30, 1984.

FOR FURTHER INFORMATION CONTACT: Gerald P. Hurst, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452–3667.

By order of the Board of Governors, acting through its Secretary under delegated authority, February 17, 1984.

William W. Wiles, Secretary of the Board.

[FR Doc. 84-4882 Filed 2-24-84; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 226

[Reg. Z; TIL-1]

Truth in Lending; Official Staff Commentary Revision; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

**ACTION:** Proposed official staff interpretation; extension of comment period.

SUMMARY: By notice published on January 18, 1984 (49 FR 2211), the Board of Governors requested comment on a proposed change to the official staff commentary to Regulation Z (Truth in Lending). The proposal addresses the scope of the securities transaction exemption contained in § 226.3(d) and is intended to clarify its application. Comment was requested on the proposal by February 24, 1984. The Board has been asked to extend the comment period, to provide interested parties with additional time in which to present their views.

EFFECTIVE DATE: The comment period has been extended through March 30, 1984.

FOR FURTHER INFORMATION CONTACT: Ruth R. Amberg, Senior Attorney, or Richard S. Garabedian, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452–3667.

By order of the Board of Governors, acting through its Secretary under delegated authority, February 17, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-4883 Filed 2-28-84; 8:45 am] BILLING CODE 6210-01-M 12 CFR Part 226

[Reg. Z; Doc. No. R-0501]

Truth in Lending; Credit Cards; Issuance and Liability; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

**ACTION:** Proposed rulemaking; extension of comment period.

SUMMARY: By notice published on January 18, 1984 (49 FR 2210), the Board of Governors requested comment on a proposed amendment to revised Regulation Z (Truth in Lending). The amendment to Regulation Z would make clear that the restriction on unsolicited issuance of credit cards in § 226.12(a) and the provision in § 226.12(b) limiting a cardholder's liability for unauthorized use of a credit card to a maximum of \$50 apply to credit cards issued for use in transactions that are exempt from other sections of the regulation. Comment was requested on the proposal by February 24, 1984, to provide interested parties with additional time in which to present their views.

EFFECTIVE DATE: The comment period has been extended through March 30, 1984.

FOR FURTHER INFORMATION CONTACT: Lynn C. Goldfaden or Richard S. Garabedian, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, [202] 452–3667.

By order of the Board of Governors, acting through its Secretary under delegated authority, February 17, 1984.

William W. Wiles, Secretary of the Board.

[FR Doc. 84-4884 Filed 2-24-84; 8:45 am] BILLING CODE 6210-01-M

#### **DEPARTMENT OF DEFENSE**

Department of the Navy

32 CFR Part 701

Availability of Department of Navy Records and Publications of the Department of the Navy Documents Affecting the Public

AGENCY: Department of the Navy, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Navy proposed to delete the specific exemption from certain provisions of the Privacy Act for a system of records and to establish a general exemption for the system.

This is being done to properly protect fraud, waste and abuse investigative records.

DATES: Comments must be received on or before March 28, 1984.

ADDRESS: Send any comments to Mrs.
Gwendolyn R. Aitken, Privacy Act
Coordinator, Office of the Chief of
Naval Operations (OP-09B30),
Department of the Navy, The Pentagon,
Washington, DC 20350.

FOR FURTHER INFORMATION CONTACT: Contact Mrs. Aitken at the above address or telephone: 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy system of records NO4385-1, "Investigatory (Fraud) System" is presently exempted from certain provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a) under the provisions of 5 U.S.C. 552a(k)(1), (2) and (5). However, in order to carry out the mandates of the Inspector General Act of 1978 (10 U.S.C. 987 app. (1982)) certain Navy Inspector General activities are now required to carry out law enforcement investigations. Therefore, in order to provide a proper records system for these investigations the Navy proposes to delete the current exemption and exempt certain portions of these files under the provisions of 5 U.S.C. 552a(j)(2).

#### List of Subjects in 32 CFR Part 701

Privacy, Exemption, Investigative information, Records.

Accordingly, it is proposed to amend Subpart G of 32 CFR Part 701 by revising paragraph (g) to § 701.117 as follows:

Subpart G-Privacy Act Exemptions

§ 701.117 Exemptions for specific Navy record systems.

(g) Office of the Chief of Naval Operations—(1) ID-NO4385-1. Sysname. Investigatory (Fraud)

System System

Exemption. Portions of this system of records are exempt from the following portions of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G) and (I), (e)(5), (e)(8), (f) and (g).

Authority. 5 U.S.C. 552a(j)(2). Reason. Granting individuals access to information collected and maintained by these activities relating to the enforcement of criminal laws could interfere with orderly investigations, the orderly administration of justices, and might enable suspects to avoid detection and apprehension. Disclosures of this information could result in the concealment, destruction, or fabrication of evidence, and possibly jeopardize the safety and well-being of informants, witnesses and their families. Such disclosures could also reveal and render ineffectual investigatory techniques and methods and sources of information and could result in the invasion of the personal privacy of individuals only incidentally related to an investigation.

The exemption of the individual's right of access to his/her records and the reasons therefore, necessitate the exemption of this system of records from the provisions of the other cited sections of the Act".

M. S. Healy.

OSD Federal Register Liaison Officer, Department of Defense. February 21, 1984.

[FR Doc. 84-4907 Filed 2-24-84: 8:45 am] BILLING CODE 3810-01-M

## **Notices**

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.

#### ACTION

Information Collection Request Under Review

AGENCY: ACTION.

**ACTION:** Information Collection Request Under Review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the national volunteer agency.

## Background

Under the Paperwork Reduction Act (44 U.S.C., Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on proposed collection of information and recordkeeping requirements. Copies of the proposed forms and supporting documents (request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents) may be obtained from the agency clearance officer.

## Information About This Proposed Collection

Agency Clearance Officer—William W. Lovelace—202-634-9310. Agency Address: ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525.

Office of ACTION Issuing Proposal:
Domestic Operations/VISTA.
Title of Form: VISTA and Other
ACTION Full-Time Volunteer
Application and Reference Forms.
Type of Request: Reinstatement.
Frequency of Collection: Nonrecurring.
General Description of Respondents:
Individuals or households, state or

local governments, non-profit

institutions, small businesses or organizations.

Estimated Number of Responses: 1,000.
Estimated Annual Reporting or
Disclosure Burden: 1,750.
Respondent's Obligation to Reply:
Required to obtain benefits.
Person responsible for OMB Review:
James L. Thomas, 202–395–6880.

William W. Lovelace,

Clearance Officer, ACTION. [FR Doc. 84-5081 Filed 2-24-84; 8:45 am] BILLING CODE 6050-28-M

## DEPARTMENT OF COMMERCE

#### International Trade Administration

## **Export Trade Certificate of Review**

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issured an export trade certificate of review to United Export Trading Association (UETA). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this certificate. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the certificates as "Export Trade Certificate of Review, application number 83–

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377–0937. These are not toll-free numbers.

supplementary information: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97–290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595–604 (March 11, 1983) (to be codified at 15 CFR pt. 325).

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Vol. 49, No. 39

Monday, February 27, 1984

A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

#### Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

- 1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;
- 2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;
- 3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and
- 4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney Gerneral concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937–40 (April 13, 1983).

## **Description of Certified Conduct**

## Export Trade

Pursuant to U.S. Customs regulations and under Customs bond, tax-free and duty-free alcoholic beverages, tobacco and tobacco products that are handled in bond exclusively for export to persons exiting the United States across the United States-Mexico land border ("Covered Products").

Export Market

Mexico.

Export Trade Activities and Methods of Operation

(a) To enter into agreements with suppliers of Covered Products acting as the exclusive Purchasing Agent for its

(b) To enter into agreements with its Members to resell the purchased Covered Products to the Members exclusively for export wherein:

(1) UETA agrees to serve as the exclusive Purchasing Agent of Covered Products for the Members: and

(2) The Members agree not to purchase the Covered Products, directly or indirectly, from any other entity.

(c) To enter into agreements with its Members on all matters relating to the purchase, handling and sale of Covered Products for export, including agreements to:

(1) Establish prices at which Covered Products will be sold by Members for

(2) Establish quantities of Covered Products to be sold by Members for

(3) Allocate territories or customers among Members.

(4) Determine the types and the mix of Covered Products purchased by UETA.

(5) Warehouse the Covered Products prior to delivery to its Members,

(6) Provide to Members financing. transportation, insurance, accounting and legal services related to the purchase and sale of Covered Products

(7) Determine the inventory levels of the Covered Products for export,

(8) Determine the internal distribution to Members of profits or loss derived by

(9) Determine the hours of operation of the Members' sales outlets, and

(10) Determine the terms and conditions for sale of Covered Products or provision or related services to nonmembers.

(d) To prescribe the following conditions for membership and membership withdrawal:

(1) UETA may limit membership to those firms that operate at least one outlet engaged in duty free sales on the Mexican border, that are in compliance with all applicable Treasury and Customs regulations, and that demonstrate sufficient financial responsibility to obtain a standby letter of credit from a bank for expected purchases from UETA.

(2) Any Member may withdraw from UETA after giving the Governing Committee written notice, but UETA may require that such Member continue to comply with the agreements specified in paragraph (c) above and that the

Member not compete with UETA or its remaining Members in a manner inconsistent with the agreements referred to in paragraph (c) above for a period not to exceed twelve months after its notice of withdrawal, provided, however, that the required compliance does not constitute a penalty or less favorable treatment to the withdrawing Member than the treatment being accorded to remaining Members with respect to the agreements referred to in paragraph (c) above.

(e) To collect information from and to discuss and communicate information with (i) representatives of two or more Members (whether or not a representative of UETA participates) or (ii) a representative of UETA and a representative or one or more Members, regarding competitive conditions or other facts relevant to the sale of the Covered Products in the Export Market. Such communications may occur either in person or during telephone calls or in any other manner. For purposes of this certificate of review, competitive conditions and other facts are:

(1) Any conditions relating to past, present or possible future supply or demand in the Export Market for the Covered Products in order to formulate UETA's general business and expansion

(2) Any past, present or future price of the Covered Products for the Export Market:

(3) Any past, current or possible future cost factors of UETA and of any Member relating specifically to the sale of the Covered Products for the Export Market:

(4) Any marketing strategy or activity in the Export Market of any Member, nonmember or any Supplier of the Covered Products to the Export Market. such as opening, closing or expansion of export outlets and similar plans and developments relevant to the formulation of UETA's business plans;

(5) Any information regarding past, present or possible future inventories and turnover of Covered Products held by Members in order to establish inventory requirements for UETA itself.

Terms and Conditions of Certificate

Except as provided in paragraph (e) above, UETA will not intentionally disclose, directly or indirectly, to any Member or affiliate any business information obtained from any other Member or affiliate, unless such business information is already generally avalilable to the trade or public. For purposes of this certificate. business information means any information about costs, production, capacity, inventories, domestic prices, domestic sales, domestic orders, terms of domestic marketing or sale, U.S. business plans, strategies or methods, or any other commercial, financial or industry information that is not materially related to the conduct of the export business of the Member through UETA.

Definitions

For purpose of this cetificate, the following terms are defined:

- (a) "Member"-International Bonded Warehouses, Inc.; Ayoub Exports, Inc.; Hidalgo Custom Bonded Warehouse, Inc. d/b/a Brady's; Universal Bonded Stores, Inc.; Capin's Duty Free Warehouse; States Import-Export, Inc.; Hugo's International Liquors; and Ronnie Guerra's International Traders,
- (b) "Supplier"-a producer or distributor, its parent or its subsidiary.
- (c) "Purchasing Agent"-an intermediary who identifies and locates Covered Products for purchase, gives advice on or chooses among prospective Suppliers, advises on or negotiates prices, quantities and other purchase terms and conditions and purchases Covered Products for its own account or for the account of others.
- (d) "Governing Committee"-a committee consisting of representatives of each Member of UETA that meets monthly to review the price list in relation to demand, turnover and changes in cost. Decisons are made by majority vote.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c) which requires the Department of Commerce to publish a summary of a certificate in the Federal Register. Under Section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of the certificates will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility. Room 4001-B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulation published in 15 CFR pt. 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of

Information Officer, at the above address or by calling (202) 377-3031.

Dated: February 22, 1984. Irving P. Margulies, Acting General Counsel. [FR Doc. 84–5080 Filed 2-24–84: 8-45 am] BILLING CODE 3510-DR-M

#### International Trade Administration

[A-475-D05]

Forged Undercarriage Components From Italy; Final Determination of Sales at Not Less Than Fair Value

February 21, 1984.

AGENCY: International Trade
Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that forged undercarriage components from Italy are not being, nor are likely to be, sold in the United States at less than fair value. We are therefore terminating this investigation.

EFFECTIVE DATE: February 27, 1984.

FOR FURTHER INFORMATION CONTACT: Richard Rimlinger, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–3962.

## SUPPLEMENTARY INFORMATION:

## Final Determination

We have determined that forged undercarriage components from Italy are not being, nor are likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act).

## Case History

On April 29, 1983, we received a petition from counsel for Jernberg Forgings Co., Lindell Drop Forge Co., Portec Inc., Presrite Corp., Presrite of Jefferson, Inc., Walco Metal Forming Group, and Walker Forge, Inc., filed on behalf of the U.S. industry producing forged undercarriage components. In accordance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitioners alleged that forged undercarriage components from Italy are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an

antidumping investigation. We notified the ITC of our action and initiated such an investigation on May 24, 1983 [48 FR 23288].

On June 13, 1983, the ITC determined that there is a reasonable indication that imports of semifinished forged undercarriage links and rollers are materially injuring a U.S. industry. The ITC determined that there is no reasonable indication that semifinished forged undercarriage segments and finished forged undercarriage links, rollers and segments are materially injuring U.S. industries.

Petitioners had alleged specifically that sales by Berco S.p.A., Industria Meccanica e Stampaggio S.p.A. (IMES), and Italtractor ITM S.p.A. had been made in the United States at less than fair value. However, since IMES is the only known exporter to the United States of semifinished forged undercarriage links and rollers, we limited our investigation to IMES.

On June 27, 1983, we presented an antidumping questionnaire to counsel for IMES. On August 26, 1983, we received IMES's response to the questionnaire. On October 3, 1983, we preliminarily determined that forged undercarriage components from Italy were not being sold in the United States at less than fair value [48 FR 45816].

On October 17, 1983, we received a request from petitioners to extend the period for the final determination until no later than 135 days after the date of publication of our preliminary determination, in accordance with section 735[a][2] of the Act. We granted this request. From October 26 through October 28, 1983, we verified in Italy all information submitted by IMES. On December 15, 1983, we held a public hearing on this investigation.

## Scope of Investigation

For purposes of this investigation, the term "forged undercarriage components" covers semifinished forged undercarriage links and rollers for crawler-mounted machinery. The merchandise is currently classifiable under item numbers 664.08, 692.34 and 692.35 of the Tariff Schedules of the United States Annotated.

Since IMES is the only known exporter of this merchandise to the United States, we limited our investigation to this one firm. We investigated all sales of forged undercarriage components made by IMES during the period November 1, 1982, through April 30, 1983.

### Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value. we compared the United States price with the foreign market value.

## United States Price

As provided in section 772 of the Act. we used the purchase price of the subject merchandise to represent the United States price for sales by IMES because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price for each United States sale on the packed, Lo.b. factory price to unrelated customers in the United States. For certain U.S. transactions, IMES absorbed in-transit storage costs which were incurred in the United States. Where appropriate, we have deducted these in-transit storage costs.

## Foreign Market Value

In accordance with section 773(a)(1)(B) of the Act, we calculated foreign market value based on IMES's prices for export to a country other than the United States (a "third country"). because IMES had insufficient home market sales to form the basis for fair value comparisons. In compliance with § 353.5(c) of the Commerce Department Regulations (19 CFR 353.5(c)), we used IMES's sales prices to the United Kingdom because the United Kingdom is the third country with sales of the forged undercarriage components most similar to those sold in the United States and because it was the third country with the largest sales volume of the merchandise subject to this investigation.

Although petitioners alleged that IMES made sales to third countries at less than the cost of producing this merchandise within the meaning of section 773(b) of the Act, the information submitted by IMES indicated that the merchandise sold in the United Kingdom which was most similar to that sold to the United States was sold at prices above the cost of production and that these sales were sufficient to form a viable basis for fair value comparisons.

For IMES, we calculated third country price on the basis of the f.o.b. factory price to unrelated customers in the United Kingdom. We made adjustments for differences in merchandise based on differences in steel costs in accordance with section 773(a)[4][C] of the Act, and for differences in credit terms pursuant to section 773(a)[4][B] of the Act. We also adjusted for differences in packing in accordance with 773(a)[1] of the Act.

## **Submitted Comments**

The following comments were submitted by petitioners in response to our preliminary determination:

#### Comment 1

Petitioners request that the Department expand its period of investigation to include all of 1982 and 1983 because petitioners contend that the six-month period investigated by the Department does not accurately reflect IMES's sales activities in the United States. Petitioners contend that a strike by IMES's principal U.S. customer, Caterpillar Tractor Co. (Caterpillar), from October 1, 1982, to April 25, 1983, had unusually depressed IMES's U.S. sales during the investigative period, and that the impact of the strike on IMES's sales was not clear until the ITC hearing of November 22, 1983. Petitioners also cite antidumping investigations involving certain iron metal castings from India (castings) (46. FR 39869-70) and railway track maintenance equipment from Austria (42 FR 41339-40) in which the Department investigated nine- and ten-month periods, respectively, instead of the usual six-month period.

#### DOC Position

Section 353.38(a) of the Commerce Department Regulations (19 CFR 353.38(a)) provides that "ordinarily" the Secretary will require a foreign manufacturer subject to an antidumping investigation to submit pricing information covering a period of at least 150 days prior to, and 30 days after, the first day of the month during which the petition was received in acceptable form. However, the regulation also indicates that the Secretary may require the submission of pricing information for such other period as he deems necessary.

In the castings and railway track maintenance equipment investigations, the Department decided to expand its usual six-month investigatory period at the outset of these investigations. Any objections to the Department's selection of a period for investigation should be raised early in the investigation. Once such a period has been selected, it is used by the Department to represent that firm's sales activities, not just during the investigative period, but prior to the period as well. Unless good cause is shown, it is inappropriate to change the investigative period after a preliminary determination, in light of the reduced time remaining in the investigation and the significant added burden on both the Department and respondent. In this investigation,

petitioners have not shown good cause. They do not deny that they were aware of the Caterpillar strike prior to filing their antidumping petition. They had sufficient opportunity to object to the period we selected for investigation. Yet no objection was raised until December 5, 1983—over two months after the Department's preliminary determination. Moreover, although IMES's sales appear to have been depressed during the sixmonth period selected for investigation, there were still enough U.S. sales made by IMES for the Department to analyze sufficiently that firm's sales practices.

#### Comment 2

Petitioners argue that substantially all of IMES's U.S. and third country sales are made to Caterpillar and its affiliates. Accordingly, Caterpillar can use its monopsonistic power to manipulate prices to reflect its own corporate policies. Therefore, petitioners further argue that Commerce should disregard third country sales by IMES to Caterpillar because they are not strictly at arm's length, but instead comprise a fictitious market controlled by Caterpillar.

## DOC Position

In evaluating third country sales, the Department is concerned with whether such transactions were made to unrelated parties at "arm's length" prices. Based on our investigation, we have concluded that IMES is not related to Caterpillar. The fact that IMES sells this merchandise to third country customers that are related to Caterpillar in the United States is insufficient reason to disregard IMES's third country sales if such sales are at "arm's length." Although petitioners have indicated that IMES's prices do vary on sales to various Caterpillar affiliates in various countries, this in itself is not proof that IMES's sales to these affiliates are not "arm's length." Based on our investigation we have concluded that such price variances appear to be attributable to normal commercial business practices and market conditions at time of sale. In the absence of evidence to the contrary, the Department must conclude that IMES's third country sales transactions are "arm's length."

### Comment 3

Petitioners argue that because of IMES's substantial dependence upon sales to Caterpillar and because of Caterpillar's monopsonistic power, Caterpillar "controls" an interest in IMES and, thus, is an exporter under section 771(13)(B) of the Act.

Accordingly, Commerce should use as

its United States price the prices charged by Caterpillar for the finished products inthe replacement market.

## DOC Position

As indicated in our response to Comment 2, we consider the transactions between Caterpillar and IMES to be "arm's length." There is no evidence on the record indicating that Caterpillar controls an interest in IMES within the meaning of section 771(13)(B) of the Act. The fact that Caterpillar may have a great deal of bargaining power in dealing with its suppliers does not mean, in our opinion, that Caterpillar controls an "interest" in IMES. The record indicates that IMES is free to accept or reject any offer made by Caterpillar and that the two firms' business dealings reflect normal commercial practices.

## Comment 4

Petitioners argue that the Department should include within its investigation sales made by IMES to Italian customers in which the customer supplied its own steel for fabrication and paid solely for forging services. Petitioners further argue that, although title to the raw materials did not pass to IMES, IMES essentially performs all of the activities necessary to manufacture the products under investigation, and to disregard such sales would create a significant loophole in the antidumping law. Petitioners also assert that the Department should have verified forging service activities.

## DOC Position

The scope of our investigation as indicated in the petition and as described in this notice does not cover the provision of forging services, but sales of merchandise. Since title to the raw materials for the transactions in question did not pass to IMES, and IMES merely returned semifinished products to the suppliers of the raw materials, charging only for forging services, we cannot consider such services to be sales of merchandise. We did verify forging activities to the extent necessary to determine that they are not within the scope of our investigation.

## Comment 5

Petitioners contend that for transactions between IMES and Caterpillar, the Department should use a "release order" date as the sale date in determining whether a sale falls within the period of investigation.

## DOC Position

The Department agrees with petitioners that the release order date is the sale date between IMES and Caterpillar, and has made comparisons for all sales with release order dates falling within the period of investigation.

#### Comment 6

Petitioners argue that each part number has its own specific steel quality requirement. Therefore the Department should calculate cost of production for forged undercarriage components by using each part number's actual steel cost in calculating that part number's cost of production, instead of using the average steel cost for all parts produced. Furthermore, petitioners argue that Commerce should account for IMES's actual steel costs on a LIFO basis, and Commerce should question the steel costs of any steel supplied by any of IMES's customers.

#### DOC Position

The Department agrees with petitioners and has altered the methodology it used for the preliminary determination by using the actual steel cost for each part number instead of the average steel cost for all products produced. The Department also has thoroughly verified all steel costs and employed the LIFO method of calculating steel costs because this method is used by IMES in its own internal cost records.

#### Comment 7

Petitioners assert that in calculating IMES's cost of production, Commerce should not allocate IMES's labor costs and factory overhead on a weight basis. Petitioners argue that there is no verified correlation between the weight of a product and its labor cost or factory overhead.

## DOC Position

IMES allocates labor costs and factory overhead on a weight basis in the ordinary course of its business. This was established at the Department's verification. IMES justifies using a weight allocation on the argument that large forgings within its diversified product lines require a greater degree of fabrication than smaller forgings. Based on the foregoing, this allocation method appears to be reasonable in this situation, and we have continued to allocate labor cost and factory overhead on a weight basis for this final determination.

## Comment 8

Petitioners argue that general, selling

and administrative expenses should not be allocated on a weight basis, but on the basis of sales proportionality. Petitioners assert that this is the Department's traditional method of allocating these costs.

## DOC Position

Based on our verification, we have determined that IMES does allocate its general, selling and administrative expenses on a sales proportionality basis in its own internal business record keeping, and that these expenses had been allocated on a weight basis for the sole purpose of the Department's questionnaire response. Therefore, we agree with petitioner and we have allocated general, selling and administrative expenses on the basis of sales proportionality for this final determination.

#### Comment 9

Petitioners contend that the Department should visit the premises of IMES's United States affiliate, IMES Trading Co., to conduct a further verification of IMES's sales in the United States. Petitioners suggest that IMES Trading Co. may have made sales of the merchandise under investigation out of inventory, after importation into the United States, requiring exporter's sales price to be used as the basis for fair value comparisons.

## DOC Position

Relevant source documents from IMES Trading Co. were requested by Department personnel and made available to them at the verification held at IMES's premises in Italy. Based on our review of these documents, the Department is satisfied that IMES Trading Co. made no exporter's sales price transactions and, therefore, no further verification is necessary.

The following comments were submitted by IMES in response to our preliminary determination:

#### Comment 1

IMES argues that the Department should have included in its cost of production calculations an allowance for short-term excess costs due to abnormal, non-cyclical idle production capacity. IMES asserts that due to the worldwide economic recession and a strike by IMES's largest customer, Caterpillar, IMES's economies of scale were temporarily reduced and the firm suffered artificially high fixed costs per unit. IMES further argues that such an adjustment is necessary because, under section 773(b) of the Act, the Department is required to disregard only

those below-cost sales which have been made over an extended period of time and in substantial quantities, and which are not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade.

#### DOC Position

In calculating cost of production, it is the Department's policy to calculate the actual cost of production based on verified information in the company's books and records. Once cost of production is calculated using this methodology, the Department then determines whether any below-cost sales should be disregarded. It is at this point that the Department takes into consideration arguments such as that made by IMES. In the subject investigation, there were no sales under consideration which were below the unadjusted, actual cost of production and, therefore, the Department found no need to consider IMES's argument concerning idle capacity.

#### Comment 2

IMES argues that the Department should reduce the estimated cost of production by the amount of the subsidy which was found in the countervailing duty investigation involving the subject merchandise (48 FR 52111). IMES supports its argument by citing the opinion held by the Court of International Trade in Conners Steel Co. v. United States, Slip Op. No. 81-110, 527 F. Supp. 350, 398 (C.I.T. 1981), that, in calculating cost of production in an antidumping investigation, "the relevant subsidies cannot be ignored," and that 'subsidization would lessen cost of production." IMES also cites the Department's preliminary determination of August 6, 1982, involving certain steel products from Italy (47 FR 35660), in which the Department reduced the foreign manufacturer's cost of production by the amount of certain subsidies received by the manufacturer.

#### DOC Position

As indicated in our position to IMES's first comment, there were no sales under consideration that were below IMES's unadjusted cost of production.

Therefore, there was no need for the Department to consider deducting the net subsidy found in the countervailing duty investigation from IMES's cost of production.

## Comment 3

IMES claimed that the Department

should add to the United States price the amount of the subsidy which was found in the countervailing duty investigation involving this merchandise.

#### **DOC** Position

Section 772(d)(1)(D) of the Act requires the Department to add to United States price the amount of any countervailing duty imposed on the merchandise to offset an export subsidy. However, countervailing duties will not be imposed on any merchandise entered prior to August 24, 1983. Since no countervailing duties will be imposed on sales to the United States during the investigative period (November 1, 1982 through April 30, 1983), no addition to United States price is required to offset the export subsidy found in the countervailing duty investigation.

## Verification

In accordance with section 776(a) of the Act, we have verified the data used in reaching our final determination in this investigation, using standard verification procedures including on-site inspection of the manufacturer's operations and examination of the manufacturer's books and records.

#### Final Determination

We have determined that forged undercarriage components from Italy are not being nor are likely to be sold in the United States at less than fair value, as provided in section 735 of the Act. Our final determination of sales at not less than fair value terminates this investigation.

In accordance with section 735(a) of the Act, we will notify the ITC of our determination. This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

### William T. Archey,

Acting Assistant Secretary for Trade Administration.

February 21, 1984.

[FR Doc. 84-5083 Filed 2-4-84; 8:45 am]

Disposition of Application for

## Disposition of Application for Duty-Free Entry of Scientific Article; University of California at Santa Barbara

We have discontinued processing of Docket No. 83–351 because the entry of article to which the application relates was liquidated as dutiable on May 13, 1983, and the applicant has informed us by letter dated February 8, 1984, that it will not protest the liquidation.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

#### Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-4999 Filed 2-26-84; 8:45 am] BILLING CODE 3510-DS-M

### National Oceanic and Atmospheric Administration

### Northern Fishery Management Council and Alaska Board of Fisheries; Public Meeting

In accordance with the provisions of the Joint State of Principles for king crab management between the North Pacific Fishery Management Council (Council) and the Alaska Board of Fisheries (Board), the Council and Board will hold an annual public meeting on March 9, 1984. The meeting will be held from 1 p.m. to 5 p.m. in the auditorium of the Northwest and Alaska Fisheries Center, 2725 Montlake Blvd. East, Seattle, Washington. At the hearing Council and Board members will listen to public testimony on regulatory proposals for the 1984 Bering Sea/Aleutian Islands king crab fishery. In addition, testimony will be accepted on regulatory proposals for the 1984 Tanner crab fisheries off Alaska. Copies of the proposals may be obtained from the Alaska Board of Fisheries, P.O. Box 3-2000, Juneau, Alaska 99802. The Board plans to review the proposals and take final action on its 1984 State shellfish regulations at its meeting in Anchorage beginning March 28, 1984. For further information, contact Steve Davis, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510 (907) 274-4563.

Dated: February 22, 1984.

#### Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-5069 Filed 2-24-84; 8:45 am] BILLING CODE 3510-22-M

# COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional New Categories of Rubber and Plastic Wearing Apparel In Chief Weight of Cotton, Wool or Man-Made Fiber and Soliciting Public Comment

## Correction

In FR Doc. 84–3935 beginning on page 5367 in the issue of Monday, February 13, 1984, make the following corrections: On the same page, column three, first complete paragraph, line five, "722.30" should read "772.30"; also in line eight, "722.3032" should read "772.3032".

BILLING CODE 1505-01-M

## COMMODITY FUTURES TRADING COMMISSION

## Chicago Mercantile Exchange; Crude Oil Futures Contract

AGENCY: Commodity Futures Trading Commission.

**ACTION:** Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Chicago Mercantile Exchange ("CME") has applied for designation as a contract market in crude oil. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before April 27, 1984.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the CME Crude Oil futures contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., (202) 254–7303.

supplementary information: A copy of the terms and conditions of the CME's proposed crude oil futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at [202] 254–6314.

Other materials submitted by the CME in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)).

Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commmission's headquarters in

accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CME in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW. Washington, D.C. 20581, by April 27, 1984. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on February 21, 1984.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-5061 Filed 2-24-84; 8:45 am]

BILLING CODE 6351-01-M

### DEPARTMENT OF DEFENSE

## Office of the Secretary

### **Public Information Collection** Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for renewal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

### Revision

Application for Uniformed Services **Identification Cards** 

DD Form 1172 is the form used by retired members, survivors, and other qualified persons to apply for the Uniformed Services Identification

Individuals; 45,000 respondents; 7,500 hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301. telephone (202) 694-0187.

A copy of the information collection proposal may be obtained form Mr. Robert L. Newhart, OASD MI&L(PI). Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 695-0643. This is a revision and not for contract.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 21, 1984.

[FR Doc. 84-5063 Filed 2-24-84; 8:45 am]

BILLING CODE 3810-01-M

#### Department of the Air Force

## USAF Scientific Advisory Board, **Electronic Security Command Advisory Group; Meeting**

February 24, 1984.

The USAF Scientific Advisory Board Electronic Security Command Advisory Group will meet 12 March at 12:00 p.m .-5:00 pm. and 13 March at 8:30 am-12:00 pm. at HQ ESC, Bldg 2000, Kelly AFB TX

The purpose of the meeting will be to review the ESC Long-Range Plan; ESC Local and Worldwide Networks; and, update classified programs previously reviewed by the Advisory Group. The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically, subparagraphs (1) and (4) thereof and is closed to the

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

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 84-5313 Filed 2-24-84; 10:49 am]

BILLING CODE 3910-01-M

#### Department of the Army

## Army Medical Research and **Development Advisory Committee**; **Partially Closed Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix, Sections 1-15). announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Viral & Rickettsial Diseases.

Date of meeting: 2 and 3 April 1984.

Time and place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC

Proposed agenda: This meeting will be open to the public from 0830-1015 hrs on 2 April for the administrative review and discussion of the scientific research program of the Viral & Rickettsial Diseases Group, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), U.S. Code, Title 5 and Sections 1-15 of Appendix, the meeting will be closed to the public from 1030-1200 hrs and 1300-1630 hrs on 2 April and from 0900-1200 hrs on 3 April for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40. Room 1111, Walter Reed Army Medical Center, Washington, DC 20307 (202/576-2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 84-5067 Filed 2-24-84; 8:45 am]

BILLING CODE 3710-08-M

## Army Medical Research and **Development Advisory Committee; Partially Closed Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix, Sections 1-15) announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Bacterial Diseases.

Date of meeting: 19 and 20 March 1984. Time and place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed agenda: This meeting will be open to the public from 0830-1015 hrs on 19 March for the administrative review and discussion of the scientific research program of the Bacterial Diseases Group, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), U.S. Code,

Title 5 and Sections 1-15 of Appendix, the meeting will be closed to the public from 1030-1200 hrs and 1300-1630 hrs on 19 March and from 0900-1200 hrs on 20 March for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg. 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20307 (202/576– 2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 84-5068 Filed 2-24-84; 8:45 am] BILLING CODE 3710-08-M

## Department of the Navy

## Naval Research Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Working Group on Navy-Supported University Laboratories will meet on March 15, 1984, at the Applied Physics Laboratory, University of Washington, Seattle, Washington, The first session of the meeting will commence at 8:30 a.m. and terminate at 1:00 p.m. on March 15, 1984. The second session will commence at 1:00 p.m. and terminate at 4:30 p.m. on March 15, 1984. The first session from 8:30 a.m. to 1:00 p.m. on March 15, 1984 will be open to the public. The remaining session will be closed to the public.

The purpose of the meeting is to review various Navy-sponsored programs conducted by APL, University of Washington. The open session will generally cover a presentation on meeting objectives, laboratory overview, and a tour of the laboratory. The remaining session of the meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The Secretary of the Navy has therefore determined in writing that the public

interest requires that the second session of the meeting be closed to the public because it will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217. Telephone number, (202) 696–4870.

Dated: February 22, 1984.

William F. Roos, Jr.,

Lieutenant, JAGG, Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84-5051 Filed 2-24-84; 8:45 am] BILLING CODE 3810-AE-M

#### **DEPARTMENT OF ENERGY**

**Bonneville Power Administration** 

OMB Circular A-76 Cost Comparison Studies

AGENCY: Bonneville Power Administration (BPA), DOE.

**ACTION:** Notice of OMB Circular A-76 Cost Comparison Studies.

SUMMARY: Four OMB Circular A-76 reviews are currently underway within the Bonneville Power Administration. The following activities are being reviewed in accordance with OMB Circular A-76: Health Care Services (Portland, Oregon and Vancouver, Washington); Electrical Transmission Line Material Handling Services (Washougal, Washington); Heavy Equipment and Vehicle Maintenance (Eugene, North Bend, Redmond, Salem, and The Dalles, Oregon; Grand Coulee, Kent, Olympia, Pasco, Snohomish, Spokane, Vancouver, and Wenatchee, Washington; and Hot Springs, Montana); and Photogrammetric Services (Portland, Oregon).

The A-76 procedure is to determine the cost advantage of contract vs inhouse performance. Depending on the requirements of the review, the process can take 12 months or more to complete. Since the studies are in the beginning phases, specifications have not yet been prepared. When bids/proposals are desired, appropriate advertisements will be placed in the Commerce Business Daily. It is anticipated that an advertisement for Health Care Services will be placed during the summer 1984, and Electric Transmission Line Material Handling Services, Heavy Equipment and Vehicle Maintenance, and Photogrammetric Services during the fall FOR FURTHER INFORMATION CONTACT: Karen S. Graves, Bonneville Power

Administration, P.O. Box 3621—DLO, Portland, Oregon 97208; telephone (503) 230-5020.

Issued in Portland, Oregon, February 15, 1984.

James J. Jura,

Acting Administrator.

[FR Doc. 84-5123 Filed 2-24-84; 8:45 am]

BILLING CODE 6450-01-M

#### Impact Aid Policy; Comment Period Extension

AGENCY: Bonneville Power Administration (BPA), DOE.

**ACTION:** Notice of Comment Period Extension.

SUMMARY: BPA is extending the period in which comments will be accepted on the proposed Impact Aid Policy. This is being done to insure that all interested entities have an opportunity to review the proposed policy and submit comments.

DATES: Comments will be accepted through March 16, 1984.

ADDRESS: Comments should be submitted to Ms. Donna L. Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Donna L. Geiger, Public Involvement Manager, at the above address, 503–230– 3478. Oregon callers outside of Portland may use 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800–547–6048. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687– 6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3860.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662– 4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206–442–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Mr. Frederic D. Rettenmund, Boise District Manger, Owyhee Plaza, Suite 245, 1109 Main Street, Boise, Idaho 83707, 208-334-9138.

SUPPLEMENTARY INFORMATION: BPA published a proposed Impact Aid Policy on December 15, 1983 (48 FR 55763) with a request for comments by February 15. 1984. The proposed policy contains the formula and administrative requirements for making impact aid payments. The payment formula itself takes into account the nature and costs of local government services provided to the BPA Administrator in connection with major transmission facilities.

Since the publication of the proposed policy, BPA has contacted each of the counties which have been determined to be currently eligible for impact aid payments. On the basis of these contacts, BPA has decided to extend the period in which comments will be accepted. This will enable all interested entities to consider and respond to the proposed policy.

Issued in Portland, Oregon, on February 17. 1984.

Peter T. Johnson, Administrator.

[FR Doc. 84-5196 Filed 2-24-84; 8:45 am] BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket No. ER84-271-000]

## Consolidated Edison Company of New York, Inc.; Filing

February 21, 1984.

The filing Company submits the following:

Take notice that on February 13, 1984, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing an amendment (the Amendment) to its Rate Schedule FERC No. 61, an agreement to provide transmission service to the companies of the Northeast Utilities system (the NU Companies). The Amendment increases the transmission charge from 2.3 mills to 2.6 mills per kilowatthour for interruption transmission of power and

energy purchased by the NU Companies from Pennsylvania Power & Light Company. The Amendment would increase annual revenues from jurisdictional service during Period by \$181,818.

Con Edison requests an effective date of August 15, 1983, and therefore requests waiver of the Commission's notice requirements.

Con Edison states that a copy of this filing has been served by mail upon the

NU Companies.

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 Ruyles 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 March 6, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5087 Filed 2-28-84; 8:45 am] BILLING CODE 6717-01-M

## [Docket No. ER84-272-000]

## Consolidated Edison Company of New York, Inc.; Filing

February 21, 1984.

The filing Company submits the

following:

Take notice that on February 13, 1984, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing an amendment (the "Amendment") to its Rate Schedule FERC No. 62, an agreement to provide transmission service to Orange and Rockland Utilities, Inc. ("O&R"). The Amendment increases the transmission charge from 2.3 mills to 2.6 mills per kilowatthour for interruptible transmission of power and energy purchased by O&R from Pennsylvania Power & Light Company. The Amendment would increase annual revenues from jurisdictional service during Period I by \$6,063.

Con Edison requests an effective date of September 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Con Edison states that a copy of this filing has been served by mail upon

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 Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 6. 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5088 Filed 2-28-84; 8:45 am] BILLING CODE 6717-01-M

[Docket No. CI75-69-001, et al.]

## Gulf Oil Corp., et al.; Applications to Amend Certificates To Establish Entitlement to Section 109 Price 1

February 21, 1984.

Take notice that each of the Applicants listed herein has either filed a petition to amend certificate pursuant to section 7 of the Natural Gas Act or a notice of change in rate which is being treated as a petition to amend certificate to establish Applicant's right to collect the section 109 price consistent with the court order issued in Tenneco Exploration Ltd. v. FERC, 649 F.2d 376. all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in

<sup>&</sup>lt;sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in

any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing. Kenneth F. Plumb, Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>a</sup>	Pressure base
CI75-69-001, Feb. 2, 1984	Guilt Oil Corp., P.O. Box 2100, Houston, Tex. 77252		(1)	
CI79-508-001, Dec. 19, 1983	Cities Service Oil & Gas Corp., P.O. Box 300, Tulsa,	269 Field, Federal Domain, offshore Louisiana. Tennessee Gas Pipeline Co., East Cameron Block	(1)	800
	Okla. 74102.	97, offshore Louisiana.		
2179-679-001, Jan. 6, 1984	Gelty Oil Co., P.O. Box 1404, Houston, Tex. 77001	Transcontinental Gas Pipeline Co., Mississippi Canyon 194 Field, offshore Louisiana.	(1)	-
Cl80-8-001, Feb. 6, 1984	ARCO Oil & Gas Co., Division of Atlantic Richfield	Northern Natural Gas Co., West Cameron Block 238	(1)	1 100
Ci80-51-001, Feb. 6, 1984	Co., P.O. Box 2819, Dallas, Tex. 75221.	Field, offshore Louisiana.  ANR Pipeline Co. (formerly Michigan Wisconsin	m.	
	NEDER VIOLENTIA DE LA MORA DE	Pipeline Co., Vermillion Block 242 Field, offshore		The same
CI80-522-001, Jan 1, 1984	do	Louisiana. Transcontinental Gas Pipe Line Corp., North Padre	(1)	110000
180_532_001 len 1 1084	do	Island Block 967 Field, offshore Texas. Transcontinental Gas Pipe Line Corp., North Padre	440	(ADE)
5100-552-001, Sait 1, 1904		Island Block 967 Field, offshore Texas.	(1)	
181-51-001, Jan. 23, 1984	do	Michigan Wisconsin Pipeline Co., High Island Block A-555, offshore Texas.	(1)	1402
CI81-438-001, Feb, 6, 1984	do		(1)	LAND
	The state of the s	Field, offshore Louisiana.		The same

<sup>&</sup>lt;sup>1</sup> Applicant proposes to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order in *Tenneco Exploration, Ltd.* v. *FERC* F3d 376. Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 84-5089 Filed 2-26-84; 8:45 am] BILLING CODE 6717-01-M

#### [Docket No. RP84-46-000]

## Northern Natural Gas Co., Division of InterNorth, Inc.; Filing

February 21, 1984.

Take Notice that on February 13, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), tendered for filing to become a part of Northern Natural Gas Company's (Northern) FERC Gas Tariff, Third Revised Volume No. 1:

#### Fifth Revised Sheet No. 71

Pursuant to Opinion No. 195, the FERC adopted the policy that the GRI Funding Unit should be included in the rates and charges applicable to short-term transactions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 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 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. 84-5090 Filed 2-26-84; 8:45 am] BILLING CODE 6717-01-M

## [Docket No. ER84-274-000]

#### Northern States Power Co.; Filing

February 21, 1984.

The filing Company submits the following:

Take notice that on February 13, 1984, Northern States Power Company (NSP) tendered for filing a supplement to certain NSP interconnection and interchange, partial requirements, and transmission service agreements.

NSP states that significant provisions of the supplement included reducing the amount of power and energy that certain customers must furnish NSP to compensate it for transformer and transformation losses. The supplement provides that NSP shall only be furnished one percent power and energy for each point of delivery instead of two percent, as provided for in previous agreements. Another provision of the supplement serves to modify the power factor provision of the existing agreements to conform it with that used for firm power requirements customers.

NSP requests an effective date of March 20, 1984.

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 March 5, 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. 84-5091 Filed 2-26-84: 8:45 am] BILLING CODE 6717-01-M

[Docket Nos. ER83-557-000, ER83-555-000, ER83-556-000 and ER83-571-000]

## Northern States Power Co.; Refund Report

February 21, 1984.

Take notice that on January 4, 1984, Northern States Power Company (NSP) submitted for filing its Refund Report in accordance with the Commission's direction in the above referenced dockets.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 7, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5092 Filed 2-26-84; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. CP84-216-000]

## Northwest Central Pipeline Corp.; Request

February 21, 1984.

Take notice that on January 30, 1984, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP84-216-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest Central proposes to construct facilities and establish a new delivery point at Shannon in Atchison County, Kansas, for sale and delivery of gas to The Gas Service Company (Gas Service) under the authorization issued in Docket No. CP82-479-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest Central states that Gas Service has requested this additional delivery point in order to serve its customer, Northwest Pipe and Casing Company, a firm not currently being served by natural gas. Northwest Central states that (1) the total volumes to be delivered to the customer after the request do not exceed the total volumes authorized prior to the request; (2) the change is not prohibited by Northwest Central's existing tariff; and (3) Northwest Central has sufficient capacity to accomplish the delivery of gas to the new end-user without detriment or disadvantage to its other customers.

Northwest Central indicates that the end-user would use the gas primarily for space heating of a warehouse.

Northwest Central also states that Gas Service estimates requirements of 9,000 Mcf annually and 90 Mcf at 100 psig on a peak day for the end-user.

Northwest Central proposes to tap its 8-inch transmission line by constructing measuring, regulating, and related facilities at a cost of \$5,050 which would be paid from available funds.

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. 84-5083 Filed 2-25-84; 8:45 am] BILLING CODE 6717-01-M

#### [Docket No. TA84-2-37-001 (PGA 84-2)]

## Northwest Pipeline Corp.; Change in Rates

February 21, 1984.

Take notice that Northwest Pipeline Corporation (Northwest), on February 15, 1984, tendered for filing and acceptance a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment provision contained in its FERC Gas Tariff, First Revised Volume No. 1. Such change in rates is for the purpose of recovering the jurisdictional portion of a payment of approximately \$1,159,234 made to Westcoast Transmission Company Limited (Westcoast) in lieu of a Minimum Annual Bill payment obligation of approximately \$90 million through a Special Surcharge to be effective over the twelve month period April 1, 1984 through March 31, 1985. Northwest has requested waiver of the Commission's regulations as necessary in order to allow the proposed Special Surcharge of 0.044¢ per therm to become effective April 1, 1984.

Northwest is concurrently filing a notice of change in rates applicable to Section 16, "Purchased Gas Cost Adjustment Provision" of its first Revised Volume No. 1 Tariff which is to be effective on April 1, 1984. Accordingly, both the aforementioned rate changes and the rate changes proposed herein are included on tendered Thirteenth Revised Sheet No. 10.

A copy of this filing has been served on all parties of record in Docket No. RP79–154, upon all jurisdictional customers, and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before March 5, 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. 84-5094 Filed 2-28-84; 8:45 am] BILLING CODE 6717-01-M

[Docket No. TA84-2-37-000 (PGA 84-2 IPR 84-2)]

## Northwest Pipeline Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

February 21, 1984.

Take notice that on February 15, 1984, Northwest Pipeline Corporation ("Northwest") tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16. "Purchased Gas Cost Adjustment Provision" ("PGA"), of its FERC Gas Tariff, First Revised Volume No. 1. Such change in rates is for the purpose of: (1) Reflecting changes in Northwest's estimated cost of purchased gas; (2) reflecting the change in unrecovered purchased gas costs since Northwest's prior semi-annual PGA filing dated August 15, 1983; and (3) projecting incremental surcharges to be assessed Northwest's affected direct and sales for resale customers pursuant to Order 49. Northwest has included, as part of this change in rates, costs associated with its pipeline-owned production valued at the NGPA rates consistent with the decision of the United States Supreme Court in Public Service Commission of the State of New York v. Mid-Louisiana Gas Co.,

The current PGA adjustment, for which notice is given herein, aggregates to an increase of 1.928¢ per therm for all rate schedules affected by and subject to the PGA. The annualized change in Northwest's rates is an increase of

\$39,467,298. Northwest proposes to recover through a twelve-month surcharge the adjusted balance of \$21,076,400 in its current deferral subaccount of FERC Account No.191, as of December 31, 1983. Northwest has also proposed in a concurrent filing a Special Surcharge of 0.044¢ per therm to recover \$1,143,121 representing a non-refundable payment made to its Canadian pipeline supplier in lieu of the payment of a Minimum Annual Bill obligation. The change in rates for the PGA and the special surcharge proposed by Northwest (which total 1.972¢ per therm) would result in an increase in its annual revenues from jurisdictional sales and service of \$50,805,977. All of the proposed rate changes have been reflected on Thirteenth Revised Sheet

Northwest has requested waiver of its tariff provision to permit use of a forward-looking rather than historical purchase and sales level in determining the changes in annualized purchased gas cost and to allow amortizing the present deferred account balance over 12 months rather than 6 months. In the event the Commission does not grant the requested waivers, Northwest has requested that Alternate Thirteenth Revised Sheet No. 10 be made effective. The alternate tariff sheet reflects the rate changes consistent with Northwest's tariff provisions.

Northwest also tendered for filing and acceptance Eighth Revised Sheet No. 10–B. Eighth Revised Sheet No. 10–B sets forth revised projected incremental pricing surcharges to become effective April 1, 1984 as part of the instant filing.

A copy of this filing has been served on all parties on record in Docket No. RP72-154, upon all jurisdictional customers, and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal **Energy Regulatory Commission, 825** North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petition or protests should be filed on or before March 5, 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 avialable for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5095 Filed 2-28-84; 8:45 am] BILLING CODE 6717-01-M

#### [Docket No. SA84-8-000]

## Phillips Petroleum Co.; Application for Adjustment

February 21, 1984.

On February 8, 1984, Phillips
Petroleum Company (Phillips) filed an
application for adjustment under the
Natural Gas Policy Act of 1978 (NPGA) 1
with the Federal Energy Regulatory
Commission (Commission). Phillips
seeks a waiver of § 271.402(b)(3) of the
Commission's regulations. 2

Phillips seeks a waiver of § 271.402(b)(3) so that it may collect the NGPA section 106 rollover contract rate even though it has not executed a rollover contract.3 This relief is sought to prevent the loss of revenue due to the unwillingness on the part of Phillips' purchaser, Southern Natural Gas Company (Southern), to execute a rollover contract under previously agreed terms. Phillips asserts that since Southern's failure to execute a rollover contract is wrongful, strict application of § 271.402(b)(3) would subject Phillips to unequitable loss until a rollover contract is executed. Phillips also requests that upon qualifying for the NGPA section 106(a) rate that such rate be included in its Revised Blanket Affidavit filed on April 30, 1979, under § 154.94(h)(3)(ii).

Phillips provided the following facts in support of its application. On February 26, 1957, Phillips and Southern executed a contract for the sale and purchase of gas from the Bastian Bay Field, Plaquemines Parish, Louisiana. That contract expired by its own terms and was replaced by a contract between Phillips and Southern dated January 1, 1978. Also by letter, dated January 1, 1978, Phillips and Southern agreed, in part, that they would execute a new agreement with substantially similar terms and conditions to those of the

January 1, 1978, agreement, with some exceptions detailed in the letter, prior to the termination of the January 1, 1978, agreement. The January 1, 1978, replacement contract expired by its own terms on January 1, 1983. Phillips stated that, as of the date of its application, no rollover contract has been executed. Phillips also stated that Southern has indicated a desire to substantially alter the agreed terms and refuses to enter into a new contract per their agreement.

Subpart K of Part 385 of the
Commission's Rules of Practice and
Procedure sets out the procedures that
apply to this adjustment proceeding.
Any person who wishes to participate in
this proceding shall file a petition to
intervene in accord with Subpart K. All
such petitions must be filed within 15
days after this notice is published in the
Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5096 Filed 2-26-84; 8:45 am] BILLING CODE 6717-01-M

#### [Docket No. SA84-9-000]

## Phillips Petroleum Co.; Application for Adjustment

February 21, 1984.

On February 8, 1984, Phillips
Petroleum Company (Phillips) filed an
application for adjustment under the.
Natural Gas Policy Act of 1978 (NPGA) 1
with the Federal Energy Regulatory
Commission (Commission). Phillips
seeks a waiver of § 271.402(b)(3) of the
Commission's regulations. 2

Phillips seeks a waiver of § 271.402(b)(3) so that it may collect the NGPA section 106 rollover contract rate even though it has not executed a rollover contract.<sup>3</sup> This relief is sought to prevent the loss of revenue due to the unwillingness on the part of Phillips' purchaser, Southern Natural Gas Company (Southern), to execute a rollover contract under previously agreed terms. Phillips asserts that since Southern's failure to execute a rollover contract is wrongful, strict application of

<sup>&</sup>lt;sup>1</sup> 15 U.S.C. 3301-3432 (1982). Section 502(c) of the NGPA provides for adjustment to the Commission's rules or orders.

<sup>2 18</sup> CFR 271.402(b)(3) (1963).

<sup>&</sup>lt;sup>3</sup> Section 271.402(b)(3) defines "interstate rollover gas" as that term applies to section 108 of the NGPA. "Interstate rollover gas" is, among other things, gas which is sold under a rollover contract as defined in section 2(12) of the NGPA. The term "rollover contract" means any contract, entered into on or after November 8, 1978, for the first sale of gas previously subject to an existing contract which expired at the end of a fixed term as specified by the existing contract as it was in effect on November 8, 1978.

<sup>&</sup>lt;sup>1</sup> 15 U.S.C. 3301-3432 (1982). Section 502(c) of the NGPA provides for adjustment to the Commission's rules or orders.

<sup>2 18</sup> CFR 271.402(b)(3) (1983).

Section 271.402(b)(3) defines "interstate rollover gas" as that term applies to section 106 of the NGPA. "Interstate rollover gas" is, among other things, gas which is sold under a rollover contract as defined in section 2(12) of the NGPA. The term "rollover contract" means any contract, entered into on or after November 8, 1978, for the first sale of gas previously subject to an existing contract which expired at the end of a fixed term as specified by the existing contract as it was in effect on November 8, 1978.

§ 271.402(b)(3) would subject Phillips to unequitable loss until a rollover contract is executed. Phillips also requests that upon qualifying for the NGPA section 106(a) rate that such rate be included in its Revised Blanket Affidavit filed on April 30, 1979, under § 154.94(h)(3)(ii).

Phillips provided the following facts in support of its application. On February 26, 1957, Phillips and Southern executed a contract for the sale and purchase of gas from the Breton Sound Block 20, Plaquemines Parish, Louisiana. That contract expired by its own terms and was replaced by a contract between Phillips and Southern dated August 8, 1977. Also by letter, dated August 8, 1977, Phillips and Southern agreed, in part, that they would execute a new agreement with substantially similar terms and conditions to those of the August 8, 1977, agreement, with some exceptions detailed in the letter, prior to the termination of the August 8, 1977, agreement. The August 8, 1977. replacement contract expired by its own terms on February 1, 1983. Phillips stated that, as of the date of its application, no rollover contract has been executed. Phillips also stated that Southern has indicated a desire to substantially alter the agreed terms and refuses to enter into a new contract per their agreement.

Subpart K of Part 385 of the
Commission's Rule of Practice and
Procedure sets out the procedures that
apply to this adjustment proceeding.
Any person who wishes to participate in
this proceding shall file a petition to
intervene in accord with Subpart K. All
such petitions must be filed within 15
days after this notice is published in the
Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5097 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. ER84-75-003]

## Southern California Edison Co.; Compliance Filing

February 21, 1984.

Take notice that on February 6, 1984, Southern California Edison Company (SCE) submitted for filing revised rates pursuant to the Commission's Order issued on January 5, 1984.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 9, 1984. Comments will be considered by the Commission in determining the appropriate action to be

taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5098 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

#### Docket No. RP84-38-001]

## Transcontinental Gas Pipe Line Corp.; Tariff Filing

February 21, 1984.

Take notice that on February 14, 1984. Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing the following sheet to its FERC Gas Tariff, Second Revised Volume No. 1:

#### First Revised Sheet No. 18

Transco states that such tariff sheet is part of Rate Schedule T-P which is entitled "Transportation Service For End-Users In The Production Area". It is stated that on December 30, 1983, Transco filed Rate Schedule T-P with the Commission and requested an effective date of February 1, 1984, and that by letter order dated January 31, 1984, issued by the Office of Pipeline and Producer Regulation, Rate Schedule T-P was accepted for filing, effective February 1, 1984. It is said that such order stated in part:

[S]uch acceptance is subject to Transco filing revised tariff sheets to clarify that the proposed charges shall be increased to include the GRI Adjustment Charge of 1.21¢ per dt if applicable consistent with Opinion 195 (25 FERC 61,147) (italicized for emphasis). The subject filing states the charges may be increased to include the GRI Adjustment Charge of 1.21¢ per dt if applicable (italicized for emphasis).

Transco states that the enclosed tariff sheet is being filed pursuant to the above requirement by the Commission, and it is proposed that subject sheet be made effective February 1, 1984, which is the same date that Rate Schedule T-P was allowed to become effective.

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 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). 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 inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5099 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. ER84-273-000]

## Vermont Electric Power Company, Inc.; Filing

February 21, 1984.

The filing Company submits the following:

Take notice that on February 13, 1984, Vermont Electric Power Company, Inc. (VELCO) tendered for filing a change in rates under FERC Rate Schedule No. 10 and FERC Rate Schedule No. 236.

VELCO states that these rate changes are provided for in Paragraph 5 of FERC Rate Schedule No. 10 and Article IV of FERC Rate Schedule No. 236.

VELCO further states that the percentage rate used in computing monthly charges changed from 17.74% to 17.98%.

VELCO requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 March 6, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5100 Filed 2-25-84; 8:45 am] BILLING CODE 6717-01-M

#### [Docket No. ER84-244-000]

## Vermont Yankee Nuclear Power Corp.; Filing

February 21, 1984.

The filing Company submits the following:

Take notice that on February 1, 1984, Vermont Yankee Nuclear Power Corporation (Vermont Yankee) tendered for filing Additional Power Contracts between Vermont Yankee and the following electric utilities:

	Entitle- ment percent- age
Central Vermont Public Service Corp	35.0
Green Mountain Power Corp	
New England Power Co	20.0
The Connecticut Light & Power Co	9.5
Central Maine Power Co	4.0
Public Service Co. of New Hampshire	4.0
Western Massachusetts Electric Co	2.5
Montaup Electric Co	2.5
Cambridge Electric Light Co	2.5

Vermont Yankee states that these contracts (which are identical, except for the signatories) govern the sale of power from Vermont Yankee's Vernon power plant during the period between December 1, 2002, and the end of the service life of the unit.

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 March 5. 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. 84-5101 Filed 2-26-84; 8:45 am] B!LLING CODE 6717-01-M

#### Southwestern Power Administration

Proposed Sam Rayburn Dam Power Rate Extension; Opportunity for Public Review and Comment

AGENCY: Southwestern Power Administration (Southwestern), Department of Energy.

ACTION: Notice of Proposed Sam Rayburn Dam Power Rate Extension and Opportunity for Public Review and Comment.

SUMMARY: The Administrator, Southwestern, has prepared a current power repayment study which indicates that the existing annual rate of \$1,704,504 is adequate to meet cost recovery criteria for the Sam Rayburn Dam project. The study is the basis for requesting that the Federal Energy Regulatory Commission (FERC) extend the existing rate for the Sam Rayburn Dam project through September 30, 1986. The existing rate has been in effect since approved by the FERC for the period June 22, 1983, through June 15, 1984. Opportunity is presented for the customer and other interested persons to receive copies of the repayment study and to submit written comments. Following review of any comments and other information received, the Administrator will submit the proposed rate extension and the power repayment study in support of the proposed rate extension to the Deputy Secretary of Energy for confirmation and approval on an interim basis and also submit them to the FERC for confirmation and approval on a final basis. The FERC will allow the public an opportunity to make written comments on the proposed rate extension before making a final decision.

DATE: Written comments on the proposed rate extension are due not later than March 28, 1984.

ADDRESSES: Five copies of the written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101. Five copies should also be submitted to the Assistant Secretary for Conservation and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

## FOR FURTHER INFORMATION CONTACT:

Walter M Bowers, Director, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101, (918) 581–7529. Fred A. Sheap, Office of Power

Marketing Coordination, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Room 6B-104, Washington, D.C. 20585, (202) 252-1040.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy was created by an Act of the U.S. Congress, Department of Energy Organization Act, Pub. L. 95–91, dated August 4, 1977, and Southwestern's power marketing activities were transferred from the Department of the Interior to the Department of Energy, effective October 1, 1977.

Southwestern markets power from 22 multiple-purpose reservoir projects with power facilities constructed and operated by the U.S. Corps of Engineers. By 1984, one additional project presently

under construction will be completed, bringing the total to 23 projects with 2.1 million kilowatts of power for which Southwestern will have marketing responsibility. These projects are located in the States of Arkansas, Missouri, Oklahoma, and Texas. Southwestern's marketing area includes these States plus Kansas and Louisiana.

The Sam Rayburn Dam project, located on the Angelina River in the Neches River basin in Eastern Texas. consists of two hydroelectric generating units with an installed capacity of 52,000 kW. The project is not interconnected with Southwestern's integrated electric system. Instead, the power produced by the Sam Rayburn Dam project is marketed by Southwestern as an isolated project under a contract through which the customer purchases the entire power output of the project at the dam. A separate Power Repayment Study is prepared for the project which has a special rate based on the hydraulically and electrically isolated operation.

Following departmental guidelines, the Administrator, Southwestern, prepared a current power repayment study using the existing annual rate of \$1,704,504 for the Sam Rayburn Dam project which has been in effect since confirmed and approved on a final basis by the FERC on June 22, 1983. The rate was approved for the period ending June 15, 1984, based on the 1982 current and revised power repayment studies. The 1983 current power repayment study shows that the legal requirement to repay the power investment with interest is being met with the existing rate. Therefore, Southwestern is requesting that the FERC extend the effective period of the rate through September 30, 1986, the end of the originally requested rate period.

Opportunity is presented for the customer and other interested persons to receive copies of the 1983 Power Repayment Study and to submit written comments not later than 30 days following the date of publication of this notice in the Federal Register. Five copies of the written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101. Five copies should also be submitted to the **Assistant Secretary for Conservation** and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585. Following review of the written and oral comments and the information gathered in the course of the proceedings, the Administrator will submit the proposed rate extension and the 1983 Power

Repayment Study in support of the proposed rate extension to the Deputy Secretary of Energy for confirmation and approval on an interim basis and also submit them to the FERC for confirmation and approval on a final basis. The FERC will allow the public an opportunity to make written comments on the proposal before making a final decision.

Issued in Tulsa, Oklahoma, February 17, 1984.

## William H. Clagett,

Acting Administrator, Southwestern Power Administration.

[FR Doc. 84-5073 Filed 2-24-84; 8:45 am] BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL 2531-4]

#### 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

All of the following are requests for renewal of ongoing programs. No revisions are proposed. Approval authority is State agency or EPA.

authority is State agency or EPA.

• Title: POTW Pretreatment Program
Approval Request (EPA 0002).

Abstract: A publicly owned treatment works (POTW) seeking approval of its pretreatment program describes to the approval authority its industrial waste loading, legal authority, compliance procedures and related information. The approval authority determines whether the program meets regulatory requirements.

Respondents: Publicly owned treatment works.

• Title: Pretreatment removal Credit Approval Request (EPA 0004).

Abstract: A Federal categorical pretreatment limitation may be revised to reflect removal of regulated pollutants by a publicly owned treatment works (POTW). The POTW submits technical data to the approval authority to demonstrate consistent removal of the pollutants so that credits can be distributed to the POTW's industrial users.

Respondents: Publicly owned treatment works.

 Title: State Pretreatment Program Approval Request (EPA 0007).

Abstract: A State seeking approval of its pretreatment approval/oversight program submits a program description to the EPA Regional Administrator. EPA reviews the program to determine its adequacy as specified in the general pretreatment regulations.

Respondents: State water pollution control agencies.

 Title: Pretreatment Categorical Determination Request (EPA 0821).

Abstract: A publicly owned treatment works or its industrial users may request the approval authority to certify when a user's processes fall within a particular subcategory for categorical standards compliance.

Respondents: Businesses and publicly owned treatment works.

 Title: Pretreatment Baseline Monitoring Report (EPA 0822).

Abstract: An industrial user (of publicly owned treatment works [POTW]) subject to EPA categorical standards must sample and test its discharges and report the findings to the control authority (the POTW, State agency or EPA). The control authority uses the report to determine if the user is in compliance with the standards.

Respondents: Businesses.

#### **Toxics Programs**

 Title: Application and Summary Report for an Emergency Exemption for Pesticides (EPA #0596).

Abstract: EPA requires certain information from Federal and State agencies seeking to ship and use unregistered pesticides temporarily under emergency conditions. Before issuing an exemption, the Agency will review this information to determine if an emergency exists and if the use of the pesticide will present unreasonable hazards. (This is an extension of a previously approved collection.)

Respondents: Federal and State governments.

## Agency PRA Clearance Requests Completed by OMB

EPA 0072, Update of Hazardous Waste—Part A Application, was approved February 2 (OMB #2000– 0400).

EPA 0143, Recordkeeping Requirements for Pesticide Producers, was approved February 3 (OMB #2000-0354).

EPA 0155, Pesticide Applicator Certification and Training, was approved February 3 (OMB #2000– 0355).

EPA 0161, Acknowledgement Statement by Foreign Purchasers of Unregistered Pesticides, was approved February 2 (OMB #2000-0230).

EPA 0261, Notification of Hazardous Waste Activity, was approved February 2 (OMB #2000-0098).

EPA 0795, Chemical Imports and Exports—Notification of Exports, was approved February 2 (OMB #2000– 0359).

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

## Mavis Bravo,

Acting Director, Regulation and Information Management Division.

[FR Doc. 84-4920 Filed 2-24-84; 8:45 am] BILLING CODE 6560-50-M

Dated: February 21, 1984.

### [OPP-31065A; PH-FRL 2507-6]

American Cyanamid Co.; Approval of Application to Conditionally Register a Pesticide Product Involving a Changed Use Pattern

Correction

In FR Doc. 84–1166, beginning on page 2152, in the issue of Wednesday, January 18, 1984, on page 2153, in the first column, in the Supplementary Information paragraph, in the seventh line "(+)" should read "(±)".

In the first indented paragraph of the Supplementary Information paragraph, in the second line "241–171" should read "241–271".

BILLING CODE 1505-01-M

([PF-367] PH-FRL 2532-1)

## Certain Companies; Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA). ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment and/or withdrawal of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: By mail submit written comments to: Information Services Section, Program Management and Support Division (TS-757C), Attn: Product Manager (PM-21), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. In person, deliver comments to: Rm. 236, CM#2, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments must be identified by the document control number [PF-367]. All written comments filed in response to the notice will be available for public inspection in the Program Management and Support Division office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, (PM-21), CM#2, Rm. 229, (703-557-1900).

supplementary information: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment and/or withdrawal of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

#### I. Initial Filings

1. PP 4E3026. Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419. Proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the fungicide (1-[[2-(2,4-dichlorophenyl]-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites determined as 2,4-dichlorobenzoic acid expressed as parent compound in or on the commodity bananas at 0.1 part per million (ppm). The proposed analytical method for determining residues is gas liquid chromatography.

2. PP 4F3025. SDS Bioteck Corp., P.O. Box 343, Painesville, OH 44077. Proposes

amending 40 CFR 180.275 by
establishing tolerances for the combined
residues of the fungicide chlorothalonil
(tetrachloroisophthalonitrile) and its
metabolite 4-hydroxy-2,5,6trichloroisophthalonitrile in or on the
commodity apples at 0.1 ppm. The
proposed analytical method for
determining residues is gas
chromatography.

#### II. Withdrawal

FAP 2H5342. EPA issued a notice published in the Federal Register of May 19, 1982 (47 FR 21615) which announced that Pennwalt Corp., Agrichemicals Division, Three Parkway, Philadelphia, PA 19102, had submitted feed additive petition 2H5342 proposing to amend 21 CFR 561.387 by establishing a regulation permitting the combined residues of thiophanatemethyl and its metabolites in or on commodity rice hulls at 20.0 ppm.

Pennwalt Corp. has withdrawn this petition in accordance with section 409 of the Federal Food, Drug, and Cosmetic Act.

Secs. 408(e), 68 Stat. 514 [21 U.S.C. 346a(e)] and 409(c)(1), 72 Stat. 1786 [21 U.S.C. 348(c)(1)]

Dated: February 16, 1984.

## Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-5070 Filed 2-24-84; 8:45 am] BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

## Cellular Application Filing Procedures; Changes in Markets Below the 90 Largest; Correction

February 9, 1984.

## Corrections

(8-26-83; 48 FR 38897)

The Public Notice dated August 19, 1983, Mimeo 6031, is corrected as follows:

On list D, Page 1 of 1, Newark, OH and Salisbury-Concord, NC were incorrectly listed as SMSAs that were deleted by OMB but would continue to be treated by the FCC as SMSAs. Newark, OH and Salisbury-Concord, NC, since they were not SMSAs in 1980 must be applied for as though they were non-SMSA areas.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-5111 Filed 2-24-84; 8:45 am] BILLING CODE 6712-01-M

## Cellular Application Filing Procedures; Changes in Markets Below the 90 Largest; Correction

November 22, 1983.

#### Correction

(8-26-83: 48 FR 38897)

The Public Notice dated August 19, 1983, Mimeo 6031, is corrected as follows:

On List D, Page 1 of 1, Rock Hill, SC, York County was incorrectly listed as an SMSA that was deleted by OMB but would be continued to be treated by the FCC as an SMSA. Rock Hill, York County, since it was not an SMSA in 1980, must be applied for as though it was a non-SMSA area.

#### William J. Tricarico.

Secretary, Federal Communications Commission.

[FR Doc. 84-5112 Filed 2-24-84; 8:45 am] BILLING CODE 6712-01-M

## Public Information Collection Requirements Submitted to Office of Management and Budget for Review

February 17, 1984.

The Federal Communications
Commission has submitted the following information collection requirements to
OMB for review and clearance under the Paperwork Reduction Act of 1980,
Pub. L. 96–511.

Copies of the submissions are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632–7513. Persons wishing to comment on these information collections should contact Ed Springer, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503, (202) 395–4814.

Title: Section 73.157—Special Antenna Test Authorizations

Action: Extension

Respondents: Businesses (including small businesses)

Estimated Annual Burden: 100 Respondents; 100 Hours

Title: Section 73.158—Directional Antenna Monitoring Points

Action: Extension

Respondents: Businesses (including small businesses)

Estimated Annual Burden: 100 Respondents; 400 Hours William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-5113 Filed 2-24-84; 8:45 am] BILLING CODE 6712-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-697-DR]

Major Disaster and Related Determinations: Idaho

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Idaho (FEMA-697-DR), dated February 16, 1984, and related determinations.

DATED: February 16, 1984.

FOR FURTHER INFORMATION CONTACT:

Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter of February 16, 1984, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended. (42 U.S.C. 5121 et seq., Pub. L. 93-288) as follows:

I have determined that the damage in certain areas of the State of Idaho, resulting from ice jams, ice and flooding, beginning on or about January 17, 1984, is of sufficient severity and magnitude to warrant a majordisaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Idaho.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Ms. Joan F. Hodgins of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following area of the State of Idaho to have been affected adversely by this declared major disaster: Lemhi County for Individual Assistance only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance, Billing Code 6718-021

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

IFR Doc. 84-5047 Filed 2-28-84; 8:45 am]

BILLING CODE 6718-02-M

### FEDERAL LABOR RELATIONS AUTHORITY

Senior Executive Service; Performance Review Board Membership

**AGENCY: Federal Labor Relations** Authority.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the Members of the FLRA Performance Review Board.

DATE: February 27, 1984.

FOR FURTHER INFORMATION CONTACT: Clyde B. Blandford, Jr., Director of Personnel, Federal Labor Relations Authority, 500 C St., SW., Washington, DC 20424, (382-0756).

SUPPLEMENTARY INFORMATION: Sec. 4314(c) (1) through (5) of Title 5, United States Code, requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations, to the appointing authority relative to the performance of the senior executive.

The members of the FLRA performance review board are:

- 1. Ruth Peters, Cochairman
- 2. David Feder, Cochairman
- 3. John Van Santen, Member (Defense
- Contract Audit Agency)
  4. Ernest Russell, Member (National Labor Relations Board)
- 5. Paul Weiss, Member (Department of the Treasury)

Federal Labor Relations Authority.

Clyde B. Blandford, Jr.,

Director of Personnel.

[FR Doc. 84-4872 Filed 2-24-84: 8:45 am]

BILLING CODE 6727-01-M

#### FEDERAL MARITIME COMMISSION

The Baltic Shipping Co., Casualty and Nonperformance Certificates; Order of Revocation

In the matter of certificates of financial responsibility for indeminification of passengers for

nonperformance of transportation Nos. P-117, P-183 and P-192 and certificates of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages Nos. C-1,123, C-1,183 and C-1,192. The Baltic Shipping Company, c/o International Cruise Center Inc., 185 Willis Avenue., Mineola, N.Y. 11501.

The Baltic Shipping Company has ceased to operate the passenger vessel Mikhail Lermontov to and from United

States ports.

By virtue of the authority vested in me by the Federal Maritime Commission as set forth in the Manual of Orders, Commission Order No. 1 (Revised). Amendment No.4, section 9.11;

It is ordered, that Certificates (Performance) Nos. P-117, P-183 and P-192 and Certificates (Casualty Nos. C-1,123, C-1,183 and C-1,192 issued to The Baltic Shipping Company covering the Mikhail Lermontov be and are hereby revoked effective February 16, 1984.

It is further orderd, that a copy of this Order be published in the Federal Register and served on the certificant.

Robert G. Drew.

Director, Bureau of Tariffs. [FR Doc. 84-5085 Filed 2-24-84; 8:45 am] BILLING CODE 6730-01-M

### DEPARTMENT OF HEALTH AND **HUMAN SERVICES**

## Office of the Secretary

Annual Revision of Poverty Income Guidelines

AGENCY: Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice provides a revision of the Federal poverty income guidelines to account for increases in the Consumer Price Index.

DATE: February 27, 1984.

ADDRESS: Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: For information about the poverty guidelines in general, contact Geroge Grob (telephone: (202) 245-7150); or Joan Turek-Brezina (telephone: (202) 245-

Questions pertaining to the application of these guidelines to an individual program should be referred to the Federal office which is responsible for that program.

For information about the Hill-Burton Uncompensated Services Program,

contact the Office of the Director, Division of Facilities Compliance (telephone: (301) 443-6512).

This notice provides the 1984 revision of the poverty income guidelines required by sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981. As required by the statute, this revision reflects changes in the Consumer Price Index; it was accomplished using the same methodology used in previous years.

These poverty income guidelines are used as an eligibility criterion by a number of Federal programs. In certain cases, as noted in the relevant authorizing legislation or program regulations, a program used the poverty guidelines as only one of several eligibility criteria, or uses a modification of the guidelines (e.g., 130% or 185% of the guidelines). Some other programs while not using the guidelines as a criterion of individual eligibility, use them for the purpose of targeting assistance or services. In some cases, these poverty income guidelines may not become effective for certain programs until a regulation or notice specifically applying to the program in question has been issued.

1984—POVERTY INCOME GUIDELINES FOR ALL STATES (EXCEPT ALASKA AND HAWAII) AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline	
1	\$4,980	
2	6,720	
3	8,460	
4	10,200	
5	11,940	
B	13,680	
7	15,420	
8	17,160	

For family units with more than 8 members, add \$1,740 for each additional member.

POVERTY INCOME GUIDELINES FOR ALASKA

Size of family unit	Poverty guideline	
1	\$6,240	
2	8,410	
3	10,580	
1	12,750	
5	14,920	
3	17,090	
/	19,260	
1	21,430	

For family units with more than 8 members, add \$2,170 for each additional member.

POVERTY INCOME GUIDELINES FOR HAWAII

Size of family unit	Poverty guideline	
1	\$5,730 7,730 9,730 11,730	
5 6 7 8	13,730 15,730 17,730 19,730	

For family units with more than 8 members, add \$2,000 for each additional member.

The following definitions (derived for the most part from language used in U.S. Bureau of the Gensus, Current Population Reports, Series P-60, No. 138 and earlier reports in the same series) are made available for use in connection with the poverty income guidelines. Programs may use somewhat different definitions.

The former distinction between poverty guidelines for farm families and poverty guidelines for nonfarm families was eliminated as a result of one of the technical changes in the official statistical definition of poverty announced by the Bureau of the Census in the Federal Register for December 28, 1981, at 46 FR 62674. The poverty guidelines given above are applicable to both farm and nonfarm families.

(a) Family. A family is a group of two or more persons related by birth, marriage, or adoption who reside together; all such related persons are considered as members of one family. (If a household includes more than one family and/or more than one unrelated individual, the poverty guidelines are applied separately to each family and/or unrelated individual, and not to the household as a whole.)

(b) Family unit of size one. In conjunction with the Federal poverty income guidelines, a family unit of size one is an unrelated individual [as defined by the Census Bureau)-i.e., a person 15 years old or over (other than an inmate of an institution) who is not living with any relatives. An unrelated individual may be the sole occupant of a housing unit, or may be residing in a housing unit (or in group quarters such as a rooming house) in which one or more persons also reside who are not related to the individual in question by birth, marriage, or adoption. (Examples of unrelated individuals residing with others include a lodger, a foster child, a ward, or an employee.)

(c) Income. Refers to total annual cash receipts before taxes from all sources. (Income data for a part of a year may be annualized in order to determine eligibility—e.g., by multiplying the most

recent three months of income by four.) These receipts include money wages and salaries before any deductions, but do not include food or rent in lieu of wages. They also include net receipts from nonfarm or farm self-employment (e.g., receipts from a person's own business or farm after deductions for business or farm expenses). They include regular payments from social security, railroad retirement, unemployment compensation, workers' compensation, strike benefits from union funds, veterans' benefits, public assistance (including Supplemental Security Income), training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions, and regular insurance or annuity payments; and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts. For eligibility purposes, income does not include the following money receipts: capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; tax refunds, gifts, lump-sum inheritances, one-time insurance payments, or compensation for injury. Also excluded are non-cash benefits, such as the employer-paid or union-paid portion of health insurance and other employee fringe benefits, food or rent received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such Federal programs as Medicaid, Food Stamps, and public housing.

Dated: February 22, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 84-5115 Filed 2-24-84; 8:45 am]

BILLING CODE 4150-04-M

#### Food and Drug Administration

[Docket No. 83D-0414]

Action Levels for Total Volatile Nitrosamines in Rubber Baby Bottle Nipples; Availability of Compliance Policy Guide; Extension of Comment Period

AGENCY: Food and Drug Administration.
ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on its notice that announced the availability of Compliance Policy Guide 7117.11, which established action levels for volatile N-nitrosamines (nitrosamines) in rubber baby bottle nipples (rubber nipples). The Rubber Manufacturers Association asked for the extension, and FDA is granting it.

DATE: Comments by March 12, 1984.

ADDRESS: Written comments to the
Dockets Management Branch (HFA305), Food and Drug Administration, Rm.
4-62, 5600 Fishers Lane, Rockville, MD
20857.

FOR FURTHER INFORMATION CONTACT: John M. Taylor, Bureau of Foods (HFF-310), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202– 485–0187.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 27, 1983 (48 FR 57014), FDA announced the availability of Compliance Policy Guide 7117.11, which established action levels for nitrosamines in rubber nipples at levels no greater than 60 parts per billion (ppb) as a basis for regulatory action during 1984. FDA also announced that the agency would reduce the action level to 10 ppb effective January 1, 1985. FDA asked for comments by February 29, 1984, on the notice and Compliance Policy Guide 7117.11, and, particularly, the action levels for nitrosamines in hospital rubber nipples.

On January 26, 1984, the Rubber Manufacturers Association asked FDA to extend the comment period to March 12, 1984, because it and the individual nipple manufacturers believe that they required a short extension in order to gather and evaluate necessary data so that they could provide FDA with the most meaningful comments possible.

After carefully evaluating the request, FDA concluded that a short extension is appropriate to provide adequate time to prepare responses to the notice and Compliance Policy Guide 7117.11. FDA recognizes the significance of the issues involved in this matter and wishes to ensure that all interested parties have a fair amount of time for comment. Therefore, FDA has concluded that the comment period should be extended until March 12, 1984.

Interested persons may submit written comments, along with supportive data, on the Federal Register notice (48 FR 57014) and Compliance Policy Guide 7117.11 to the Dockets Management Branch (address above) on or before March 12, 1984. 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 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 21, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-5074 Filed 2-22-84; 2:11 pm]

BILLING CODE 4160-01-M

#### [Docket No. 84G-0003]

Roquette Corp.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug
Administration (FDA) is announcing
that Roquette Corp. has filed a petition
(GRASP 3G0286) proposing affirmation
that hydrogenated glucose sirup is
generally recognized as safe (GRAS) for
use in candy, chewing gum, and
confections.

DATE: Comments by April 27, 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: Vivian Prunier, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202– 428–5487.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 3G0286) has been filed on behalf of Roquette Corp., by Keller and Heckman, 1150 17th St. NW., Washington, D.C. 20036 and placed on public display at the Dockets Management Branch (address above). The petition proposes affirmation that hydrogenated glucose sirup is GRAS for use in candy, chewing gum, and confections.

Any petition that meets the format requirements outlined in § 170.35 is filed by FDA. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before April 27, 1984, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above).

Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 3, 1984. Sanford A. Miller, Director, Bureau of Foods.

[FR Doc. 84-5676 Filed 2-24-84; 8:45 am] BILLING CODE 4160-01-M

#### National Institutes of Health

## Blood Diseases and Resources Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, April 9–10, 1984, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. The Committee will meet in Building 31, Conference Room 7, C Wing.

The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on April 9, and from 8:30 a.m. to adjournment on April 10, to discuss the status of the Blood Diseases and Resources program needs and opportunities. Attendance by the public will be limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Committee members.

Dr. Fann Harding, Assistant to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Federal Building, Room 5A–08, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–1817, will furnish sbustantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 21, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84-5042 Filed 2-24-84; 8:45 am] BILLING CODE 4140-01-M

## Breast Cancer Task Force Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Task Force Committee, National Cancer Institute, April 9-11. 1984. The meeting will be held in Building 31, C-Wing, Conference Room 10, National Institutes of Health, Bethesda, Maryland on all three days, and also in Conference Room 8 on April 10, and 11, to accommodate the overflow. This meeting will be open to the public from 8:00 a.m. to approximately 5:00 p.m. each day and will be concerned with scientific sessions and program discussions on breast cancer and other related issues. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205, (301/496-5708) will provide summaries of the meeting and rosters of committee

members, upon request.

Dr. Elizabeth Anderson, Executive Secretary, Breast Cancer Task Force Committee, National Cancer Institute, Blair Building, Room 3A-05, National Institutes of Health, Bethesda, Maryland 20205, (301/427-8818) will furnish substantive program information.

Dated: February 15, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-5045 Filed 2-4-84; 8:45 am]

BILLING CODE 4140-01-M

## Interagency Technical Committee (IATC) on Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources; Availability of Minutes

Notice is hereby given of the availability of the minutes from the October 21 meeting of the Interagency Technical Committee (IATC) on Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources.

This meeting focused on important clinical trials on Coronary Artery Surgery Studies completed by the Veterans' Administration with presentations by Dr. James Hagan, Chief, Cooperative Studies Program, VA; Dr. Tim Takaro, VAMC, Asheville, NC; Dr. Katherine Detre, University of Pittsburg; Dr. Lawrence Friedman, Clinical Trials Program, NHLBI; and Dr. Eugene Passamani, Cardiac Diseases Branch, NHLBI. In addition, Dr. Henry Bielstein, Life Science Division, NASA, reported on results of studies conducted during space flights.

For copies of the minutes, contact: Ms. Janyce Notopoulos, Office of Program Planning and Evaluation, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, 9000 Rockville Pike, Bethesda, Maryland 20205, 301–496–5031.

Dated: February 13, 1984.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 84-5046 Filed 2-24-84: 8:45 am]

BILLING CODE 4140-01-M

## Warren Grant Magnuson Clinical Center; Consensus Conference on Osteoporosis

Notice is hereby given of the NIH
Consensus Development Conference on
"Osteoporosis," sponsored by the
National Institute of Arthritis, Diabetes,
and Digestive and Kidney Diseases, and
the NIH Office of Medical Applications
of Research. The conference will be held
April 2–4, 1984, in the Masur Auditorium
of the Warren G. Magnuson Clinical
Center (Building 10) at the National
Institutes of Health, 9000 Rockville Pike,
Bethesda, Maryland 20205.

Osteoporosis is a condition in which bone density decreases, causing the bones to be more susceptible to fracture. A fall, blow, or lifting action, which would not bruise or strain the average person, can easily cause one or more bones to break in a person with severe osteoporosis. The disorder is the leading uderlying cause of bone fractures in postmenopausal women and older persons in general.

This consensus conference is being held because of the need to address specific issues, such as calcium intake, vitamin D, hormones and exercise that are currently considered to be improtant in the prevention and treatment of osteoporosis.

Key questions to be addressed at the conference are: What is osteoporosis? What are the clinical features of osteoporosis and how is it detected? Who is at risk for developing osteoporosis? What are the possible causes of osteoporsis? How can osteoporosis be prevented and treated? What are the directions for future

research?
This Consensus Development
Conference will bring together
biomedical investigators, clinicians,
other health professionals, and
representatives of the public. Followinig
two days of presentations by medical
experts and discussions by the
audience, a Consensus Panel will weigh
the scientific evidence and formulate a
draft statement. On the final day of the
meeting, Consensus Panel Chairman, Dr.

William Peck, M.D., Washington University School of Medicine and Jewish Hospital of St. Louis, Missouri, will read this preliminary Consensus Statement before the conference audience and invite comments and questions.

Information on the program may be obtained from Mr. Peter Murphy, Prospect Associates, 2115 East Jefferson Street, Suite 401, Rockville, Maryland 20852, (301) 468–6555.

Dated: February 17, 1984.

James B. Wyngaarden, M.D.,

Director, NIH.

[FR Doc. 84-5043 Filed 2-24-84: 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF THE INTERIOR

#### **Bureau of Land Management**

[AA-8096-1 and AA-8096-3]

## Chugach Natives, Inc.; Alaska Native Claims Selection

In accordance with departmental regulation 43 CFR 2650.7(d) notice is hereby given that the decision to issue conveyance to Chugach Natives, Incorporated, published in the Federal Register on August 10, 1981 is modified as to pages 40586 and 40587.

The time limits for filing an appeal are:

- 1. Parties receiving service of this decisions by personal service or certified mail, return receipt requested, shall have thirty days from receipt of this decision to file an appeal.
- 2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until March 28, 1984 to file an appeal.

Copies can be obtained by contacting the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513.

Except as modified by this decision, the decision published August 10, 1981, is final.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-5038 Filed 2-24-84; 8:45 am] BILLING CODE 4310-JA-M [F-81396]

## Cook Inlet Region, Inc.; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Section 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976 (90 Stat. 1935), will be issued to Cook Inlet Region, Inc., for approximately 100 acres. The lands involved are within T. 2 N., R. 2 W., Fairbanks Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearing and Appeals, in accordance with the regulations in 43 Code of Federal Regulations (CFR), Part

4. Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office. Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until March 28, 1984 to file an

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights

which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509, and Retained Lands Unit-Easements,

Division of Land and Water Management, Alaska Department of Natural Resources, Pouch 7-005, Anchorage, Alaska 99510.

Kamilah F. Rasheed,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-5039 Filled 2-24-84; 8:45 am] BILLING CODE 4310-JA-M

#### [AA-16669]

## Cook Inlet Region, Inc.; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 12(b)(2) of the Act of January 2, 1976 (89 Stat. 1151), and Sec. I.B.(1) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976 (90 Stat. 1935), will be issued to Cook Inlet Region, Inc., for approximately 200 acres. The lands involved are within T. 10 N., R. 7 W., Seward Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four [4] consecutive weeks, in the Anchorage Times upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land

Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage. Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until March 28, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Kamilah F. Rasheed,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-5038 Filed 2-24-84; 8:45 am] BILLING CODE 4310-JA-M

#### [1-19676]

## Realty Action; Competitive Sale of Public Lands in Cassia County, Idaho

Correction

In FR Doc. 84-2806 beginning on page 4157 in the issue of Thursday, February 2, 1984, make the following correction:

On page 4157, third column, in the table, under the entry for "Legal description", the second line should

read "Sec. 24: S½NE¼SW¼SW¼N W¼,".

BILLING CODE 1505-01-M

[W-86116 through W-86120 inclusive; W-86122]

Wyoming; Realty Action; Modified Competitive Sale of Public Lands in Blaine County, Nebr.

Correction

In FR Doc. 84-1575 beginning on page 2544 in the issue of Friday, January 20, 1984, make the following corrections.

On page 2545, in the table, the first line of the Legal description for Serial Nos. W-86119 and 86120 should each read: "T.24 N., R.22 W.,".

BILLING CODE 1505-01-M

#### **National Park Service**

## San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 7:00 p.m., Tuesday, March 13, 1984, at the San Juan Mission Exhibit Hall, Graf Road, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95–629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

Park Operations Update
"Friends of the Park" Update
Parish Report
County Report
Presentation of Land Acquisition
Completed To Date

The meeting will be open to the public, however, facilities and space for accommodating members of the public will be limited and persons will be

accommodated on a first-come first-

serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango Boulevard, Room A612, San Antonio, Texas 78206, telephone (512) 229-6009. Minutes of the meeting will be available for public review approximately four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: February 16, 1984.

Donald A. Dayton.

Acting Regional Director, Southwest Region.

[FR Doc. 84-5105 Filed 2-24-84; 8:45 am]

BILLING CODE 4310-70-M

## Intention To Negotiate Concession Contract; ARA Virginia Skyline Co., Inc.

Pursuant to the provision of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with ARA Virginia Skyline Company, Incorporated authorizing it to continue to provide food and lodging services for the public within Shenandoah National Park for a period of twenty (20) years from January 1, 1985.

"This proposed contract requires a construction and improvement program. The construction and improvement program required was previously addressed in the Environmental Assessment (June 1981) that was prepared in conjunction with the General Management Plan for Shenandoah National Park."

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect grants ARA Virginia Skyline Co., an opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by the aforementioned ARA Virginia Skyline Co. If ARA Virginia Skyline Company, amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with said ARA Virginia Skyline Company.

The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be post-marked or hand delivered on or before the sixtieth (60th) day following

publication of this notice to be considered and evaluated.

Interested parties should contact superintendent, Shenandoah National Park, Virginia. 703–999–2243—for information as to the requirements of the proposed contract. Zip 22835.

Dated: February 2, 1984.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 84-5106 Filed 2-24-84; 8:45 am]

BILLING CODE 4310-70-M

## Office of Surface Mining Reclamation and Enforcement

## Proposed Rochelle Mine, Campbell County, Wyoming; Public Meeting

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior. ACTION: Notice of public meeting.

SUMMARY: The Office of Surface Mining (OSM) is in receipt of an application for a surface coal mine permit submitted by Rochelle Coal Company for the proposed Rochelle mine. The project would be located in southern Campbell County, Wyoming, near the border with Converse County. The Rochelle Federal coal leases (W-0321779; W-37829 Acq.) were incorporated in the cumulative analyses of the 1974 Final Environmental Impact Statement (EIS) on the Eastern Powder River Coal Basin of Wyoming, the 1981 Final Powder River Regional Coal EIS, and the 1984 Powder River Coal draft EIS, all prepared by BLM. OSM previously prepared site-specific EIS's on the Antelope, North Antelope, and North Rochelle mines, all located in the area of the proposed Rochelle mine. To aid OSM in making its decision on the necessity for a detailed site-specific EIS on the proposed Rochelle mine, a public meeting has been scheduled.

The purpose of this meeting is to obtain public, county, and State input as to the need for an EIS and also to serve as the basis for determining the scope of issues which might be analyzed, if an EIS is subsequently determined to be necessary.

See"DATES" for specifics on the meeting.

DATES: A public meeting will be held, starting at 7 p.m. on March 20, 1984, at the Campbell County Recreation Center, Gillette, Wyoming. All interested parties are invited to attend this meeting and to present their comments and concerns about the proposed project. Written comments from those persons who cannot attend the meeting should be sent to the person and address given

under "ADDRESSES" and must be received no later than March 23, 1984.

ADDRESSES: Allen D. Klein, Administrator, Western Technical Center, Attn: Charles M. Albrecht, Office of Surface Mining, Second Floor, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Charles M. Albrecht, OSM, Western Technical Center (telephone: 303–837– 5421; FTS 327–5421) at the location given under "ADDRESSES".

SUPPLEMENTARY INFORMATION: The Rochelle mine permit application is available for public review at OSM, Western Technical Center, at the location given under "ADDRESSES" as well as at the following locations:

State of Wyoming, Department of Environmental Quality, Equality State Bank Building, 401 West 19th Street, Cheyenne, Wyoming 82002; Office of Surface Mining, Casper Field Office, 935 Pendell, Mills, Wyoming 82002; and Campbell County Clerk's Office, 500 South Gillette Avenue, Gillette, Wyoming 82716.

The proposed Rochelle mine would be a new mine located in southern
Campbell County, Wyoming, about 68 road miles southeast of Gillette and 86 miles north of Douglas. Coal mines adjacent to the proposed mine are Shell Oil Company Mining's proposed North Rochelle mine on the north and North Antelope Coal Company's North Antelope mine on the south. Peabody Coal Company is the manager of the Rochelle Coal Company.

The area within the proposed permit boundary contains 6,660 acres. The total area proposed to be disturbed is 5,210 acres. The land surface is owned by Rochelle Coal Company, the State of Wyoming, the U.S.A., and two other individuals. Surface lands owned by the U.S.A. are all part of the Thunder Basin National Grasslands and are managed by the U.S. Forest Service. The coal is owned by the State of Wyoming and the U.S.A. and has been leased or subleased to the applicant under State lease 0-26749 and Federal leases W-0321779 and W-37829 Acq. State lease 0-26754. leased to North Antelope Coal Company, also falls within the proposed permit area.

The Rochelle mine would produce an average of 11 million tons of coal per year for 38 years, or a total of 401 million tons of coal over the life of the mine. The facilities to be used jointly with the North Antelope mine would be the North Antelope's railspur and access road. A 69KV electric transmission line would be constructed from the North Antelope substation. The Rochelle mine,

through agreement with North Antelope Coal Company, would overstrip portions of the immediately adjacent land surface of the North Antelope mine.

Dated: February 22, 1984.

## Brent Wahlquist,

Assistant Director, Technical Services and Research.

[FR Doc. 84-5116 Filed 2-24-84; 8:45 am] BILLING CODE 4310-05-M

## INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 388 (Sub-36)]

#### Intrastate Rail Rate Authority; Wisconsin

**AGENCY:** Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission is extending the provisional certification of the Transportation Commission of Wisconsin under 49 U.S.C. 11501(b) to regulate intrastate rail transportation, pending submission of standards and procedures as noted in the full decision.

DATES: The Transportation Commission

DATES: The Transportation Commission of Wisconsin must submit proper standards and procedures by April 27, 1984, or lose provisional certification. Comments by interested parties are due May 28, 1984. Wisconsin's reply is due June 18, 1984.

FOR FURTHER INFORMATION, CONTACT: Louis E. Gitomer, (202) 275-7245.

## SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424– 5403.

Decided: February 15, 1984.

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

James H. Bayne,

Acting Secretary.

[FR Doc. 84-5059 Filed 2-24-84; 8:45 am]

BILLING CODE 7035-01-M

## [Docket No. AB-55 (Sub-86)]

## Seaboard System Railroad, Inc.; Abandonment; in Marion County, SC; Findings

The Commission has found that the public convenience and necessity permit the Seaboard System Railroad, Inc. to abandon its 15.2-mile line known as the Pee Dee Subdivision extending from AC-341.2 near Pee Dee, SC, to milepost AC-326.0 near Mullins, SC, in Marion County. A certificate will be issued authorizing this abandonment unless within 15 days after this publication 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. 84-5060 Filed 2-24-84; 8:45 am]

BILLING CODE 7035-01-M

#### [Docket No. AB-33 (Sub-21)]

## Union Pacific Railroad Company; Abandonment; In Boulder County, CO; Findings

The Commission has found that the public convenience and necessity permit Union Pacific Railroad Company to abandon its 2.75-mile rail line near Boulder, CO between milepost 23.94 and milepost 26.69 in Boulder County, CO. A certificate will be issued authorizing this abandonment 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." 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(b).

James H. Bayne,

Acting Secretary. [FR Doc. 84-5058 Filed 2-24-84; 8:45 am] BILLING CODE 7035-01-M

#### **DEPARTMENT OF JUSTICE**

## Lodging of Final Judgment on Consent Pursuant to Safe Drinking Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 27, 1984 a proposed Stipulation and Consent Decree in United States v. London Water Co-op, et al., Civil No. 83-6036-E was lodged with the United States District Court for the District of Oregon. The proposed Stipulation and Consent Decree enforces the Safe Drinking Water Act and national interim primary drinking water regulations, by, inter alia, requiring defendant to comply with sampling, reporting, and public notice provisions of the regulations in the operation of its public water system.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to United States v. London Water Co-op, D.J. Ref. 90-5-1-1-1858.

The proposed Final Judgment on Consent may be examined at the office of the United States Attorney, District of Oregon, 312 United States Courthouse, 620 S.W. Main Street, Portland, Oregon 97205 and at the Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the Stipulation and Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue. NW., Washington, D.C. 20530. A copy of the proposed Final Judgment on Consent may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.20 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

#### F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-5122 Filed 2-24-84; 8:45 am] BILLING CODE 4410-01-M

### Office of the Attorney General

[Order No. 1049-84]

## President's Commission Organized Crime; Meeting

AGENCY: Department of Justice.
ACTION: Notice.

SUMMARY: This notice announces two forthcoming meetings of the President's Commission on Organized Crime. This notice also sets forth a summary of the agenda for the two meetings, together with an explanation of why the first of these meetings will be closed to the public. Notice of these meetings is required by the Federal Advisory Committee Act, 5 U.S.C. App. I, section 10(a)(2).

p.m. (closed meeting). March 14, 1984, 10:00 a.m. to 12:30 p.m., 1:30 p.m. to 5:00 p.m. (public hearing).

ADDRESSES: The Association of the Bar of the City of New York, the Evarts Room, 42 West 43rd Street, New York, New York 10036 (closed meeting).

The Association of the Bar of the City of New York, The Meeting Hall, 42 West 43rd Street, New York, New York 10036 (public hearing).

FOR FURTHER INFORMATION CONTACT: James D. Harmon, Jr., Executive Director and Chief Counsel, President's Commission on Organized Crime, 1425 K Street, N.W., Suite 700, Washington, D.C. 20005; (202) 633–5644.

SUPPLEMENTARY INFORMATION: The close meeting will be conducted to discuss several matters. First, the Commission will discuss confidential techniques empolyed by Federal law enforcement agencies, and will determine how information uncovered through confidential operations can be made available to the Commission and its staff without disclosing the nature of these operations, or revealing the identities of undercover agents and confidential informants. Since this discussion will include mention of and reference to ongoing confidential operations, and will entail a discussion of confidential techniques employed by Federal law enforcement agencies, it is exempted from the public meeting requirements of the Federal Advisory Committee Act by 5 U.S.C. 552b(c)(7) (D) and (E), which are incorporated by reference into the Federal Advisory Committee Act. The Commission will also discuss a number of issues relating to internal personnel practices. It will determine, for example, whether it will assign permanent personnel to its New York City satellite office, or whether that office will be staffed by personnel from the Commission's Washington, D.C. headquarters. The Commission will also determine the allocation of duties and responsibilities among different members of the staff, as well as the arrangements that may be made with various Federal agencies for short-term detail of personnel. This discussion is exempted from the public meeting requirements of the Federal Advisory Committee Act by 5 U.S.C. 552b(c)(2). Finally, the Commission will discuss steps to be taken to assure the accuracy of its public statements. This discussion is exempted from the public meeting requirements of the Federal Advisory Committee Act by 5 U.S.C. 552(b)(6).

The March 14 meeting, which is open to the public and press, is for the purpose of receiving testimony concerning the activities of organized criminal groups, both traditional and emerging, in financial laundering schemes. The Commission will solicit testimony concerning the scope of financial laundering schemes, the ways in which such operations are conducted. the roles played by the foreign banks operating under the protection of bank secrecy laws in conducting such transactions, and the effectivenses for Federal statutes in preventing such transactions. In particular, the Commission will solicit testimony concerning the reliability of estimates of organized crime's income, the amounts of funds from organized criminal activity that are transmitted from the United States for deporist or investment outside the Untied States, the effects of such transmissions of funds on the U.S. economy, and the types of data currently available to Federal agencies that may be used to detect and investigate financial laundering schemes. Members of the public who wish to present written statements to the Commission are invited to send such statements to the President's Commission on Organized Crime, 1425 K Street, N.W., Suite 700, Washington, D.C. 20005.

Dated: February 23, 1984.
William French Smith,
Attorney General.
[FR Doc. 84-5194 Filed 2-28-84; 845 am]
BILLING CODE 4410-01-M

#### DEPARTMENT OF LABOR

**Employment and Training** Administration

[TA-W-14,936]

## Isaacson Steel Co.; Negative **Determination on Reconsideration**

On January 10, 1984, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers of the Isaacson Steel Company in Seattle, Washington. This determination was published in the Federal Register on January 17, 1984 (49 FR 2033).

The Department's original determination denied workers of Isaacson Steel Company eligibility to apply for trade adjustment assistance benefits. The findings showed that the Isaacson Steel Company produced fabricated structural steel on a competitive bid basis and that increased imports of fabricated steel could not be substantiated as having contributed importantly to worker separations according to the Trade Act of 1974. The principal reasons for granting reconsideration was to re-examine the scope of the Department's survey on lost bids and new evidence that Isaacson would be able to furnish more information on lost bids than previously could be located.

On reconsideration, the Isaacson Steel Company officials again confirmed that all the information on lost bids had been discarded by the company as previously reported and that the company has closed. In the absence of new bid information, the Department affirms its original decision based on facts available.

With respect to the Columbia Center, the Department found that Isaacson Steel was not the lowest domestic bidder on the contract. Another domestic firm, which would have fabricated the steel domestically, submitted a lower bid.

Other findings on contracts for which Isaacson submitted unsuccessful bids show that although contracts were awarded to foreign fabricators, other firms which would have fabricated the steel domestically submited lower bids than Isaacson. Therefore, even if there were no foreign bidders, contract awards would have been made to other domestic bidders.

The investigation also showed that Isaacson chose not to submit bids for projects where certain foreign bidders were involved. In those cases awards to foreign firms would be irrelevant to the Isaacson Steel petition.

#### Conclusion

After reconsideration, I affirm the original denial of eligibility of former workers of the Isaacson Steel Company. Seattle, Washington to apply for adjustment assistance.

Signed at Washington, D.C. this 16th day of February 1984.

Stephen A. Wandner.

Deputy Director, Office of Legislation and Actuarial Services, UIS.

### Occupational Safety and Health Administration

### National Advisory Committee on Occupational Safety and Health: Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet in Salt Lake City. Utah on Monday March 12-13, 1984. The meeting will begin on Monday March 12, at 12:45 p.m. at the Salt Lake City Marriott Hotel, 75 South West Temple Avenue. The public is invited to attend.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the Administration of the Act.

The agenda will include reports on OSHA and NIOSH activities; a discussion of the definition of noiseinduced hearing loss for BLS and OSHA recordkeeping purposes; and a status report on the issue of benchmarks for "fully effective" staffing of State plans. The Committee will also be given an orientation on OSHA's Salt Lake City Analytical Laboratory.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official

record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should include the amount of time desired, the capacity in which person will appear and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson of the Committee to the extent which time

For additional information contact: Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3662, Third

Street and Constitution Avenue, NW. Washington, D.C. 20210, Telephone (202) 523-7177

Official records of the meeting will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C. this 23rd day of February, 1984.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 84-5338 Filed 2-24-84; 8:45 am]

BILLING CODE 4510-26-M

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 84-18]

## NASA Advisory Council; meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Shuttle Science Working Group.

DATE AND TIME: March 13-14, 1984, 8:30 a.m. to 4:30 p.m. each day.

ADDRESS: National Aeronautics and Space Administration, Federal Building 6, 400 Maryland Avenue SW, Room 5026, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Daniels, National Aeronautics and Space Administration. Code NI, Washington, DC 20546, (202/ 453-2975).

SUPPLEMENTARY INFORMATION: The Shuttle Science Working Group was established under the NASA Advisory Council for the purpose of addressing issues related to cost effective utilization of the Space Shuttle for scientific and engineering research. The overall goal of the working Group is to assess the scientific and engineering needs and to investigate the NASA and industry plans for experiment accommodations on the Shuttle and Space Station, Recommendation for low cost, convenient, high flight frequency schemes will be made to the Council and to NASA.

The Working Group is chaired by Dr. John E. Naugle and is composed of 14 other members.

The meeting will be open to the public up to the seating capacity of the room (approximately 25-30 persons, including committee members and invited participants).

Type of Meeting: Open.

#### Agenda

March 13, 1984

8:30 a.m.-Introductory Discussions. 9 a.m.-Presentation on Commercialization Activity With Regard to Science and Engineering Payloads.

10 a.m.-Discussion of Science and Engineering Needs by Discipline.

1 a.m.—Continuation of Discipline

Discussions.

4:30 p.m.-Adjourn.

March 14, 1984

8:30 a.m.—Continuation of Discipline Discussions.

1 p.m.-Discussion of Tentative Working Group Recommendations and Plans for the Next Meeting. 4:30 p.m.—Adjourn.

Dated: February 16, 1984.

#### Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

FR Doc. 84-5035 Filed 2-24-84; 8:45 aml BILLING CODE 7510-01-M

#### [Notice 84-19]

## NASA Advisory Council, Aeronautics **Advisory Committee**; Meeting

AGENCY: National Aeronautics and Space Administration. ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology.

DATE AND TIME: March 13, 1984, 8 a.m. to 5 p.m.; March 14, 1984, 8 a.m. to 5 p.m.; and March 15, 1984, 8 a.m. to 12 Noon.

ADDRESS: Ames Research Center. Moffett Field, CA, Administration Building, Room 200.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Ward, National Aeronautics and Space Administration, Code RJL, Washington, DC 20546, (202/453-2808).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Rotorcraft Technology was established to assist the NASA in assessing the current adquacy of rotorcraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in rotorcraft aerodynamics, acoustics, structures, dynamics, propulsion systems components, flight control, and avionics. The Subcommittee, chaired by Mr. Edward S. Carter, is comprised of ten members.

The meeting will be open to the public up to the seating capacity of the room (approximately 45 persons including the Subcommittee members and participants).

Type of Meeting: Open.

#### Agenda

March 13, 1984

8 a.m.-Ames Research Center-Programs, Issues, and Special Topics.

12:45 p.m.-Tour of Ames Facilities 2 p.m.-Lewis Research Center-Issues, Special Topics 5 p.m.-Adjourn.

March 14, 1984

8 a.m.-Langley Research Center-Issues, Special Topics.

8:45 a.m.—NASA Fiscal Year 86 New Initiatives in Rotorcraft-Presentation and Discussion

12:45 p.m.-Tour of Ames Facilities. 2 p.m.-Discussion of Fiscal Year 86 New Initiatives.

3:45 p.m.-Working Session and Draft Summary Presentation.

5 p.m.-Adjourn.

March 15, 1984

8 a.m.-Working Session and Draft Summary Presentation.

10 a.m.-Summary Presentation.

12 noon-Adjourn.

Dated: February 17, 1984.

#### Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of

[FR Doc. 84-5036 Filed 2-24-84; 8:45 am] BILLING CODE 7510-01-M

#### [Notice 84-20]

### NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Information Advisory Subcommittee on Aerothermodynamics.

DATE AND TIME: March 14-15, 1984, 8 a.m. to 5 p.m. each day.

ADDRESS: National Aeronautics and Space Administration, Ames Research Center, Building 229, Room 215, Moffett Field, CA 94035.

FOR FURTHER INFORMATION CONTACT: Mrs. Lana M. Couch, National Aeronautics and Space Administration, Code RSC, Washington, DC. 20546 (202/ 453-2864).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Aerothermodynamics was established to provide advice and coordination of NASA Aerothermodynamics research programs with efforts in other agencies, universities, and industry. The Subcommittee, chaired by Professor Seymour Bogdonoff, is comprised of 7 members. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including the Subcommittee members and participants).

Type of Meeting: Open.

#### Agenda

March 14, 1984

8 a.m.-Introduction and Overview. 9 a.m.-Aerothermodynamics and Computational Chemistry

1 p.m.—Computational Fluid Dynamics. 2:30 p.m.—Thermal Protection Systems. 4 p.m.-Discussion.

5 p.m.-Adjourn.

March, 15 1984

8 a.m.—Facility and Computer Capability. 10 a.m.-Committee Discussion. 5 p.m.-Adjourn.

Dated: February 21, 1984.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

[FR Doc. 84-5142 Filed 2-24-84; 8:45 am] BILLING CODE 7510-01-M

#### NATIONAL SCIENCE FOUNDATION

## The Alan T. Waterman Award Committee: Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee

Date: Wednesday, March 14, 1984. Time: 9 a.m. to 5 p.m.

Place: Rm. 543, National Science Foundation, 1800 G Street, NW., Washington. D.C. 20550.

Type of Meeting: Closed. Contact Person: Mrs. Lois J. Hamaty, Executive Secretary, Alan T. Waterman Award Committee, National Science Foundation, Washington, D.C. 20550. Telephone: 202/357-7512.

Purpose of Committee: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review nominations, with supporting documentation, as part of the selection process for the Award.

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are within exemption 6 of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: The determination made on February 7, 1984 by the director of the National Science Foundation pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

Dated: February 22, 1984.

M. Rebecca Winkler.

Committee Management Coordinator.

[FR Doc. 84-5056 Filed 2-24-84; 8:45 am] BILLING CODE 7555-01-M

#### Advisory Panel for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences—Subpanel for Anthropology (Social-Cultural).

Date and Time: March 12 and 13, 1984, 8:30 a.m.-6:00 p.m.

Place: National Science Foundation, 1800 G St. NW., Room 523, Washington, D.C. 20550. Type of Meeting: Closed.

Contact Person: Dr. Daniel R. Gross, Anthropology Program, Room 320, National Science Foundation, Washington, DC 20550, [202] 357–7804.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in social and cultural anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522b(c), Government in the Sunshine Act.

Authority to Close Meeting: The determination made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: February 22, 1984.

#### M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-5057 Filed 2-24-84; 8:45 am] BILLING CODE 7555-01-M

# NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-321 and 366]

Georgia Power Co. et al.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory
Commission (the Commission) is
considering issuance of amendments to
Facility Operating Licenses Nos. DPR-57
and NPF-5, issued to Georgia Power
Company, Oglethorpe Power
Corporation, Municipal Electric
Authority of Georgia, and City of
Dalton, Georgia (the licensees), for
operation of the Edwin I. Hatch Nuclear
Plant, Units 1 and 2, located in Appling

County, Georgia.

The licensees, in applications dated February 26, 1981, as supplemented by submittals dated October 1, 1981, September 19, 1983, and October 3, 1983, requested amendments that would provide Technical Specifications for both Hatch Units 1 and 2 that would: (1) Add limiting conditions for operation (LCOs) and surveillance requirements for scram discharge volume (SDV) vent and drain valves and (2) add LCO's and surveillance requirements for new diverse SDV highwater level scram instrumentation. The Commission made a proposed determination (48 FR 51876) that the amendments requested in the February 26, 1981, submittal, as supplemented by the submittals dated October 1, 1981, September 19, 1983, and October 3, 1983, involve no significant hazards consideration.

Subsequent to the initial notice in the Federal Register, Georgia Power Company, by letters dated December 14 and 20, 1983, modified its September 19, 1983, proposed closure time requirement for the SDV vent and drain valves. The Commission issued Amendments Nos. 97 to Facility Operating License DPR-57 and 34 to Facility Operating License. NPF-5 dated January 6, 1984, based on the February 26, 1981, through December 20, 1983, amendment request letters. However, because of the late arrival of the December 14, and 20, 1983. submittals, the Commission had not completed its review of the proposed valve closure time requirement and, therefore, did not include a closure time requirement in these amendments. In the Notice of Issuance (48 FR 3365) of these amendments, the Commission stated that the NRC staff would 1) prepare a separate proposed determination and notice for the December 14 and 20, 1983, submittals, and 2) provide a closure time

requirement in a subsequent amendment following completion of its review of the licensees' proposal. This notice discusses this separate proposed determination.

The Current Hatch Units 1 and 2
Technical specifications do not provide closure time requirements for these SDV vent and drain valves or the diverse SDV highwater level scram instrumentation. The provision of a closure time based on the December 14, 1983, and December 20, 1983, submittals adds a surveillance limit not currently required by the Technical Specifications.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). An example of a change involving no significant hazards consideration is "a change that constitutes an additional limitation. restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement" (Example (ii)). Since the proposed changes add limitations not presently included in the Technical Specifications, the Commission's staff proposes to determine that the application does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By March 29, 1984, the licensees may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Broad, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conderence scheduled in the proceeding, but such as amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shalll file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facilities, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700).

The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Bethesda, Maryland, this 21st day of February, 1984.

For the Nuclear Regulatory Commission. John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 84-5163 Filed 2-24-84; 8:45 am] BILLING CODE 7590-01-M

#### Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the Federal Register. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or

utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 21st 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 application, date		Material in	kilograms			
received, application No.	Material type	Total Total isotope		End-use	Country of destination	
Vestinghouse Electric Corporation, Jan. 31, 1984, Feb. 6, 1984, XSNM02115. Vestinghouse Electric Corporation, Jan. 31, 1984, Feb. 6, 1984, XSNM02116. Sissho Iwai American Corp., Feb. 1, 1984, Feb. 6, 1984, XSNM01778, (amend. 02). Sissho Iwai American Corp., Feb. 1, 1984, Feb. 6, 1984, XSNM01779, (amend. 02).	3.3 percent enriched uranium 45.4 percent enriched uranium	6,600 97,957 184,253 124,628	1 38.25	Manufacturing contingency for Seabrook rod assembly fabrication. Fabrication of fuel rod assemblies by FBCF and return to U.S. for fuel assemblies for Seabrook. Amend to increase quantity of fuel authorized for JMTR. Amend to increase quantity of fuel authorized for JMR-2 Research Reactor.	Do.	

<sup>1</sup> Additional

[FR Doc. 84-5164 Filed 2-24-84; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on March 8, 1984, from 7:00 p.m. to 10:00 p.m. at the Holiday Inn, 23 South Second Street, Harrisburg, Pennsylvania 17101. The meeting will be open to the public.

At this meeting the Panel will hold a discussion on the U.S. Nuclear Regulatory Commission's recent draft Supplement to the Programmatic Environmental Impact Statement, addressing occupational radiation exposure. GPUNC will describe their exposure control program. The Panel will attempt to draft specific comments on the draft Supplement. These comments will be conveyed to the NRC Commissioners for consideration in the preparation of the final version of the Supplement.

Further information on the meeting may be obtained from Dr. Michael T. Masnik, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301/492–7466.

Dated: February 22, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-5160 Filed 2-24-84; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Operations; Closed Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on March 13, 1984, 8:30 a.m., Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will review a differing professional opinion (DPO) related to the NRC Staff review of the generic Westinghouse Safety Parameter Display System (SPDS).

The entire meeting will be closed to public attendance since the Subcommittee finds it is necessary to discuss proprietary information during this meeting (SUNSHINE ACT EXEMPTION 4).

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it will be necessary to close this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: February 22, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-5161 Filed 2-24-84; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology and Criteria; Meeting

The ACRS Subcommittee on Safety Philosophy, Technology and Criteria will hold a meeting on March 14, 1984, Room 1167, 1717 H Street, NW, Washington, DC. The Subcommittee will meet with members of the NRC Staff to discuss (1) criteria which were used in making a selected collection of recent NRC regulatory decisions and (2) a draft NRC task action plan for evaluating the usefulness of containment performance guidelines.

In accordance with the procedures outlined in the Federal Register on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

# Wednesday, March 14, 1984—10:00 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions

with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 22, 1984. John C. Hoyle,

Advisory Committee Management Officer. [FR Doc. 84-5182 Filed 2-24-84; 8:45 am]

RILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards, Subcommittee on Maintenance Practices and Procedures; Meeting

The ACRS Subcommittee on Maintenance Practices and Procedures will hold a meeting on March 14, 1984, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the current status, and future needs and plans of maintenance at nuclear reactors, with the NRC Staff and invited experts.

In accordance with the procedures outlined in the Federal Register on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of th public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

#### Wednesday, March 14, 1984—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Herman Alderman (telephone (202/634–1414) between 8:15 and 5:00 p.m., EST.

Dated: February 22, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-5185 Filed 2-24-84; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Meeting

The ACRS Subcommittee on Reliability and Probabilistic Assessment will hold a meeting on March 14, 1984, Room 1167, at 1717 H Street, NW, Washington, DC. The Subcommittee will continue its review of the revised PRA reference document.

In accordance with the procedures outlined in the Federal Register on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, March 14, 1984—8;30 a.m. Until 10:00 a.m.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

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 Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 22, 1984.

John C. Hoyle,

Advisory Committee Management Officer, [FR Doc. 84–5166 Filed 2-24–84; 845 am]

BILLING CODE 7590-01-M

#### OFFICE OF THE FEDERAL REGISTER

Agreements Between the American Institute in Taiwan and the Coordination Council for North American Affairs

AGENCY: Office of the Federal Register (NARS).

**ACTION:** Notice of availability of agreements.

SUMMARY: The American Institute in Taiwan has concluded a number of agreements with the Coordination Council for North American Affairs in order to maintain cultural, commercial and other unofficial relations between the American people and the people on Taiwan. The Director of the Federal Register is publishing the list of these agreements on behalf of the American Institute in Taiwan in the public interest.

SUPPLEMENTARY INFORMATION: Cultural, commercial and other unofficial relations between the American people and the people on Taiwan are maintained on a nongovernmental basis through the American Institute in Taiwan (AIT), a private nonprofit corporation created under the Taiwan Relations Act (Pub. L. 96–8; 93 Stat. 14). The Coordination Council for North American Affairs (CCNAA) is its nongovernmental Taiwan counterpart.

Under section 12(a) of the Act, agreements concluded between the AIT and the CCNAA are transmitted to the Congress, and according to sections 6 and 10(a) of the Act, such agreements have full force and effect under the law of the United States.

The texts of the agreements are available from the American Institute in Taiwan, 1700 North Moore Street, 17th floor, Arlington, Virginia 22209. For further information contact Joseph Kyle at this address, telephone (703) 525–8474.

Following is a list of agreements between AIT and CCNAA which were in force as of December 31, 1983.

#### **Atomic Energy**

Agreement relating to cooperation in the Probabilistic Risk Analysis (PRA) Program for the Kuosheng Nuclear Power Plant in Taiwan. Exchange of letters at Arlington and Washington August 23, 1982 and January 27, 1983; entered into force January 27, 1983.

Arrangement for the exchange of technical information and cooperation in regulatory and safety matters. Exchange of letters at Arlington and Bethesda May 12 and August 3, 1983; entered into force August 3, 1983.

#### Aviation

Air transport agreement, with exchange of letters. Signed at Washington March 5, 1980; entered into force March 5, 1980.

Memorandum of agreement relating to aeronautical equipment and services, with annexes. Signed at Arlington and Washington September 24 and October 23, 1981; entered into force October 23, 1981.

#### **Educational and Cultural**

Implementation agreement financing certain educational and cultural exchange programs. Exchange of letters at Taipei April 14 and June 4, 1979; entered into force June 4, 1979.

Agreement concerning the Taipei American School, with annex. Signed at Taipei February 3, 1983; entered into force February 3, 1983,

#### Energy

Agreement relating to cooperation in electrical energy. Letters signed at Arlington and Washington June 24 and 28, 1983; entered into force June 28, 1983.

#### Fisheries

Agreement concerning fisheries off the coasts of the United States, with annex and agreed minutes. Signed at Washington June 7, 1982; entered into force July 1, 1982.

#### Privileges and Immunities

Agreement relating to privileges and immunities of courier system. Signed at Washington and Arlington December 31, 1979 and January 7, 1980; entered into force January 7, 1980.

Agreement on privileges, exemptions and immunities. Signed at Washington October 2, 1980; entered into force October 2, 1980.

#### Safety at Sea

Agreement relating to safety of life at sea. Exchange of letters at Arlington and Washington August 17 and September 7, 1982; entered into force September 7, 1982.

#### **Scientific Cooperation**

Agreement relating to cooperation in science and technology. Exchange of letters at Arlington and Washington September 4, 1980; entered into force September 4, 1980.

#### Security of Information

Protection of information agreement. Signed at Arlington and Washington September 15, 1981; entered into force September 15, 1981.

#### Tonnage

Agreement relating to tonnage measurement of ships. Exchange of letters at Arlington and Washington May 13 and 26, 1983; entererd into force May 26, 1983.

#### **Trade and Commerce**

Agreement on trade matters, with annexes. Exchange of letters at Arlington and Washington October 24, 1979; entered into force October 24, 1979.

Agreement implementing tariff reductions on a Most Favored Nation basis, with annexes. Exchange of letters at Arlington and Washington December 31, 1981; entered into force December 31, 1981; effective September 30, 1982.

Agreement relating to trade in cotton, wool and man-made fiber textiles and textile products, with annexes. Signed at Washington November 18, 1982; entered into force November 18, 1982; effective January 1, 1982.

Agreement amending the agreement on trade in cotton, wool and man-made fiber textiles and textile products. Exchange of letters at Arlington and Washington October 27 and November 4, 1983; entered into force November 4, 1983.

#### Weather Observations

Agreement relating to provision to AIT of ionospheric weather observations by CCNAA. Signed at Taipei November 26, 1980; entered into force November 26, 1980.

Agreement modifying the agreement of November 26, 1980 relating to provision to AIT of ionospheric weather observations by CCNAA. Signed at Taipei October 1, 1983; entered into force October 1, 1983.

Dated: February 15, 1984.

#### Joseph B. Kyle,

Corporate Secretary, American Institute in Taiwan.

Dated: February 22, 1984.

#### John E. Byrne,

Director, Office of the Federal Register. [FR Doc. 84-514] Filed 2-24-84; 8:45 am] BILLING CODE 1505-02-M

#### PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

#### Hydropower Options Task Force; Regular Meeting Notice

AGENCY: Hydropower Options 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:

- Discussion of FERC discretion under the Federal Power act
- Public Comment Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Hydropower Options Task Force.

DATE: Tuesday, February 28, 1984. 9 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: Tom Foley, (503) 222-5161.

#### Edward Sheets,

Executive Director.

[FR Doc. 84-5052 Filed 2-24-64; 8:45 am]

BILLING CODE 0000-00-M

#### Cogeneration Options Task Force; Regular Meeting Notice

AGENCY: Cogeneration Options 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:

- Review of Papers from State Options Task Force
- · Review of Cogeneration Cost Data
- Review of Council planning assumption regarding Cogeneration Options

 Public Comment Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Cogeneration Options Task Force.

DATE: Tuesday, March 6, 1984. 9 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: Tom Foley, (503) 222-5161.

Edward Sheets.

Executive Director.

[FR Doc. 84-5053 Filed 2-24-84; 8:45 am]

BILLING CODE 0000-00-M

### Fish Propagation Panel; Meeting Notice

AGENCY: Fish Propagation Panel 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 on March 7 will include:

- Review of Bonneville's project list Activities on March 8 will include:
- Completion of review of Bonneville's project list
- · Approval of minutes
- · Staff update
- Discussion of Bonneville's fish health and culture project review
- · Scheduling of panel activities
- · Other
- Public comment
   Status Ones

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Fish Propagation Panel.

DATE: March 7-8, 1984.

ADDRESS: The meeting will be held in the Apollo Room of the Cosmopolitan Airtel, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Mark Schneider, 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-5054 Filed 2-24-84; 8:45 am]

BILLING CODE 0000-00-M

# SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 23228; 70-6955]

Mississippi Power Co.; Proposed Issuance and Sale of First Mortgage Bonds

February 21, 1984.

Mississippi Power Company
("Mississippi"), 2992 West Beach,
Gulfport, Mississippi 39501, an electric
utility subsidiary of The Southern
Company, a registered holding company,
has filed a declaration with this
Commission pursuant to Sections 6(a), 7,
and 12(c) of the Public Utility Holding
Company Act of 1935 ("Act") and Rules
42 and 50 thereunder.

Mississippi proposes to issue and sell up to \$50 million aggregate principal amount of its first mortgage bonds in one or more series not later than March 31, 1985, with a maturity of not less than five nor more than 30 years. The terms will be determined by competitive bidding. The bonds will be issued under Mississippi's Indenture dated as of September 1, 1941, as heretofore supplemented and as to be further supplemented. Mississippi may make provision for a mandatory cash sinking fund for the benefit of the new bonds of a particular series. In connection therewith, Mississippi may have the noncumulative option in any year of making an optional sinking fund payment in an amount not exceeding such mandatory sinking fund payment. The declaration states that Mississippi may request that the sale of the bonds, or any part thereof, be excepted from the competitive bidding requirements of Rule 50 under the Act should circumstances develop which, in the opinion of Mississippi's management, make such exception in the best interest of Mississippi and its investors and consumers. Mississippi intends to use the proceeds from the sale of the bonds, along with other funds, to pay a part of its cash requirements to carry on its electric utility business.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 19, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the

issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-5137 Filed 2-24-84; 8:45 am] BILLING CODE 8010-01-M

[Rel. No. 13779; 812-5704]

#### Pirelli Financial Services Company N.V.; Application

February 21, 1984.

Notice is hereby given that Pirelli Financial Services Company N.V. ("Applicant") c/o Mitchell Brock Sullivan & Cromwell, 125 Broad Street, New York, New York 10004, a Netherlands Antilles corporation, filed an application on November 22, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for statement of the representations contained therein, which are summarized below, and to the Act for the text of the applicable statutory provisions.

Applicant states that it was incorporated under the laws of the Netherlands Antilles on April 9, 1981, for the purpose of administering centralized treasury operations of the operating companies within the Pirelli group of companies ("Pirelli Group"), a European-based industrial, commercial and financial complex, to raise funds on the international financial markets for use by such operating companies, as well as to perform clearing functions in respect to Pirelli Group financial transactions. It is stated that at December 3, 1982, Applicant had total assets of approximately \$146 million.

Applicant further represents that the two principal classes of products of the Pirelli Group are wires and cables, and tires. It is stated that the Pirelli Group develops, manufactures, sells and installs aerial, undergound and submarine cables for the transmission and distribution of electric power, a complete range of cables for the telecommunications industry as well as insulated wire for use in automobiles.

electrical and electronic equipment, and electric circuits in all types of buildings. Pirelli Group manufactures and sells internally all types of tires for passenger and utility vehicles and agricultural and earth moving machinery, Applicant states. For the year ended December 31, 1982, consolidated sales of the Pirelli Group were approximately \$4.2 billion, it is also stated.

Applicant states further that its outstanding capital stock is owned. directly or through a subsidiary (Pirelli Finance (Holding) B.V.), by Pirelli Societe Generale S.A. ("PSG"), a Swiss corporation, which has been given sole management responsibility as to the principal operating companies in the Pirelli Group, and accordingly, is primarily engaged in managing and controlling the companies of the Pirelli Group in their industrial, commercial and financial operations. PSG also acts as a holding company, owning the shares of a certain number of entities in the Pirelli Group, it is stated, and through Applicant and Pirelli Finance (Holding) B.V. ("Pirelli Finance"), its finance subsidiaries, PSG implements the financial operations necessary to support the activities of the operating companies of the Pirelli Group. In addition, it is stated that the principal holding companies of the Pirelli Group are Pirelli S.p.A. ("PSpA"), an Italian corporation, and Societe Internationale Pirelli S.A., a Swiss corporation ("SIP"). each of which owns half of the capital stock of PSG, but which have each given PSG the authority to vote their shares of the operating companies within the Pirelli Group.

Applicant presently represents that there has not been, and undertakes that in the future there will not be, any public offering in the United States or to United States persons of its common shares or of any other equity security of the Applicant.

Applicant proposes to issue and sell short-term negotiable promissory notes of the type generally referred to as commercial paper ("Notes") in offerings exempt from the registration requirements of the Securities Act of 1933 ("1933 Act"), as amended, pursuant to sections 3(a)(2), 3(a)(3) or 4(2) thereof. Applicant represents that the Notes will be denominated in United States dollars, sold in minimum denominations of \$100,000, and be supported by a "direct pay", irrevocable letter of credit ("Letter of Credit") issued to a major commercial bank as trustee ("Depository") for the benefit of the holders of the Notes by another major commercial bank or banks ("Bank"). with the result that the Notes will have

one of the three highest investment grade commercial paper ratings from at least one nationally recognized statistical rating organization. Applicant further states that the Depository will be instructed to make a drawing under the Letter of Credit to obtain funds to pay each Note when it matures, thereby assuring holders of Notes that they will be timely and completely repaid.

Applicant undertakes not to market any Notes prior to receiving an opinion of United States counsel to the effect that the proposed offering is exempt from the registration requirements of the 1933 Act, but Applicant does not request review or approval by the Commission of counsel's opinion regarding the availability of such an exemption. In connection with a public offering of Notes, Applicant undertakes to ensure that the Notes will not be offered for sale to the general public, but instead will be sold through one or more commercial paper dealers to institutional investors and other sophisticated entities and investors of the type which ordinarily purchases commercial paper notes. It is stated that while an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering for sale of the Notes will not be otherwise advertised. Applicant further undertakes to ensure that each dealer in the Notes will, at or prior to any sale to an offeree of the Notes, provide to that offeree a memorandum describing the respective business of Applicant and the Bank, and including financial information regarding the Bank. Such memorandum. it is represented, will include a description of any material differences between the accounting principles applied in the preparation of the financial statements of the Bank and generally accepted accounting principles applicable to similar companies in the United States, be at least as comprehensive as those customarily used in offering commercial paper notes in the United States, and be updated from time to time to reflect any material changes in the respective business and financial status of Applicant and the Bank. Applicant consents to having an order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with the undertakings regarding disclosure memoranda.

It is stated further that the Depository will act as issuing and paying agent for the Notes. Applicant undertakes to appoint irrevocably an agent in the United States upon which process may be served in any action arising out of or based on the Notes which may be instituted in the Supreme Court of the State of New York, County of New York, or the United States District Court for the Southern District of New York, and to consent to the jurisdication of any such court in respect of any such action.

In the future Applicant may offer debt securities for sale outside the United States to persons other than nationals or residents of the United States, it is stated, and may make borrowings from United States banks, or may privately place debt securities with institutional investors in the United States.

Applicant asserts that it is not a person of the type intended to be covered by the Act. Applicant represents that it has been organized for the sole purpose of obtaining funds for the use of operating companies within the Pirelli Group in financing their business operations. Applicant further represents that it will not own or hold any equity securities nor will it hold notes or other evidences of indebtedness issued by any person other than a Pirelli Group company, except for temporary investments in prime quality short-time instruments and bank deposits. Applicant states that, other than its capital stock, which has not been and will not be offered publicly in the United States or to United States persons, its only outstanding securities offered or sold in the United States or to United States nationals or residents will be the Notes and its obligations to the Bank under the Letter of Credit and related agreements (which obligations to the Bank will be guaranteed by PSG), and possibly (although it has no present plans) other debt securities privately placed with institutional investors or borrowings from United States banks. All the net proceeds from the sale of the Notes will be used in financial operations necessary to support the operations of the Pirelli Group companies.

Applicant maintains that the issuance of the order requested pursuant to Section 6(c) of the Act would be consistent with the protection of investors. The Notes would be supported by the Letter of Credit, Applicant states, and investors in Notes would rely therefore on the credit strength of the Bank issuing the Letter of Credit, rather than on that of Applicant, it is asserted.

Notice of further given that any interested person wishing to request a hearing on the application may, not later than March 19, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific

issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-5138 Filed 2-24-84; 8:45 am] BILLING CODE 8010-01-M

[Rel. No. 13780; 812-5735]

#### **Pratt Street Ventures Limited** Partnership; Application

February 21, 1984.

Notice is hereby given that Pratt Street Ventures Limited Partnership "Applicant") 100 East Pratt Street, Baltimore, Maryland 21202, a closedend, management investment company, filed an application on December 29. 1983, and an amendment thereto on February 9, 1984, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") requesting an exemption from all provisions of the Act and pursuant to Section 8(f) of the Act requesting an order declaring that it has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of those provisions from which an exemption is being sought.

According to the application, Applicant was organized on December 27, 1983, as a limited partnership. Applicant states that its general partners are T. Rowe Price Associates ("Price Associates"), an investment adviser to mutual funds, pension funds, and other institutions and individuals, and M. Jenkins Cromwell, Jr., a senior officer of Price Associates. Applicant further states that its sole limited partner is Price Associates.

According to the application, Applicant's assets consist principally of assets received by Price Associates in the liquidation of TRP Ventures, Inc. ("Ventures") and contributed to Applicant by Price Associates. Applicant states that these assets

include certain venture capital partnership interests, securities of two former portfolio companies of one of those partnerships and cash. Applicant states that it was organized to provide a more tax-efficient means of holding the interests in the venture capital partnerships held by Ventures, which had been organized to serve as a vehicle for venture capital investing by Price

Applicant states that the board of directors of Price Associates has determined that, for tax reasons, it would be beneficial for shareholders of Price Associates to receive a distribution of limited partnership interests of Applicant. Accordingly, Price Associates has declared a dividend on its common stock payable in such interests to stockholders of record on December 30, 1983, Applicant states that as of December 21, 1983, Price Associates had 214 stockholders. Applicant further states that all of the stock of Price Associates and all of the limited partnership interests is or will be owned by employees, former employees or immediate family members of employees or former employees of Price Associates, and in one case, a charitable trust established by a major stockholder of Price Associates under which the income beneficiary is a private university and the remainder of which are children of the grantor, who are also current stockholders of Price Associates.

Applicant submits that it is closelyheld private partnership to which the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further submits that it is not the type of company intended to be regulated under the Act and that its current and prospective limited partners are not the types of persons who need the protections afforded by the Act. In addition, Applicant represents that the distribution of its interests to the stockholders of Price Associates is not a public offering under the Securities Act of 1933, and that its notification of registration on form N-8A disclaimed that it intends to make a public offering of its securities. Applicant states that its limited partnership agreement, attached as an exhibit to the application, restricts transfer of the limited partnership interests to: (i) The limited partner's spouse, parent, or child or a trust established for the benefit of such limited partner, spouse, parent or child. provided that either the limited partner or the proposed transferee was a stockholder of record of Price Associates and also a current or former

employee of Price Associates on December 30, 1983, (ii) another limited partner of the Applicant who was a stockholder of record of Price Associates and also a current or former employee of Price Associates on December 30, 1983, fiii) the Applicant itself, or (iv) Price Associates. Applicant further states that all subsequent transferees are also restricted as to transfer by the limited partnership agreement. Also with regard to transfer, Applicant states that under the partnership agreement, absent an effective registration statement under the Securities Act of 1933 covering the disposition of limited partnership interests, the Applicant may require as a condition of transfer an opinion of counsel reasonably acceptable to it to the effect that, among other things, the transfer of interests: (i) Will be exempt from the registration and the prospectus delivery requirements of the Securities Act of 1933 and the registration or qualification requirements of any applicable state securities laws; (ii) will not require the applicant to register the interests under the securities Exchange Act of 1934; and (iii) will not require the Applicant to register as an investment company under the Act.

In order to assure the Commission that Applicant's status as a closely-held, private entity will not change prospectively, it agrees that the Commission may condition the continued effectiveness of the requested exemption upon the observance by Applicant of each of the following undertakings:

(1) Applicant will not amend its limited partnership agreement to authorize any additional units of limited partnership interests without first obtaining with respect to any such amendment an amended exemptive order from the Commission, or first registering with the Commission as an investment company.

(2) That, unless Applicant shall have first obtained an amended exemptive order from the Commission in respect of its ceasing to do so. Applicant will continue to:

(a) hold regular meetings of its limited partners on an annual basis for the purpose of electing an advisory board to advise the general partner with respect to the business of the Applicant and transacting such other business as may properly come before such meetings and be permitted to be acted upon by limited partners under the Maryland Revised Uniform Limited Partnership Act;

(b) Submit for ratification or approval by the limited partners at each annual meeting the appointment of the

independent certified public accountants engaged by Applicant:

(c) submit for approval or ratification by the limited partners any transfer of the interest in any venture capital partnership; and

(d) furnish annually to the limited partners of Applicant audited financial statements of Applicant and a written report of Applicant's operations by the general partner of Applicant.

(3) That, unless Applicant shall have first obtained an amended exemptive order from the Commission in respect of its ceasing to do so, or first registering with the Commission as an investment company. Applicant shall not knowingly make available to any broker or dealer registered under the Securities Exchange Act of 1934 any financial information concerning Applicant for the purpose of knowingly enabling such broker or dealer to initiate any regular trading market in Applicant's limited partnership interests.

(4) That, unless Applicant shall have first obtained an amended exemptive order from the Commission, or registered with the Commission as an investment company, Applicant will not issue any additional limited partnership interests to persons other than stockholders of Price Associates who become limited partners of the Applicant on the record date for the distribution, or members of the immediate families of such persons.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 19, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-5138 Fifed 2-24-84; 8:45 am] BILLING CODE 8010-01-M [Rel. No. 34-20659; File No. SR-AMEX-84-3]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.; Relating to Specialists' Preopening Representation on the Trading Floor and Responsibility for Orders and Other Trade Related Matters

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), notice is hereby given that on February 2, 1984, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies specialists' hours so that specialists must be represented at their posts at 8:45 a.m. in order to process inquiries and other trade-related matters and must be responsible for orders and cancellations left with them or their representatives and time stamped at or after 9:00 a.m.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

#### (1) Purpose

Current Exchange policies require a specialist to be represented at his post by 9:30 a.m. and to be responsible for orders ans cancellations left with him or his representative and time stamped at or after 9:15 a.m. These policies were adopted prior to the development of the Exchange's automated trading and new products programs.

The Exchange has found that the present required times are insufficient for its present operational requirements. Today, Interest Rate Options trading begins at 9:00 a.m., as does the transmission of orders and cancellations to specialists' posts through the PER and AMOS systems. Accordingly, the Exchange has amended its Floor Operations policy to require specialists to be responsible for all orders and cancellations left with them or their representatives and time-stamped at or after 9:00 a.m.

The Exchange has also determined that the present required times are inconsistent with the responsibilities imposed upon specialists by Amex Rules 955 and 178. According to Amex Rule 955, if an options specialist fails to send a report with respect to an option contract which he executed or should have executed and the member or member organization giving the specialist the order has made a written request to the specialist for a report by 9:00 a.m. on the following business day. the specialist is responsible for any loss which may be sustained until the time he answers the request.

Similarly, Amex Rule 178 imposes liability on an equities specialist who fails to send a report with respect to an odd-lot or full lot order that he executed or should have executed, and who is requested in writing to do so up to 9:30 a.m. on the following business day by a member or member organization who had given the order. The specialist will be responsible only for losses sustained until he replies. If a written request for a report was delivered to the specialist within one hour after the close regarding the execution of an order on that day, it must be answered before 9:30 a.m. of the following business day.

Since, in order to avoid liability, an options specialist must answer certain requests by 9:00 a.m. and an equities specialist must answer certain requests by 9:30 a.m., the Exchange has determined that specialists' hours of representation need to be changed. As a consequence, it has amended its Floor Operations policies to require specialists to be represented at their posts not later than 8:45 a.m. to process inquiries and other trade-related matters.

#### (2) Basis

The proposed amendment is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to facilitate transactions in securities by assuring that specialists will be represented at their posts early

enough to process inquiries and other trade-related matters properly.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition since it only affects the internal operation of the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b—4. At any time withing 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW. Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the abovementioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of

Market Regulation pursuant to delegated authority.

Dated: February 15, 1984.

George A. Fitzsimmons, Secretary.

[FR Doc. 84-5139 Filed 2-24-84; 8:45 am] BILLING CODE 8010-01-M

[Rel. No. 20665; SR-CBOE-83-30]

#### Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Amended Proposed Rule Change

February 17, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 2, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Van Buren Chicago, IL 60605 filed with the Securities and Exchange Commission the proposed rule change as described herein. On February 9, 1984, CBOE filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the amended proposed rule change from interested persons.

CBOE proposes to codify existing trade matching procedures for index options and options on stocks trading ex-dividend or ex-distribution on the day following the option trade date. In its filing, CBOE states that these procedures will apply only to index options and equity options that trade exdividend or ex-distribution the following day because with such options it is critical to match transactions before trading opens the following day. CBOE also states in its filing that while the existing procedures are followed in most cases, codification of the procedures will provide a fair method for disciplining and fining persons and firms who do not comply with them.1 According to CBOE, the proposed rule change is consistent with Section 6(b)(5) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC

20549. Reference should be made to File No. SR-CBOE-83-30.

Copies of the submission, all subsequent amendments, all written statements with respect to the amended proposed rule change which are filed with the Commission, and all written communications relating to the amended proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing, Amendment No. 1 and of any subsequent amendments also will be available at the principal office of the CBOE.

The Commission finds that the amended proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the amended proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the proposed rule change consists of a codification of existing procedures. In addition, immediate implementation of the portion of the codified procedures relating to index options is particularly needed because of the recent sharp increase in volume in certain of these contracts.<sup>2</sup>

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the amended proposed rule change is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

[FR Doc. 84-5132 Filed 2-24-84: 8:45 am] BILLING CODE 8010-01-M

[Rel. No. 20673; SR-NASD-83-21]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

February 17, 1984.

The National Association of Securities Dealers, Inc. ("NASD") 1735 K Street, N.W. Washington, D.C. 20006 submitted

¹While the proposed rule change would allow for the imposition of fines for non-compliance with these procedures. CBOE does not set forth the amounts of such possible fines in the filing. Before CBOE may actually assess fines under this rule, it will have to file a schedule of fines with the commission under Rule 19b—4 under the Act.

<sup>&</sup>lt;sup>2</sup>During the week ending February 10, 1984, daily volume in CBOE's Standard and Poor's 100 index options averaged over 200,000 contracts, as compared with average daily volume in preceding weeks of approximately 150,000 contracts.

on December 30, 1983, a proposed rule change (SR-NASD-83-21) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder. The proposed rule change would permit the NASD to prescribe certain remedial measures for NASD members subject to the rule that experience financial or operational difficulties. The proposal is based in part, on the New York Stock Exchange's Rule 326.

Proposed Section 38 of Article III of the NASD's Rules of Fair Practice would empower the NASD to direct a member not to expand or to reduce its business whenever certain early warning financial or operational criteria are exceeded. Proposed Section 29 of the NASD's Code of Procedure for Handling Trade Practice Compliants would provide special procedures to implement the NASD's proposed rule. In particular, the procedures would create a Surveillance Committee of Broad of Governors and a network of District Surveillance Committees.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 20543, January 10, 1984) and by publication in the Federal Register (49 FR 2037, January 17, 1984). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3[a](12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-5133 Filed 2-24-84: 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 20663; SR-NYSE-83-52]

New York Stock Exchange, Inc.; Filing of Amendment No. 2 to Proposed Rule Change and Order Granting Accelerated and Partial Approval to Amended Proposed Rule Change

February 17, 1984.

#### I. Introduction

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b-4 thereunder, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, on October 28, 1983, filed with the Commission a proposed rule change to modify NYSE's rules to accommodate the listing and trading of standardized put and call options contracts on "narrow-based" (or "industry") stock indices. In addition, the NYSE proposed to list and trade 13 specific industry indices.

On December 7, 1983, the Commission received a comment letter regarding the NYSE proposal from the National Association of Securities Dealers, Inc. ("NASD") 2 and on December 19, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE") submitted comments regarding the NYSE proposal.3 On February 1, 1984, the American Stock Exchange, Inc. ("Amex") submitted comments regarding the NYSE proposal.4 On January 5, 1984, the NYSE filed Amendment No. 1 to the proposed rule change. 5 On January 31, 1984, the NYSE filed Amendment No. 2 to the proposed rule change. 6 The discussion below describes in detail the proposed rule change, the amendments, and the comments we have received regarding the proposal.

The Commission has decided to defer action on all proposals to trade specific industry index options until March 1, 1984. We feel that this will give the recently established industry task force on industry index options any opportunity to discuss the issues raised by the potential proliferation of industry

index options. Thus, this release addresses the rules contained in the NYSE proposal and the issues raised by NYSE's proposed entry into the industry index options market, but only discusses the specific indices NYSE proposes where such discussion is essential to the analysis of NYSE's proposed rules.

#### II. NYSE's Proposed Rules for Industry Index Options

A. Margin, Position and Exercise Limits and Trading Halts

The NYSE proposes to apply to trading in options in its industry indices the margin, position and exercise limits and trading halts rules that apply to the options on industry indices that the Commission has previously approved.7 Thus, NYSE's industry index options will be subject to the same margin currently applicable to options and individual stocks.8 The position and exercise limits for NYSE industry index options would vary with the composition of the underlying index, with limits increasing from 4,000 contracts up to a maximum of 8,000 contracts in inverse proportion to the extent of domination of the underlying index by a single stock (or group of five stocks).9 Trading in NYSE industry index options would have to be halted if trading is halted (or quotation dissemination suspended for OTC securities) in stocks constituting 10 percent or more of the index value. 10

B. Other Proposed Rules Applicable to Trading in the Index Options

The NYSE has included in its filing a number of rules designed to take into account the fact that the NYSE is the primary market for most of the securities comprising the indices on which it seeks to trade options. NYSE proposes to forbid a NYSE specialist in any single

<sup>\*</sup> The NASD also has pending before the Commission a proposed rule change to revise its current Code of Procedure. See File No SR-NASD-82-11, Securities Exchange Act Release No. 19097 (October 4, 1962), 47 FR 44903 (October 12, 1982). The NASD has submitted an amendment to that filing to conform the new Code of Procedure with the procedures proposed in this filing, Letter from Andrew Barnes, NASD, to Sarah Ackerson, S.E.C. (November 14, 1983) (File No. SR-NASD-82-11).

<sup>&</sup>lt;sup>1</sup>Notice of the proposed rule change was given in Securities Exchange Act Release No. 20343 (November 3, 1983), 48 FR 51995, November 15, 1983.

<sup>&</sup>lt;sup>a</sup>Letter dated December 7, 1983, from S. William Broka, Secretary, NASD, to George A. Fitzsimmons, Secretary, SEC.

<sup>&</sup>lt;sup>a</sup>Letter dated December 14, 1983, from Anne Taylor, Secretary, CBOE, to George A. Fitzsimmons, Secretary, SEC.

<sup>\*</sup>Letter dated February 1, 1984, from Robert Birnbaum, President, Amex to George A. Fitzsimmons, Secretary, SEC.

<sup>&</sup>lt;sup>5</sup> Notice of Amendment No. 1 was given in Securities Exchange Act Release No. 20539, January 6, 1964, 49 FR 1591, January 12, 1984.

<sup>&</sup>lt;sup>6</sup>Notice of Amendment No. 2 is being given by publication of this release.

<sup>&</sup>lt;sup>7</sup> Amex, CBOE, the Pacific Stock Exchange, Inc., ("PSE") and the Philadelphia Stock Exchange, Inc. ("Phlx") have been previously authorized to trade options on industry indices. See Securities Exchange Act Release No. 20075, August 12, 1983, 48 FR 37556, August 18, 1983 [Amex]; Securities Exchange Act Release Nos. 20125, 20178, August 26 and September 13, 1983, 48 FR 40046 and 43248, September 2 and 22, 1983 (CBOE); Securities Exchange Act Release No. 20423, November 29, 1983, 48 FR 55660, December 14, 1983 (PSE); and Securities Exchange Act Release No. 20437, December 2, 1983, 48 FR 55229, December 9, 1983 (Phlx)

<sup>&</sup>quot;No margin would be allowed in the purchase of an index option, and the margin on any index option, put or call, sold or "carried short" would be 30 percent of the product of the current industry index value times the index multiplier, plus or minus the amount by which the option is in or out of the money, with a minimum margin requirement of \$250.00. NYSE proposed Rule 431(vi)[2].

Proposed NYSE Rule 704(c).

<sup>10</sup> NYSE proposed Rule 717(b).

stock that constitutes 5 percent or more of the value of an industry index (or in any group of stocks that collectively constitute 10 percent of the value of an industry index) from being a specialist or competitive options trader ("COT") in that industry index.11 In addition, the NYSE proposes to amend its rules to prohibit an NYSE specialist or odd lot dealer in any stock that constitutes 10 percent or more of an industry index from trading in options on that index. 12 Similarly, the NYSE will prohibit any floor member, when he is on the floor, from trading in any stock constituting 10 percent or more of the value of an industry index if he already has a position in the index option. The NYSE will also require its industry index options specialists and COT's to report daily all transactions in all the stocks constituting 10 percent or more of the index value; in options on those stocks; and in options, futures or options on futures on identical or similar indices. 13 Under the NYSE proposal, a specialist in an industry index option will not be allowed to popularize either the index option itself, any stock constituting 25 percent or more of the value of such an index or an option on such a stock.14 The NYSE also has stated that it will conduct all trading in index options on the portion of the NYSE floor that is contiguous to the New York Futures Exchange, Inc. floor at 30 Broad Street. This is physically separated from the part of the NYSE where stocks are traded. NYSE also has stated in its filing that it will not permit the use of any communications devices by members between its equity and options floors that are not available between its equities floor and the floors of other options exchanges.

#### III. Comments

In its comment letter, the NASD suggested that some of NYSE's proposed index options could over time act as surrogates for options on the individual OTC securities included in the

11 NYSE proposed Rules 750.80 and 758(v), as amended by Amendment No. 1.

underlying indices. <sup>15</sup> The NASD did not specify which proposed index options had this potential. Rather, it suggested that, pending Commission consideration of and action on the NASD's proposal to trade options on OTC securities and on indices composed of OTC securities, the Commission should not authorize exchange trading in any option which could evolve into a surrogate for options the NASD is proposing to offer. <sup>16</sup> The NASD stated that to do so would "reinforce existing competitive barriers in options while producing no concomitant regulatory safeguards."

In its comment letter, the CBOE suggested that the Commission not approve any industry index option proposed by the NYSE in which any single NYSE-listed security constitutes more than 15 percent of the total index value. 17 CBOE stated that any such index option raises manipulation concerns, and could act as a surrogate for an individual stock option. CBOE suggested that any surrogate for an individual stock option should not be allowed to trade on the NYSE because such trading would raise the same regulatory and competitive concerns identified in the discussion of individual stock option trading on the NYSE put forth in the Report of the Special Study of the Options Markets ("Options Study"). 18 In addition, CBOE suggested that, even if surrogates for individual stock options were to be allowed on the NYSE, the NYSE proposal does not address the steps the Options Study suggested might be necessary to allow trading in individual stock options on the NYSE. 19 Specifically, CBOE

suggested that there was nothing in the original form of the NYSE proposal that prohibits equity specialists from trading options on indices that include their specialty stocks; from having access to NYSE's options, floor; or from specializing in an index option that contains their specialty stock (except when as specialty stock constitutes 30 percent or more of an index).20 Thus, according to CBOE, the proposal fails to address the "very serious competitive and regulatory concerns that arise out of the enormous informational advantages. market-administering capability and the dominance that accrue to NYSE's stock specialists as a result of their unique position in the market for NYSE-listed stocks." For this reason, in CBOE's view, trading on the NYSE of options on indices containing any NYSE-listed stock that constitutes 15 percent or more of the index value would be fundamentally anticompetitive and should be disapproved.21

In its comment letter, Amex expressed basically the same concerns discussed in CBOE's letter; namely that the NYSE proposal to trade options on industry indices raises the same issues that are discussed in the Options Study concerning a possible NYSE entry into the individual stock options market. Amex claims that the NYSE proposal to trade options on stock indices fails to address these concerns. Amex also

<sup>12</sup> Proposed Rule 750(i), as submitted in Amendment Nos. 1 and 2. The NYSE has separately proposed an amendment to NYSE Rule 105 that would allow specialists to trade options on their specialty stocks for defined hedging purposes. File No. SR-NYSE-82-20, as amended, noticed at Securities Exchange Act Release No. 19984, July 19, 1963, 48 FR 34377, July 26, 1983. The Exchange states in Amendment No. 1 that it expects to propose to relax the restrictions on specialist trading of industry index options through the application of appropriate hedging ratios if and when the Commission approves File No. SR-NYSE-82-20.

<sup>&</sup>lt;sup>13</sup> Proposed amendments to NYSE Rules 750(b) and 758.50, as submitted in Amendment No. 1

<sup>&</sup>lt;sup>14</sup> Proposed NYSE Rule 750(g).30(b), as submitted in Amendment No. 2.

<sup>15</sup> Letter cited n. 2, supra.

<sup>&</sup>lt;sup>16</sup> The NASD proposal is contained in File No. SR-NASD-80-10, and the amendments thereto.

<sup>17</sup> Letter cited n. 3, supra.

<sup>&</sup>lt;sup>38</sup> Report of the Special Study of the Options Markets to the Securities and Exchange Commission, H. Rep. No. IFC-3, 96th Cong., 1st Sess (Comm. Print 1978).

<sup>&</sup>lt;sup>18</sup> As CBOE points out in its letter, the Options Study specifically noted that, before allowing the NYSE to trade individual stock options, the Commission might seek to assure that:

<sup>(1)</sup> There would be complete and physical separation of NYSE's stock and option floors:

<sup>(2)</sup> NYSE's stock specialist and registered stock market makers would be prohibited from trading options on their specialty stocks or on other stocks in which they had positions (except to the extent defined hedging transactions would be permitted);

<sup>(3)</sup> Access by NYSE specialists and market makers to the options floor, and by NYSE options market makers to the stock floor, would be prohibited: and such specialists and market makers would be required to enter orders on the floor to which they did not have access in the same manner as market participants who do not have direct access to the NYSE floor;

<sup>(4)</sup> Quotation and transaction information concerning stock and options trading activity would be transmitted between the NYSE stock and options floors only in the same manner that it is currently

disseminated between NYSE and the floors of other options exchanges; and

<sup>(5)</sup> The NYSE options program would be maintained as a separate cost center such that stock revenues and income could not be utilized to subsidize options operations.

See Options Study at pp. 1021-1023.

<sup>20</sup> CBOE's comments were submitted prior to NYSE's submission of Amendment No. 1. As described above, Amendment No. 1 contains proposed rule amendments that (1) prohibit an equity specialist from trading options on an industry index of which any of the specialist's specialty stocks constitutes more than 10 percent of the index value; and (2) prohibit an equity specialist from specializing or acting as a COT in any industry index in which the specialist's specialty stock constitutes 5 percent or more (10 percent for all specialty stocks, in the aggregate) of the index value. In addition, Amendment No. 1 contains a representation by the NYSE that it will prohibit any communications by members between its equities and options floors that are not available between its equities floor and the floors of the other options exchanges.

<sup>&</sup>lt;sup>22</sup> On a previous occasion, CBOE had suggested that NYSE's industry index options specialists should not be allowed to popularize these products. Letter dated November 22, 1983, from Anne Taylor, Secretary and Associate General Counsel, CBOE, to George A. Fitzsimmons, Secretary, SEC, sent in response to File No. SR-NYSE-83-51. As described above, the NYSE has incorporated such a prohibition into its proposed rules. Thus, there is no need to address CBOE's comments on this point at this time. See also Securities Exchange Act Release No. 20456, December 7, 1983; 48 FR 55659, December 14, 1983 (order approving File No. SR-NYSE-83-51).

suggests that because the NYSE is the primary market for many of the stocks underlying industry indices, the standards for the composition of industry index options traded on the NYSE should be different than those required of other exchanges.

#### III. Discussion

As described, the margin, position and exercise limits and trading halts rules proposed by the NYSE are identical to those governing the options on industry indices that are already trading. The other basic trading rules that would apply to NYSE's contracts also do not differ in any material respect from those that govern trading in industry index options on other exchanges.<sup>22</sup>

The only new issue presented by the NYSE's proposal, then is that of NYSE's entry into the market for options trading on industry indices. Because these products may for some purposes act as surrogates for trading in the options on individual stocks, NYSE's entry into this market may raise some of the concerns identified in the Options Study with respect to NYSE's possible entry into the individual stock option market. 23 The

Commission believes that the single industry focus and significant weight of one stock in some of the proposed NYSE index options raise the potential that those options might be employed, for some purpose, as surrogates for trading options on individual stocks composing the index.24 At the same time, the Commission also notes that the proposed index options are by no means identical to options on individual stocks. An option on an industry index serves different investment purposes that an option on an individual stock, and, while an industry index option may in some circumstances serve as a surrogate for and thus indirectly compete with an individual stock option, the two are never completely fungible.25 Even where one stock composes a significant weighting in an index, an investment in that index option is at best an indirect investment in that significant stock. 26 Moreover, the fundamental concerns raised by the Options Study with respect to NYSE equity options trading relate to potential manipulative activity or misuse of market information by

and Securities Exchange Act Release No. 19264, November 22, 1982, 47 FR 53981, November 22, 1982 (release approving NYSE's broad-based index options). We believe that this view is equally applicable to the entry of the NYSE into the market for narrow-based index options as such.

\*\*See letter dated November 29, 1983, from George A. Fitzsimmons, Secretary, SEC, to David Horner, Director, Division of Economics and Education, CFTC.

25 It is possible that an index option could be used as a substitute for investment in individual stock options if there were substantial regulatory advantages conferred to trading in the former over the latter. As the Commission has previously noted, however, in considering other narrow-based index options proposals, it has been careful in reviewing those proposals to assure that, to the extent possible, the rules governing narrow-based index options and individuals options are substantially similar or identical. See Securities Exchange Act Release No. 20075 (August 12, 1983). The NYSE, as noted above, has conformed its proposed rules to the regulatory schemes put in place by other exchanges trading industry index options.

36 Obviously, the less concentrated an index, the less direct is the likely relationship between an option on that index and options on one or more of the stocks in the index. Thus each index proposed by the NYSE could be analyzed differently in terms of the extent to which it raises the concerns identified in the Options Study regarding NYSE's potential entry into the individual stock option market. We feel that it is unnecessary, however, to treat each index differently for purposes of this analysis unless a particular index is dominated by one or a few stocks to an extraordinary extent. None of the indices NYSE is proposing contains a stock that accounts for more than 50 percent of the index value. Thus, we feel it appropriate to treat these indices as basically similar for purposes of the analysis of NYSE's entry into this market. Should the NYSE propose an option on an index that is more heavily concentrated, our analysis might be different and this issue might then have to be revisited.

professional traders. 27 As discussed more fully below, the Commission believes that the restrictions proposed by the NYSE substantially reduce those concerns in the contex of industry index ontions.

In order to approve any proposed rule change submitted under Section 19(b)(1) of the Act, the Commission must determine, among other things, that the proposal does not impose a "burden on competition not necessary or appropriate in futherance of the purposes" of the Act. 28 Furthermore, in the Securities Act Amendments of 1975. Congress directed the Commission to "facilitate the establishment of a national market system for securities . . . in accordance with the findings and to carry out the objectives set forth in paragraph (1) of [Section 11A(a) of the Exchange Act]." <sup>29</sup> Section 11A(a)(1) states the Congressional findings that. among other things, it is "in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets" to assure "economically efficient execution of securities transactions;" "fair competition
. . . among exchange markets;" and
"the practicability of executing orders in the best market." 30

As noted in the Options Study, the NYSE's entry into the individual stocks option market appears to pose a dilemma under these provisions. On the one hand, NYSE entry might enhance competition among options exchanges and thereby improve the quality of services offered and possibly the markets made by all of the options exchange. On the other hand, NYSE's position as the primary market for most stocks underlying options raises a number of concerns. First, the Iptions Study suggested that trading Options in close proximity to their underlying securities may increase the potential for successful manipulations. Similarly, the Options Study suggested that a NYSE options program might provide floor professionals with unique access to market information that has not been

The Commission intends in the near future to review the proposed standards of each of the options exchanges. With NYSE's concent, we are deferring action on its proposed standards until we can complete this review. Until then, the Commission will continue its requirement that each change in an index must be submitted to the Commission as a proposed rule change.

"Of course, NYSE's proposal also raises the issue of NYSE's entry into the market for industry index options per se. NYSE's entry into this market, apart from being an indirect entry into the individual stock option market, does not, in our view, raise a novel issue. The Commission has expressed previoulsy the view that the NYSE's entry into the non-equity options and broad-based index options markets offers positive competitive benefits that are not outweight by any negative regulatory concerns. See Securities Exchange Act Release No. 18296. December 2, 1981 (release approving multiple trading of non-equity options);

<sup>22</sup> In its filing, the NYSE also proposes standards for the composition of indices underlying options. The Commission believes that minimum standards for industry index options should serve two primary purposes. First, they should ensure that an index is not employed as a "backdoor" method of trading options on individual securities that do not mee options eligibility standards. This, in turn, should protect against manipulation of the index by assuring that any stock that constitutes a significant portion of the index value is no more susceptible to manipulation than the stocks that previously have been eligible for individual stock options trading. Second, standards should ensure that no one stock so dominates the iondex that the index does not provide a clearly discrete trading vehicle from an option on that individual stock. The Commission does not agree with Amex that the NYSE needs to have different standards than other exchanges. As discussed below, the special rules the NYSE proposes to take into account the fact that the NYSE is the primary market for most of the securities comprising its indices address the concerns Amex suggests separate NYSE standards are needed to

<sup>\*\*</sup>These concerns should be distinguished from
the manipulation and surrogate trading concerns
expressed by the Commission in its comment letters
to the CFTC. Congress' and the Commission's
concerns regarding the manipulative potential of
index futures contracts were made in the context of
independently operating commodities and securities
markets regulated by different agencies. Similarly,
the Commission's surrogate trading concerns were
based on the existence of significant differences
between the regulation of futures and options
products.

Section 6(b)(8) of the Act: 15 U.S.C. 78f(b)(8).
 Section 11A(a)(2) of the Act: 15 U.S.C. § 78k-al(2).

<sup>30</sup> Id.

publicly disseminated. In this connection, the Options Study suggested that the time and place advantages that would be enjoyed by NYSE stockoptions professionals as well as possible execution efficiencies resulting from the contiguous trading of stocks and related options could confer a substantial competitive advantage to the NYSE over other options exchanges in their effort to attract market making capital and talent to their options floors.31

For the reasons discussed below, the Commission believes that the concerns identified by the options exchanges are either not applicable or substantially reduced with respect to the industry index options contained in the NYSE

proposal.

#### A. Misuse of Market Information

In response to the concerns raised by the Options Study, the NYSE proposes to trade all stock index options in a physically separate floor. Moreover, the NYSE proposal prohibits the use of any communications device by its members between its equity and options floors that is not available between its equities floor and the floors of other options

exchanges. Under the NYSE proposal, physical access between the NYSE stock and options floors would be possible. However, since it is possible to communicate electronically between floors more rapidly than it is possible to communicate physically between the NYSE stock and options floors, we believe that such electronic communications raise greater market information concern. NYSE's statement that it will not permit the use of any communications devices not currently permitted between the NYSE stock floor and the floors of the other options exchanges assures that no aditional informational concerns are raised for this reason by the NYSE proposal.

It is possible, however, that information or manipulative concerns could be raised if NYSE stock market participants with possible market advantages were permitted to trade the proposed industry index options. In this regard, the NYSE proposal would prohibit an equity specialist or odd-lot dealer in any stock that constitutes 10 percent or more of the current index value of an industry index option from, directly or indirectly, holding, acquiring or granting an interest in that option. The NYSE proposal would prohibit any

floor member, while he is on the floor. from trading in any stock that constitutes 10 percent or more of the index value if he already has a position in the index option. The NYSE also proposes to prohibit an industry index specialist from popularizing an industry index option, a stock that constitutes 25 percent or more of the value of such an index or an option on such stock. Further, under NYSE's proposal, no equity specialist would be allowed to act as a specialist or competitive options trader ("COT") in any index option in which his specialty stock constitutes 5 percent or more of the index value (10 percent of the index value for all specialty stocks in the aggregate). The NYSE is also proposing surveillance measures (including reporting daily, by industry index options specialists and COTs, of all transactions in all stocks and options on stocks that constitute 10 percent or more of the index value) that assure that trading in industry index options and related trading in significant stocks and options will be adequately monitored.

The Commission believes that these measures assure that the informational and other advantages NYSE members might have as a result of their activities on the NYSE stock floor are reduced to a minimum. It is possible that information regarding the stocks comprising an index, such as order imbalances or the fact that one or more large orders are being worked on the NYSE stock floor. could become available to NYSE floor participants before they are factored into the price of the security.32 In our view, however, the prohibition against trading by specialists in stocks comprising more than 10 percent of the index addresses those concerns for the persons most likely to have access to such information. This restriction still would permit a specialist in a less than 10 percent stock to trade the index option, despite the possibility he might possess useful market information. However, the fact that the stock comprises only a small portion of the index assures that the leverage offered by these index options would be substantially less than that available through the purchase of options on the relevant individual stock. Similarly, the specialist would remain at risk that the price of one or more of the stocks comprising the other 90 percent of the index would move in the opposite direction, thus eliminating any potential profit from the market information on the relevant stock. While non-specialist

floor members would not be subject to the same prohibitions, the physical separation of the floors, restrictions on means of electronic communication and the fact that no stock composes 50 percent of the proposed NYSE indicies should be sufficient to address any concerns raised by those persons in light of their less consistent access to market information. In light of the substantially greater risks and reduced leverage, the Commission cannot identify significant concerns of market information abuse under the restrictions of the NYSE proposal from trading activity in the proposed index options by NYSE stock specialists or other floor traders, at least where no stock comprises 50 percent of the market value of an index.

#### B. Potential for Stock/Option Manipulation

The Options Study raised concerns regarding whether the trading of options on the primary market might reduce the costs and risks of, and therefore facilitate, short-term stock/option minimanipulations.33 The Options Study concerns about NYSE entry into the options market were raised by the prospect of NYSE trading in options on individual NYSE-listed stocks, not the trading of index options. In an index composed of many stocks, a particular stock's impact on that index is, of course, diluted or, possibly, negated, depending on the price movement of the other index components. Nevertheless. concerns about opportunities for manipulation and misue of inside information presented by trading options on the primary stock market continue to be relevant when a particular stock comprises a significant percentage of the index. In such instances, where price movements in that dominant stock will have an appreciable impact on the index value, information not available to others, or the opportunity to effect the price of the stock, may permit NYSE floor members to benefit through trading in the index options.

The NYSE proposal includes a number of provisions designed to address this concern. As discussed above, NYSE specialists in stocks comprising a significant part of an index are prohibited from trading options on the index. In addition, any floor member is

<sup>31</sup> The NYSE has recently filed a proposal to trade options on individual securities. See File No. SR-NYSE-84-3. The Commission emphasizes that this order is not intended to address the conditions, if any, under which the Commission would approve that proposal.

<sup>32</sup> The NYSE rules also directly prohibit "frontrunning" which involves trading options based on market information regarding a block transaction.

<sup>23</sup> A mini-manipulation would be accomplished in connection with stock index options by profiting from a large pre-existing position in the options by making trades or entering orders to move the prices of one or more of the stocks in the index, thereby moving the level of the index and the price of the options and enabling the options investor to liquidate or exercise the option at a profit.

prohibited from purchasing or selling a security comprising 10 percent or more of an index option from the floor once he has taken a position in that index option. These per se prohibitions, when combined with the provisions of the NYSE proposal for a physically separate floor, limitations on electronic communication between the stock and options floors, and trade reporting requirements, satisfactorily address the Options Study concerns as they relate to the NYSE's trading of options overlying an index of stocks primarily listed on that exchange.<sup>34</sup>

#### IV. Findings and Conclusions

The Commission finds that portion of the proposed rule change on which it is today taking action <sup>35</sup> consistent with the protection of investors and the public interest, imposes no burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and is therefore, consistent with the requirements of the Act and the rules and regulations

While we believe that these provisions address from a regulatory perspective the unique concerns raised by the NYSE's trading options on an index of its stocks, our approval is contingent on the implementation by the NYSE of an effective surveillance program. This program should be designed: (1) to monitor members' compliance with the trading restrictions in the proposal; and (2) to detect trading abuses involving both the option and the underlying index stocks by any market participant. Because it would have access to complete information about both the options and the underlying stock trading, the NYSE has the capability to develop a program at least as effective as those currently in place at the other options exchanges.

We do not feel that the suggestion in the Options Study that the NYSE establish a separate cost center for options trading is necessary to the commencement of industry index options trading at the NYSE. Again, the competition industry index options may present to individual stock options will occur at most in a somewhat diluted form and it is unnecessary to consider at this time the competitive issues raised by the NYSE proposed entry into the market for options on individual securities. See File No. SR-NYSE-84-3. Furthermore, the possibility that the NYSE might take advantage of the financial advantages it may have as a result of its predominant stock market position to engage in predatory or other anticompetitive financial practices in the index options market is at this point largely theoretical. As we have previously stated. these theoretical possibilities are not enough to preclude the NYSE from participating as a competitor in a new market. See Securities Exchange Act Release No. 18296, December 2, 1981. Of course, should the Commission in the future become aware that any market participants are engaging in competitive practices inconsistent with the federal securities laws, it will be prepared to consider appropriate remedial action at that time

<sup>36</sup> As discussed above, the portion of the proposed rule change on which the Commission is today taking action is limited to the general rules submitted by the NYSE, except its proposed standards for index composition. The Commission also is taking no action on any of the specific industry index option contracts NYSE proposes to trade. Thus, this approval order is partial only.

thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder.<sup>36</sup>

The Commission finds good cause for partially approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the basic NYSE proposal to trade industry index options has been published for comment for over 2 months, and the amendments to the proposal being approved today are either technical in nature or clearly and adequately relieve concerns expressed by the Commission and the commentators.

It is therefore, ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change is partially approved, subject to the conditions described above.

By the Commission.

George A. Fitzsimmons.

Secretary.

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[Release No. 34-20674; File No. SR-NYSE-84-1]

#### Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc.; Relating to the Expiration Cycle for Index Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 8, 1984, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change permits the Exchange to have series expiring in up to six months trading at one time and to always have series listed that expire during the four nearest months.

#### II. Self-Regulatory Organizations Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### (1) Purpose

The purpose of the proposed rule change is to permit the Exchange to achieve uniformity with the other index options exchanges regarding the availability at all times of series expiring during the four nearest months while at the same time enabling it to consistently have listed series expiring in the same number of months.

At present, series expiring in five different months are normally open for trading at any given time for any class of index options listed on the Exchange. Three of them are normally listed as nine-month options expiring on the designated quarterly cycle ("cycle month series"). The other two are listed as three-month options expiring in the off-cycle months ("consecutive month series"). As a consequence, the Exchange presently has series listed that expire in the fourth of the four nearest months for only four months during the year, when two cycle month series happen to expire within the four nearest months.

In contrast, the American Stock Exchange, Inc. and the Chicago Board Options Exchange, Inc., pursuant to their rules for monthly expirations, always have series listed that expire in the fourth of the four nearest months.

Member organizations have expressed concern about the lack of uniformity among index options in this area. Accordingly, the Exchange is proposing to revise its Rule 703 to give it authority to conform to the other exchanges in respect of always having the four nearest-term expiration months listed. However, the Exchange has taken care in the drafting of its amendments to give it the flexibility in respect of each class to elect, on a month-by-month basis if

<sup>&</sup>lt;sup>36</sup> Prior to the commencement of actual trading in industry index options, the NYSE will have to submit an adequate surveillance agreement. This has been a condition precedent to the commencement of trading in industry index options at the other options exchanges. See, e.g., the Amex Release.

appropriate, not to list series expiring in a fifth or sixth month (i.e., a second or third consecutive month series) should industry practice or the peculiarities of the particular class dictate omitting a fifth or sixth month.

For any 12-month period, maintaining monthly expirations in this revised manner will require the listing of a ninemonth option on the quarterly cycle on the Monday following the expiration date in each of the four quarterly cycle months. If the Exchange specifies only two expiration months for consecutive month series for a particular class of index options (i.e., a total of five expiration months), the Exchange will list a three-month option in each of the other eight months. If the Exchange specifies three expiration months for

consecutive month series for the class (i.e., a total of six expiration months), the Exchange will list four- or five-month series in each of the other eight months.

The Exchange will also have the alternative of electing to defer for one month the listing of a consecutive month series. The need for reserving that authority derives from the fact that Rule 703 as proposed to be revised would, without that reservation, result in having the five, rather than the four, nearest months listed for eight months during the year. If that proves to be a problem for member organizations, the Exchange will be able simply to defer the fifth nearest month's listing. In the next month, the Exchange would list both the

deferred month and a replacement cycle month.

To illustrate this, a year's cycle that assumes a March expiration cycle for the cycle month series and a total of six expiration months is shown in Figure 1. Each row shows the first letter of the expiration months of the series trading during the last part (after the expiration date) of the month indicated in the leftmost column. Upper case letters indicate cycle months. The italicized letters identify the expiration month of the newly-opened series. If the Exchange determines not to have the five nearest months listed, it would, for example, defer until late March its listing of July series rather than list the July series in late February as shown in Figure 1.

#### FIGURE 1

#### Monthly Expirations, March Cycle, Six Months

				1	9	8	4							-	1 9	9 8	3 5			
	FEB.	M	a	m	J	i		S												
	MAR.		a	m	J	j		S			D									
	APR.			m	J	j	a	S			D									
1	MAY				J	j	a	S	0		D									
9	JUNE					j	a	S	0		D			M						
8	JULY						a	S	0	n	D			M						
4	AUG.							S	0	n	D	1		M						
	SEP.								0	n	D	j		M			J			
	OCT.									n	D	j	£	M			J			
	NOV.										D	j	£	M	a		J			
	DEC.											j	f	M	a		J			3
1	JAN.												£	M	a	m	J			S
9	FEB.													M	a	m	J	i		s
8		-																	X	
5														100						

#### (2) Statutory Basis

By authorizing the Exchange to conform its expiration specifications to those of the other index options exchanges, the proposed rule change contributes to the uniformity of the various option rules with which member organizations common to the Exchange and one or more other index option exchanges must comply. Therefore, the proposed rule change is consistent with section 6(b)(5) of the 1934 Act, which provides in pertinent part that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

#### (B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to

submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the abovementioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 17, 1984. George A. Fitzsimmons,

Secretary.

[FR Doc. 84-5135 Filed 2-24-84: 8:45 am] BILLING CODE 8010-01-M

#### SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 3110]

#### Kansas; Declaration of Physical Disaster Loan Area; Correction

The above numbered declaration was erroneously published on January 16, 1984 (49 FR 1958) as amendment #1. It should have been amendment #2.

#### Ronald Allen,

Federal Register Liaison Officer. [FR Doc. 84-5129 Filed 2-24-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3029; Amdt. No. 2]

#### Minnesota; Declaration of Physical Disaster Loan Area Pursuant to Pub. L. 98-166

The above numbered declaration (48 FR 55798 and Amendment No. 1—48 FR 57369) is amended pursuant to the Secretary of Agriculture's designation authorizing Farmers Home Administration (FmHA) to accept emergency loan applications in the following area:

#### STATE OF MINNESOTA

FmHA		Incident and date	
Number	Date	incident and date	
S105	1/19/84	Excessive rains beginning May 1, 1983, and continuing through October 31, 1983.	
		County	
Beltrami S105	1/24/84	Excessive moisture and extreme heat beginning June 1, 1983 and continuing through October 31, 1983 in Marshall County. Heavy rain and extreme heat beginning June 11, 1983, and continuing through October 31, 1983, and a tornado on June 21, 1983, in Polit County.	

Marshall and Polk

As a result of this designation, I have determined the above counties in the state of Minnesota constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming; farm owners who do not operate their farms; etc., and for Economic Injury Disaster loans for nonfarm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

	Percent
Agricultural Enterprises With Credit Available Else- where	10.5
Agricultural Enterprises Without Credit Available Elsewhere	8.0
Non-farm Small Businesses (Economic Injury)	8.0

Loan applications for Physical
Disaster Loans from eligible agricultural
enterprises may be filed for a period not
to exceed thirty days from the date of
the letter of referral from FmHA,
provided that the application for EM
assistance from FmHA or the formal
written request for a letter of referral by
FmHA was filed within the time limits
set forth in the FmHA designation. Loan
applications for Economic Injury for

non-farm small businesses may be filed until the close of business on July 19, 1984, in Beltrami and July 24, 1984, in Marshall and Polk Counties. The number assigned this disaster is 3029 for Physical damage to eligible agricultural enterprises and for Economic Injury 610901.

Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 2 Disaster Office, 75 Spring Street S.W. Suite 822, Atlanta, Georgia 30303, (800) 554–3455 and in Georgia (800) 241–5625 or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 21, 1984.

#### Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-5126 Filed 2-24-84; 8:45 am] BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3016; Amdt. No. 2]

#### New Mexico; Declaration of Physical Disaster Loan Area Pursuant to Pub. L. 98-166

The above numbered declaration (48 FR 55797 and Amendment No. 1—48 FR 57396) is amended pursuant to the Secretary of Agriculture's designation authorizing Farmers Home Administration (FmHA) to accept emergency loan applications in the following area:

#### STATE OF NEW MEXICO

FmHA		Analysis and don			
Number	Date	Incident and date			
SO98	12/30/83	Damages and losses to crops caused by extended drought be- ginning June 1, 1983, and con- tinuing through October 20, 1983			
O FILIPAV		County			
Mora SO98	1/23/84	Damages and losses to crops caused by the freeze on Septem- ber 20, 1983, in Curry County only. County			
2		County			
Curry SO98	1/25/84	Damages and losses to crops caused by extended drought be ginning June 1, 1983, and con tinuing through October 20, 1983			
	Late V	Counties			
Guada- lupe and San Miguel	N. S. W. S.				

As a result of this designation, I have determined the above counties in the state of New Mexico constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming; farm owners who do not operate their farms; etc., and for Economic Injury Disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

Loan applications for Physical
Disaster Loans from eligible agricultural
enterprises may be filed for a period not
to exceed thirty days from the date of
the letter of referral from FmHA,
provided that the application for EM
assistance from FmHA or the formal
written request for a letter of referral by
FmHA was filed within the time limits
set forth by the FmHA designation.

Loan applications for Economic Injury for non-farm small businesses may be filed until the close of business on June 30, 1984 in Mora, July 23, 1984 in Curry, and July 25, 1984 in Guadalupe and San Miguel. The number assigned this disaster is 3016 for Physical damage to eligible agricultural enterprises and for Economic Injury 609901. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 3 Disaster Office, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, (800) 527-7735 and in Texas (800) 442-7206 or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 21, 1984.

#### Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-5128 Filed 2-24-84; 8:45 em]

[Declaration of Disaster Loan Area No. 3021]

# Pennsylvania; Declaration of Physical Disaster Loan Area; Correction

The above numbered declaration was erroneously published on January 16,

1984 (49 FR 1959) as Amendment No. 3. It should have been Amendment No. 2. Ronald Allen.

Federal Register Liaison Officer. [FR Doc. 84-5130 Filed 2-24-84, 8:45 am] BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3021; Amdt. 3]

#### Pennsylvania; Declaration of Physical Disaster Loan Area Pursuant to Pub. L. 98–166

The above numbered declaration (48 FR 55795, Amendments No. 1—48 FR 57369, No. 2—49 FR 1959) is amended pursuant to the Secretary of Agriculture's designation authorizing Farmers Home Administration (FmHA) to accept emergency loan applications in the following area:

#### STATE OF PENNSYLVANIA

FmHA		Comment of the state of the		
Number	Date	Incident and date		
SO94	12/22/83	Extended drought conditions begin- ning July 1, 1983, and continuing through November 20, 1983.		
		County		
Indiana SO94	12/30/83	Drought conditions beginning July 1, and continuing through November 20, 1983.		
Wall John	V 150.09	County		

As a result of this designation, I have determined the above counties in the State of Pennsylvania constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming; farm owners who do not operate their farms; etc., and for Economic Injury Disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

	Percent
Agricultural Enterprises With Credit Available Else-	
where	10.5
Agricultural Enterprises Without Credit Available	
Elsawhere	8.0
Non-farm Small Businesses (Economic Injury)	8.0

Loan applications for Physical
Disaster Loans from eligible agricultural
enterprises may be filed for a period not
to exceed thirty days from the date of
the letter of referral from FmHA,
provided that the application for EM

assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for Economic Injury for non-farm small businesses may be filed until the close of business on June 22, 1984 in Indiana County and July 2, 1984 in Lehigh County. The number assigned to this disaster is 3021 for Physical damage to eligible agricultural enterprises and for Economic Injury 609701. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 2 Disaster Office, 75 Spring Street S.W., Suite 822, Atlanta, Ga. 30303, (800) 554-3455 and in Georgia (800) 241-5625 or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 21, 1984.

#### Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-5127 Filed 2-24-84; 8:45 am] BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3025; Amdt. 3]

#### Texas Declaration of Physical Disaster Loan Area Pursuant to Pub. L. 98-166

The above numbered declaration (48 FR 55798, Amendments #1—48 FR 7396, #2—49 FR 5016) is amended pursuant to the Secretary of Agriculture's designation authorizing Farmers Home Administration (FmHA) to accept emergency loan applications in the following area:

#### STATE OF TEXAS

FmHA		1000			
Number	Date	Incident and date			
SO62	1/19/84	Losses caused by severe drought beginning April 1, 1983, through December 31, 1983, and "also severe hailstorms occurring on June 7-9, August 9 and October 16, 1983, "Losses caused by cold weather and freezing temperatures occurring March 1983, and drought beginning April 1, 1983, through September 21, 1983 in Hale County only.			

Childress, Collingsworth, Lynn, and Vai Verde; \*Bailey and Brown; \*\*Hale,

As a result of this designation, I have determined the above counties in the state of Texas constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and

cooperatives not being primarily engaged in farming; farm owners who do not operate their farms; etc., and for Economic Injury Disaster loans for nonfarm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

	Percent
Agricultural Enterprises With Credit Available Else-	1
where	10.5
Elsewhere	8.0
Non-farm Small Businesses (Economic Injury)	8.0

Loan applications for Physical Disaster Loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA. provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for Economic Injury for non-farm small businesses may be filed until the close of business on July 19, 1984. The number assigned this disaster is 3025 for Physical damage to eligible agricultural enterprises and for Economic Injury 605801. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 3 Disaster Office, 2306 Oak Lane Suite 110, Grand Prairie, Texas 75051, (800) 527-7735 and in Texas (800) 442-7706 or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 21, 1984.

#### Bernard Kulik.

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-5124 Filed 2-24-84; 8:45 am] BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3026; Amdt. 5]

#### Virginia; Declaration of Physical Disaster Loan Area Pursuant to Pub. L. 98-166

The above numbered declaration (48 FR 55796. Amendments #1—48 FR 57396, #2—48 FR 2041, #3—49 FR 2042, #4—49 FR 2042) is amended pursuant to the Secretary of Agriculture's designation authorizing Farmers Home Administration (FmHA) to accept emergency loan applications in the following area:

#### STATE OF VIRGINIA

FmHA		V MAN STEEL			
Number	Date	Incident and date			
SO90	1/17/84	Drought beginning May 1, 1983, and continuing through October 10, 1983,			

Counties

Gloucester, Grayson, and Patrick

As a result of this designation, I have determined the above counties in the State of Virginia constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming; farm owners who do not operate their farms; etc., and for Economic Injury Disaster loans for nonfarm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

Percent

Agricultural Enterprises With Credit Available Else-	
where	10.5
Agricultural Enterprises Without Credit Available	
Elsewhere	8.0
Non-farm Small Businesses (Economic Injury)	8.0

Loan applications for Physical Disaster Loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for Economic Injury for non-farm small businesses may be filed until the close of business on July 17, 1984. The number assigned this disaster is 3026 for Physical damage to eligible agricultural enterprises and for Economic Injury 609101. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 2 Disaster Office, 75 Spring Street SW., Suite 822, Atlanta, Georgia 30303, (800) 554-3455 and in Georgia (800) 241-5625 or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 21, 1984.

#### Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-5125 Filed 2-24-84; 8:45 am] BILLING CODE 8025-01-M

#### **DEPARTMENT OF TRANSPORTATION**

#### **Coast Guard**

[CGD 83-068]

Port Access Routes Study; Unimak Pass, Alaska

AGENCY: Coast Guard, DOT.
ACTION: Notice of Study; Unimak Pass,
Alaska

The Coast is undertaking a study of the potential vessel traffic density and the need for safe access routes through the Unimak Pass area on the coast of Alaska. A new traffic separation scheme will be considered for this area. This study is being conducted in accordance with standards contained in the Ports and Waterways Safety Act (PWSA) (Pub. L. 95-474; 33 U.S.C. 1223 and 1224). As a result of this study, new or modified routing measures may be proposed in a future Federal Register. Because a shipping safety fairway has been proposed for this area in a previous notice (46 FR 61049; December 14, 1981), this study will not result in additional restrictions on the manner in which the area may be explored and developed. However, vessel operators will be affected if a traffic separation scheme is established in the pass.

Specifically, the area to be examined during the study is described as follows: a corridor, 4 nautical miles wide, centered upon a rhumbline joining points at:

Latitude	Longitude
54° 06′ 00° N	162° 20° 00° W. 165° 43° 00° W.

and a corridor, 4 nautical miles wide, centered upon a rhumbline joining points at:

Latitude	Longitude
54° 20° 00° N	165° 02' 00" W. 165° 13' 00" W.

Port access routing needs in this area were previously studied in 1980; and results were published on December 14, 1981, in 46 FR 61049. It was announced at that time that the Coast Guard would proceed with rulemaking to establish a safety fairway within the above described area. It was noted at that time that a traffic separation scheme (TSS) could be implemented within this fairway if warranted by traffic density. The traffic density in Unimak Pass may already be reaching the level at which a TSS would be a valuable aid to safe navigation. This new study will determine the need for this vessel traffic control measure. Rulemaking on the fairway will not be initiated until the results of the present study are announced.

The Seventeenth Coast Guard District will be conducting the study and developing recommendations. Following is the name, address and telephone number of the project officer who will be responsible for the study of this area: Lieutenant Commander J. D. Asbury, Chief, Marine Port Safety Branch, P.O. Box 3–5000, Juneau, AK 99802, (907) 586–7195.

The Coast Guard is interested in receiving information and opinions from persons who have an interest in safe routing of ships as affected by vessel traffic and by other uses of the area. Written comments should be mailed to the above address. In accordanace with the PWSA, the Coast Guard will directly consult with the Secretaries of State, the Interior, Commerce and Army, and the Governors of the affected states during the study. In order to be most useful, any relevant information should be made available to the Seventeenth District office by June 30, 1984.

In particular, the Coast Guard would like information on the following:

- Specific data on the number and type of vessels currently transiting Unimak Pass during a year. Categories of vessels would include deep draft, fishing, tug and tows, and miscellaneous.
- 2. Supported data concerning projected future increases in vessel traffic density or other uses in Unimak Pass.
- Comments concerning the need for the establishment of a traffic separation scheme in Unimak Pass.
- Specific data regarding impact of a fairway/TSS on offshore drilling activities.
- Specific data regarding impact of a TSS on fishing activities.

#### Study Policies

The actions to be taken as a result of this study cannot be specified at this time. However, the Coast Guard will be governed by certain policies which are emphasized here to assist those who wish to submit comments. These policies and intentions are based on Coast Guard experience in the areas of vessel traffic management, navigation, shiphandling, the effects of weather, and prior analysis of the traffic density in certain regions, as well as the mandates of the PWSA.

The PWSA directs that the Secretary (Coast Guard) "... provide safe access routes for the movement of vessel traffic proceeding to and from ports or places

subject to the jurisdiction of the United States . . . and shall designate necessary fairways and traffic separation schemes" in which the "paramount right of navigation over all other uses" shall be recognized. Before a designation can be made, the Coast Guard is required to "undertake a study of the potential traffic density and the need for safe access routes."

During the study, the Coast Guard is directed to consult with federal and state agencies and to "consider the views of representatives of the maritime community, port and harbor authorities or associations, environmental groups, and other parties who may be affected

by the proposed action."

The use conflicts which are of current concern in the area to be studied involve three factors: The volume of opposing traffic flowing through the pass; fishing activity; and production facilities in or near the traffic routes. Opposing traffic can be managed by the establishment of a traffic separation scheme (TSS) in the area of vessel concentration. The TSS would be subject to adoption by the International Maritime Organization (IMO). In accordance with 33 U.S.C. 1223, the Coast Guard will "to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved." If the Coast Guard determines that a new routing measure designation is needed, a notice of proposed rulemaking will be published.

It is anticipated that the study will be concluded by January 31, 1985.

Dated: February 21, 1984.

#### T. J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 84-5155 Filed 2-24-84; 8:45 am] BILLING CODE 4910-14-M

#### **Federal Aviation Administration**

#### Organization and Functions; Closing of Flight Service Station at Windsor Locks, Connecticut; Notice of Closing

Notice is hereby given that on or about March 3, 1984, the Windsor Locks Flight Service Station at Windsor Locks, Connecticut, will be closed. Service to the general aviation public of Connecticut, formerly provided by this office, will be provided by the Bridgeport Flight Service Station in Bridgeport, Connecticut. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Burlington, Massachusetts on February 10, 1984.

#### Robert E. Whittington,

Director, New England Region. [FR Doc. 84-5077 Filed 2-24-84; 8:45 am] BILLING CODE 4910-13-M

#### National Highway Traffic Safety Administration

#### Petition To Commence Defect Proceedings; Denials

This notice sets forth the reasons for the denials of petitions to commence a proceeding to determine whether to issue an order pursuant to section 152(b) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1412(b).

On July 7, 1983, Lawrence S. Grosberg, an attorney in Los Angeles, Calif., petitioned NHTSA on behalf of a client to commence a defect proceeding with respect to an alleged loss of lubricant from the engine or transmission of 1982 Oldsmobile Toronado passenger cars with diesel engines. Mr. Grosberg believes that such a leak could cause the engine to freeze at any time, thus creating a safety hazard.

The agency reviewed the Toronado Owner's Manual and varified that the vehicle is equipped with a red warning light which illuminates when engine oil is at a low level. With respect to transmission leaks, these manifest themselves by puddles under the vehicle and by difficulty in gear changes. The progressive nature of the symptoms are such as would alert even inattentive drivers to the need for service.

Accordingly, the agency determined that there was not a reasonable possibility that an order requiring notification and remedy of a safety related defect would be issued at the conclusion of an investigation, and on November 29, 1983, Mr. Grosberg's petition was denied. However, the agency forwarded a copy of his complaint to the Federal Trade Commission for its review for nonsafety defects and warranty.

Simon Joseph of Flint, Michigan, asked NHTSA on July 31, 1983, to investigate an alleged safety problem in his 1982 Chevrolet Monte Carlo passenger car due to backfiring, and stalling of its engine. The agency reviewed its files and discovered two similar complaints from owners of 1982 Monte Carlos. No accidents or injuries, however, were reported, and the agency concluded that these complaints were a typical of the nearly 100,000 1982 Monte Carlos that were manufactured. General

Motors expressed its willingness to provide technical assistance in resolving Mr. Joseph's problem. The petition was denied on November 29, 1983, as the agency determined that there was no reasonable possibility that at the conclusion of the investigation an order would be issued requiring the manufacturer to notify and remedy a safety related defect.

(Secs. 124, 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1410(a), 1412); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on January 18, 1984.

#### George L. Parker,

Associate Administrator for Enforcement. [FR Doc. 84-5120 Filed 2-24-84; 8:45 am] BILLING CODE 4910-59-M

#### **Denial of Petition for Defect Hearing**

Pursuant to 49 CFR Part 577 this notice sets forth the reasons for the denial of a petition by Michael M. Pocost that the National Highway Traffic Safety Administration (NHTSA) conduct a hearing to determine whether a manufacturer had reasonably met its obligation to remedy a safety-related defect (15 U.S.C. 1416).

On November 3, 1983, Mr. Pocost wrote NHTSA alleging that General Motors Corporation had inadequately repaired the braking system of his 1980 Chevrolet Citation (X-Body) passenger car "under the April 1983 recall program." According to Mr. Pocost, "the problem of rear wheel brake lock up has reappeared", and that he has been advised by his dealership's service manager "that no further modification can be made to this car to prevent rear wheel brake lockup."

Mr. Pocost was informed on December 9, 1983, that the Department of Justice had filed suit in August 1983 against General Motors alleging that such recall campaigns had been inadequate to remedy the lockup problem. Therefore NHTSA plans no further hearings at this time because of the pendency of the government's civil action, and for this reason Mr. Pocost's petition was denied.

(Sec. 156, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1416); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on February 17, 1984.

#### George L. Parker,

Associate Administrator for Enforcement.
[FR Doc. 84-5121 Filed 2-24-84; 8:45 am]
BILLING CODE 4910-59-M

# Research and Special Programs Administration

#### DOT-E 7235: Limit on Filling Pressure for High Pressure Composite Hoop Wrapped Cylinders Authorized by Exemption

In response to notification of the rupture of one cylinder manufactured in 1978 under Exemption DOT-E 7235 and evidence that other normally charged cylinders have leaks caused by longitudinal cracks occurring in the threaded section of the cylinder neck, the MTB is issuing this notice specifying a reduction in filling pressure.

All cylinders marked DOT-E 7235– 4500 are subject to the provisions of this notice. The manufacturer, Luxfer USA Limited (Luxfer), advises that most cylinders manufactured under E-7235, known as "30-minute cylinders," are used as breathing apparatus for firemen.

On August 11, 1983, (48 FR 36559), the MTB published a notice that Luxfer had initiated a recall of cylinders manufactured in 1982 (under E-7235) and bearing serial numbers WA43160 through WA50178 and WF20321 through WF21548. It was the opinion of Luxfer at that time that failures which prompted the recall were probably caused by a higher than normal composition of lead and bismuth in one cast of material. The most recent failure indicates that while this abnormality in material composition may be a contributing factor, it is not the basic cause of the failure to which this notice is addressed. Failure analysis studies performed for Luxfer establish that the fractures are intergranular and result from sustained load crack propagation in an area that, by conventional design standards, should be the lowest stressed area of the cylinedr. While the basic cause of failure has not as yet been determined. fracture toughness analysis indicates that for this "time dependent" type of failure, a stress reduction of approximately 10 percent will substantially decrease the likelihood of a catastrophic failure and increase the likelihood that any failure would be in a

"leak without fracture" mode.
In consideration of the foregoing, and due to the risk of imminent hazard, exemption DOT-E 7235 has been amended effective February 28, 1984, to limit the filling (charging) pressure to 4000 psi for each cylinder manufactured, marked, and sold under the exemption that is marked with a 4500 psi service pressure (DOT-E 7235 4500). This action is necessary to accomplish a reduction in the sustained stress in these cylinders and is subject to modification based on newly developed data and

implementation of an appropriate inspection procedure and program.

Persons owning, using, or otherwise having control over cylinders marked DOT-E 7235-4500, must limit the filling pressure to 4000 psi, and reduce to 4000 psi the pressure in cylinders already charged.

The feasibility of using non-destructive testing (NDT) techniques to identify the presence of cracks is being evaluated. This evaluation is proceeding on an expedited basis, and a determination will be made in the near future regarding the suitability of one or more of the NDT methods.

Recommendations on employing tests for crack detection should be forthcoming when this investigative work is completed.

For further information contact:
Arthur J. Mallen, Office of Hazardous
Materials Regulation, Materials
Transportation Bureau, Department of
Transportation, 400 Seventh Street, SW.,
Washington, D.C. 20590. (202) 755–4906.
Office hours are: 8:30 a.m. to 5:00 p.m.,
Monday through Friday.

Issued in Washington, D.C. on February 24,

#### Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau. [FR Doc. 84-5356 Filed 2-24-84; 12:01 pm]

BILLING CODE 4910-60-M

#### DEPARTMENT OF THE TREASURY

#### Office of the Secretary

[Department Circular Public Debt Series—No. 6-84]

#### Treasury Notes of May 15, 1989; Series H-1989

Washington, February 22, 1984.

#### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$6,000,000,000 of United States securities, designated Treasury Notes of May 15, 1989, Series H-1989 (CUSIP No. 912827 QN 5). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

#### 2. Description of Securities

- 2.1. The securities will be dated March 5, 1984, and will bear interest from that date, payable on a semiannual basis on November 15, 1984, and each subsequent 6 months on May 15 and November 15 until the principal becomes payable. They will mature May 15, 1989, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.
- 2.2. The securities are subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.
- 2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.
- 2.4. Securities registered as to principal and interest will be issued in denominations of \$1,000, \$5,000, \$10,000, \$10,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.
- 2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

#### 3. Sale Procedures

- 3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:30 p.m., Eastern Standard time, Tuesday. February 28, 1984. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, February 27, 1984, and received no later than Monday, March 5, 1984.
- 3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the

yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount

may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership: foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks). or by a payment guarantee of 5 percent of the face amount applied for, from a commerical bank or a primary dealer.

3.5. A noncompetitive bidder may not have entered into an agreement, or make an agreement with respect to the purchase or sale or other disposition of any noncompetitive awards of this issue in this auction prior to the designated closing time for receipt of tenders.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a 1/8 of one percent increment, which results in an equivalent average accepted price

close to 100,000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

#### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

#### 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, March 5, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be

received from institutional investors no later than Thursday, March 1, 1984. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative. must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt. Washington, D.C. 20239. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

#### 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are

authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-5247 Filed 2-23-84; 3:51 pm]

BILLING CODE 4810-40-M

# **Sunshine Act Meetings**

Federal Register Vol. 49, No. 39

Monday, February 27, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

# BOARD FOR INTERNATIONAL BROADCASTING

PLACE: Sheraton Carlton Hotel, 923 16th Street, NW., Washington, D.C. 20006. STATUS: Closed, pursuant to 5 U.S.C. 552(c)(1) 22 CFR 1302.4 (c) and (h) of the Board's rules (42 FR 9388, Feb. 16, 1977).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the United States Government.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Arthur D. Levin, Budget and Administrative Officer, Board for International Broadcasting, Suite 1100, 1201 Connecticut Avenue, NW., Washington, D.C. 20036, 202–254–8040. Arthur D. Levin,

Budget and Administrative Officer. [FR Doc. 84–5243 Filed 2-23-84: 3:16 pm] BILLING CODE 6155-01-M

2

# FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 7:38 p.m. on Friday, February 17, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Brownfield State Bank & Trust Co., Brownfield, Texas, which was closed by the Banking Commissioner for the State of Texas on Friday, February 17, 1984;

(2) accept the bid for the transaction submitted by Brownfield State Bank, Brownfield, Texas, a newly-chartered State nonmember bank subsidiary of American State Financial Corporation, Lubbock, Texas; (3) approve the applications of Brownfield State Bank, Brownfield, Texas, for Federal deposit insurance, for consent to purchase certain assets of and to assume the liability to pay deposits made in Brownfield State Bank & Trust Co., Brownfield, Texas, and for consent to establish the two remote service facilities of Brownfield State Bank & Trust Co. as remote service facilities of Brownfield State Bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive). concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B).

Dated: February 21, 1984.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 84-5187 Filed 2-23-84; 1:18 pm]
BILLING CODE 6714-01-M

3

#### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Thursday, March 8, 1984.

PLACE: Suite 316, 1825 K street, NW., Washington, D.C.

**STATUS:** Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mr. Earl R. Ohman, Jr., (202) 634–4015.

Dated: February 23, 1984.
Earl R. Ohman, Jr.,
Acting General Counsel.
[FR Doc. 84-5244 Filed 2-23-84; 3:16 pm]
BILLING CODE 7600-01-M

4

#### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Thursday, March 22, 1984.

PLACE: Suite 316, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATER TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mr. Earl R. Ohman, Jr., (202)634–4015.

Dated: February 23, 1984. Earl R. Ohman, Jr., Acting General Counsel. [FR Doc. 84–5245 Filed 2–23–84; 3:16 pm] BILLING CODE 7600–01-M

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#### PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chasr, Maryland, Headquarters.

TIME AND DATE: 2:00 p.m., Wednesday, February 22, 1984.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

Dated: February 23, 1984.

Joseph A. Barry.

General Counsel, United States Parole Commission.

[FR Doc. 84-5212 Filed 2-23-84; 8:45 am]

BILLING CODE 4410-01-M

6

#### **POSTAL RATE COMMISSION**

TIME AND DATE: 9 a.m., Thursday, February 23, 1984.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of matters in Docket No. R83-1. (Closed pursuant to 5 U.S.C. 552b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254–5614.

Charles L. Clapp,

Secretary.

[FR Doc. 84-5140 Filed 2-22-84: 5:02 pm] BILLING CODE 7715-01-M

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#### SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: (49 FR 6069 February 16, 1984).

STATUS: Open Meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, February 13, 1984.

CHANGE IN THE MEETING: Meeting canceled.

An open meeting scheduled for Thursday, February 23, 1984, at 9:30 a.m. has been canceled.

Chairman Shad and Commissioners Treadway and Cox determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact; William Y. Fowler IV at (202) 272–2092.

Shirley E. Hollis,

Assistant Secretary.
February 22, 1984.
[FR Doc. 84-5183 Filed 2-24-84; 1:02 pm]
BILLING CODE 8010-01-M

8

#### SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of February 27, 1984, at 450 Fifth Street NW., Washington, D.C.

A closed meeting will be held on Tuesday, February 28, 1984, 9:30 a.m. An open meeting will be held on Thursday, March 1, 1984, at 2:30 p.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c)(4), (8), (9)(A) and (10) and 17 CFR 200.402 (a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway and Cox voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 28, 1984, (9:30 a.m., will be:

Formal orders of investigation.
Institution of administrative proceedings of an enforcement nature.

Institution of injunctive action.

Litigation matter.

The subject matter of the open meeting scheduled for Thursday, March 1, 1984, at 2:30 p.m., will be:

1. Consideration of whether to (1) authorize the Division of Investment Management to waive reporting requirements imposed by certain outstanding exemptive orders which presently would not be imposed in similar cases and (2) if any previously exempted issuers prefer to amend their orders to formally eliminate these reporting requirements, to authorize the Division to process the application by delegated authority. For further information, please contact Sandra M. Molley at (202) 272–3026.

2. Consideration of whether to adopt proposed Rule 3a12-8 under the Securities Exchange Act of 1934 which is a conditional exemption to enable futures trading on British and Canadian government securities. For further information, please contact Eneida Rosa at (202) 272-2913.

3. Consideration of whether to authorize the publication of a staff report entitled, *The* Financing and Regulatory Capital Needs of the Securities Industry. For further information, please contact Bill Atkinson at (202) 272–2850.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: JoAnn Zuercher at (202) 272–2014.

Shirley E. Hollis,

Assistant Secretary.
February 22, 1984.
[FR Doc. 84–5184 Filed 2-23–84; 1:02 pm]
BILLING CODE 8010–01–M



Monday February 27, 1984

Part II

# Department of Energy

**Energy Information Administration** 

Manufacturing Energy Consumption Survey; Solicitation of Comments; Design and Development; Notice



#### **DEPARTMENT OF ENERGY**

**Energy Information Administration** 

Manufacturing Energy Consumption Survey (MECS); Solicitation of Comments; Design and Development

AGENCY: Office of Energy Markets and End Use, Energy Information Administration, DOE.

ACTION: Notice of request for comments.

SUMMARY: This notice solicits written comments on the design and development of a Manufacturing Energy Consumption Survey (MECS) which will cover the manufacturing industries in SIC codes 20-39. The comments will be used to determine the design of the survey, and the feasibility of collecting specific types of data. Comments are requested from all parties of individuals who are interested in, or affected by such a proposed survey. In addition, all written comments received on the proposed survey will be available for public inspection at the DOE Freedom of Information Office. Pursuant to the provisions of 10 CFR 1004.11 (1983), any person submitting information which is believed to be confidential and exempt by law from public disclosure, should submit one complete copy of the document, and if possible, 10 copies from which the information believed to be confidential has been deleted. The DOE will make its own determination with regard to the confidential status of the information or data and treat it according to its determination.

DATE: Comments concerning this notice should be submitted by April 12, 1984.

ADDRESSES: Comments should be submitted in writing to: Mr. Bruce D. Egan, Office of Energy Markets and End Use, Energy Information Administration, DOE, Room 1F–093, Forrestal Building, 1000 Independence Ave., S.W. Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Bruce D. Egan, (202) 252–1129.

SUPPLEMENTARY INFORMATION: The EIA serves as the Government's primary source of energy statistics and provides information to the Executive Branch, Congress, State and local governments, industry, and the general public. EIA's mission is to ensure that accurate, timely, and objective statistics on the Nation's energy position are available for use in public and private decisions. In support of these responsibilities, the legislation which created the EIA provides for the collection of data on energy supply and demand.

Given the sensitive and confidential nature of industrial energy data, the EIA is particularly interested in developing a worthwhile survey which all parties, data users and industrial respondents alike, approve and support. Since industrial energy use represents about 40 percent of total U.S. energy consumption, lack of data for this sector represents a conspicuous void. The EIA does collect some fuel use data for the industrial sector. However, these data are basically supply statistics which provide summary measures of consumption but do not provide information on characteristics of the customers or uses of fuels. These collections do not satisfy the EIA's requirements for providing descriptive consumption statistics.

The types of data needed by the EIA include: data on the aggregate consumption and end uses of fuels in industry; data on the current short and longer-term ability of industry to consume alternative fuels; and data which can be used in identifying and explaining the shifts in demand due to changes in energy prices and other economic circumstances.

There are a number of specific objectives which the MECS will fulfill. The survey will provide the means to track changes in the consumption of purchased and nonpurchased fuels and electric energy within specific industries and geographic regions.

This type of information is necessary for understanding and describing energy consumption and will provide critical input to the analysis of proposed energy policies. Also, while the ability to track changes in energy consumption is a key consideration in energy analysis, of equal importance is an understanding of why these changes took place. The survey will provide the means to account for, and understand, the factors which influence these changes.

The survey will provide insight into the capability of manufacturing establishments to switch from one energy source to another. This is one of the less understood areas of energy consumption but is of critical importance in understanding the ability of the manufacturing sector to continue normal operations in times of an emergency or disruption in the supply of any particular fuel.

The information collected will also indicate the degree to which industry uses conservation and fuel switching techniques in responding to changes in the relative prices of fuels. More generally, the survey will provide information on shifts in demand for various fuels in response to changes in price and other economic circumstances.

These data will be used for statistical forecasting puproses.

Topics will be added, revised or deleted as the Energy Information Administration further defines the need for industrial energy consumption data. Present activities include planning a pilot test to examine possible survey procedures and questionnaire formats. Based upon the comments provided by interested users and respondents, the EIA will then test the survey procedures and questionnaire, and revise them as necessary prior to conducting a national survey.

Relatively few specific details of the proposed MECS design are definite at present, but some general guidelines have been proposed. The MECS is planned to be a survey of manufacturing establishments. All data collected will be at the establishment level and will not include detailed information about individual pieces of equipment. Questionnaires will probably be sent through the mail by a data collection contractor, either to the individual establishments, or in the case of large multi-establishment corporations, through the corporate offices.

The sample will be selected from either a single list or amalgamated lists, with an expected sample size of less than 5 percent of the total number of industrial establishments in the United States. Establishments that consume large amounts of energy will be more likely to be in the sample than less energy intensive establishments, although any establishment will have a mathematical chance of appearing in the sample.

The data proposed to be collected would be used for statistical purposes only. EIA is currently developing procedures to guarantee that no data could be released which would identify individual establishments. Procedures being considered include withholding identifying data from the EIA by the data collection contractor, and statistical data masking where appropriate.

Comments (excluding those comments DOE has determined are confidential) submitted in response to this notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C. February 10, 1984.

#### J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc, 84-5065 Filed 2-24-84; 8:45 am] BILLING CODE 6450-01-M



Monday February 27, 1984

Part III

# Department of Agriculture

Office of the Secretary

Small Business Innovation Research Program for Fiscal Year 1984; Solicitation of Applications; Notice

#### **DEPARTMENT OF AGRICULTURE**

#### Office of the Secretary

Small Business Innovation Research Program for Fiscal Year 1984; Solicitation of Applications

Notice is hereby given that the authority of the Small Business Innovation Development Act of 1982 (Pub. L. 97-219) and section 1472 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3318), the U.S. Department of Agriculture (USDA) will award project grants for certain areas of research to science-based small business firms under Phase I of its Small Business Innovation Research (SBIR) Program. Firms with strong scientific research capabilities in the topic areas listed below are encouraged to participate. Objectives of the threephase program include stimulating technological innovation in the private sector, strengthening the role of small businesses in meeting Federal research and development needs, increasing private sector commercialization of innovations derived from USDA-

supported research and development efforts, and fostering and encouraging minority and disadvantaged participation in technological innovation.

The total amount available for Phase I of the SBIR Program during Fiscal Year 1984 is approximately \$689,00. The solicitation is being announced to allow adequate time for potential recipients to prepare and submit applications by the closing date of May 1, 1984. The research to be supported is in the following topic areas:

- 1. Forests and Related Resources.
- 2. Plant Production and Protection.
- 3. Animal Production and Protection.
- 4. Air, Water, and Soils.
- 5. Food Science and Nutrition.
- 6. Rural and Community Development.

The award of any grants under provisions of the solicitation is subject to the availability of appropriations. All grants awarded will be administered in accordance with the USDA's "Uniform Federal Assistance Regulations," (7 CFR Part 3015). These regulations primarily consolidate internal policies and procedures relating to USDA's assistance programs and implement

various Federally issued assistance policies including applicable Federal cost principles and uniform administrative requirements.

The solicitation, which contains research topic descriptions and detailed instructions on how to apply, may be obtained by writing or calling the office indicated below. Please note that applicants who were on the SBIR mailing list for 1983, or who have recently requested placement on the list for 1984, will automatically receive a copy of the 1984 solicitation.

Proposal Services Unit, Grants

Administrative Management, Office of Grants and Program System, U.S. Department of Agriculture, Room 010, West Auditor's Building, 15th and Independence Avenue, S.W., Washington, D.C. 20251; Telephone: (202) 475–5048.

Done at Washington, D.C. this 22nd day of February 1984.

Orville G. Bentley,

Assistant Secretary for Science and Education.

[FR Doc. 84-5119 Filed 2-24-84; 8:45 am] BILLING CODE 3410-MT-M



Monday February 27, 1984



# Department of the Interior

Minerals Management Service

Outer Continental Shelf, Western Gulf of Mexico; Proposed Oil and Gas Lease Sale 84 (July 1984); Notice



UNITED STATES
DEPARTMENT OF THE INTERIOR
Minerals Management Service

Proposed Oil and Gas Lease Sale 84 (July 1984) Western Gulf of Mexico

Outer Continental Shelf

the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, This Notice With regard to oil and gas leasing on the Outer Continental Shelf (DCS), The following is a proposed Notice of Sale for as amended, provides the affected States the opportunity to review the Sale 84 in the offshore waters of the Western Gulf of Mexico. is hereby published as a matter of information to the public. proposed Notice of Sale.

William D. Bettenberg

阻る中部

Date:

tant secretary for Land and Minerals Management

than all of the unleased portions of a block or bidding unit will be considered Bidders are advised to use the description "All the Unleased Federal Portion"

for those blocks having only aliquot portions currently available for leasing.

U.S. Department of the Interior -- Minerals Management Service. No bid for less

cashier's check, bank draft, or certified check, payable to the order of the

label would read as follows: "Sealed Bid for Oil and Gas Lease, Western Gulf of Mexico Sale 84, NG 15-1 (East Breaks) Block 701, not to be opened until 9:00 a.m., c.s.t., July--, 1984. For those blocks which must be bid upon together as a bidding unit (see paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear in the label on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by

Western Gulf of Mexico Outer Continental Shelf Proposed Notice of Sale Oil and Gas Lease Sale 84 Authority. This Notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256).

person to the above address, between 8:00 a.m. and 4:00 p.m., c.s.t., until the Bid Submission Deadline at 10:00 a.m., c.s.t., July --, 1984. Bids will not be accepted on July --, 1984, the day of Bid Opening. Delivery by mail should be addressed to P. 0. Box 7944, Metairie, Louisiana/70010 and must be received by the Bid Submission Deadline. Bids received by the Regional Manager prior to 8:30 a.m., c.s.t., July --, 1984. Bid Opening Time will be 9:00 a.m., the Regional Manager prior to 10:00 a.m., c.s.t., July --, 1984. Bids may not be withdrawn unless written withdrawal is received by the Regional Manager later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by 2. Filing of Bids. Sealed bids will be received by the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 Nor Causeway Boulevard, Metairie, Louisiana 70002. Bids may be delivered in c.s.t., July --, 1984, at the

All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this offering appeared in the Federal Register at

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease, Western Gulf of Mexico Sale 84 (insert map number(s), map name(s), if applicable, and block number(s), not to be opened until 9:00 a.m., c.s.t., July --, 1984," must be submitted for each block or prescribed bidding unit bid upon. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease, Western Gulf

FEB 2 | 1984

Garrey E. Carruthers

Billing Code:

rartnerships also need to submit or have on file a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point; e.g., \$6,12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of \$150 or more per acre or fraction thereof. All leases awarded from this sale will provide for a yearly rental payment of \$3 per acre or fraction thereof. All leases will provide for a minimum royalty of \$3 per acre or fraction thereof. The bidding systems to be utilized for this offering apply to blocks or bidding units as shown on map 2 (see paragraph 12). The following bidding systems will be used:

(a) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basts with a fixed royalty of 12-1/2 percent.

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See paragraph 14, "Information to Bidders and Lessees."

6. Bid Opening. Bids will be opened at the Bid Opening Time, stated in paragraph 2. The opening of the bids is for the sole purpose of publicly amounting bids received, and no bids will be accepted or rejected at that time. If the Openriment is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid will be deposited by the Government in an interest bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block or bidding unit will be awarded to any bidder, unless:

 (a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to adequate by the authorized officer.

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No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of \$150 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, or other applicable regulations, may be returned to the person submitting that bid by the Regional Manager and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease as specified below, pay the balance of the cash bonus bid with the first ments of 30 CFR 256, Subpart I.

For this lease sale, the Minerals Management Service will implement procedures for the electronic funds transfer (EFT) payment of four-fifths of the cash bonus bid and the first year's annual rental for each lease issued. Detailed instructions on making EFT payments will be provided by the Regional Manager when bidders are qualified to submit bids at the sale.

The following procedures for the payment of four-fifths of the cash bonus and the first year's annual rental by EFT will be in effect for successful bidders at this sale, based on the interim rule published in the Federal Register on June 10, 1983, at 48 FR 26778-26779. The final rule is expected to be published prior to the issuance of the final Notice for this sale, Only slight changes in the method of payment are anticipated in the final rule and will be reflected in the final Notice for this sale.

Bidders are required to submit the balance of the bonus and the first year's annual rental payment by EFT utilizing the Federal Reserve Communications System (FRCS) and the Treasury Financial Communications System, payable to the U.S. Department of the Interior—Aninerals Management Service. Each successful bidder must have its bank transfer the balance of the bonus payment and the first year's annual rental through the FRCS to the account of the U.S. Treasury at the Federal Reserve Bank of New York. The Federal Reserve Bank of New York must receive the EFT payment no later than noon. Eastern Standard Time, on the tenth business day after receipt of the lease forms for execution. The term "business day after receipt of the lease forms for execution. The term "business day" is defined as a day on which the buil of Mexico OCS Regional Office is open for business.

11. Leasing Maps/Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps/Official Protraction Diagrams which may be purchased from the Gulf of Mexico OCS Regional Office (see paragraph 14).

(a) Outer Continental Shelf Leasing Maps - South Texas Set. This set of maps sells for \$5.00.

Map I South Padre Island Area, East Addition
Map IA South Padre Island Area,
Map 2A North Padre Island Area, East Addition
Map 3 Mustang Island Area, East Addition
Map 3 Mustang Island Area, East Addition
Map 4 Matagorda Island Area

(b) Outer Continental Shelf Leasing Maps - East Texas Set. This set of maps sells for \$7.00. Map 5 Brazos Area, South Addition
Map 6 Galveston Area,
Map 6 Galveston Area, South Addition
Map 7 High Island Area, East Addition
Map 7 High Island Area, South Addition
Map 78 High Island Area, South Addition
Map 78 High Island Area, East Addition
Map 78 High Island Area, East Addition, South Extension
Map 8 Sabine Pass Area

(c) Outer Continental Shelf Official Protraction Diagrams. These diagrams sell for \$2.00 each. NG 14-3 Corpus Christi (approved January 27, 1976)
NG 14-6 Port Isabel (approved January 27, 1976)
NG 15-1 East Breaks (approved January 27, 1976)
NG 15-2 Garden Banks (approved February 2, 1976)
NG 15-4 Alaminos Canyon (approved March 26, 1976)
NG 15-5 Keathley Canyon (approved March 26, 1976)

# 12. Description of the Areas Offered for Bids.

(a) Acreages of full and partial blocks occurring at the meeting of map borders appear on the Leasing Maps and Official Protraction Diagrams. Acreages of split blocks on the Federal/State boundary appear on the set of drawings entitled "Split Blocks - Western Gulf of Mexico," available from the Gulf of Mexico OCS Regional Office (see paragraph 14). Where part of any of the above full, partial, or split blocks is under lease (as indicated below), the acreage available for leasing at this sale is listed in the document entitled "Western Gulf of Mexico Lease Sale 84, Open Acreages for Blocks with Aliquots Under Lease," also available from the Gulf of Mexico OCS Regional Office.

(b) References to maps 1, 2, and 3 in this Notice refer to the following, maps which are available on request from the Gulf of Mexico OCS Regional Office:

Map 1 entitled "Stipulations, Lease Terms, and Bidding Systems, Proposed," refers largely to Least Terms, Stipulations and Warning Areas.

Map 2 entitled "Stipulations, Lease Terms, and Bidding Systems and Bidding Systems and Bidding Units.

Map 3 entitled "Detailed Maps to Biologically Sensitive Areas, Proposed," pertains to areas referenced in Stipulation No. 2.

gether into bidding units totaling less than 5,760 acres. Any bid submitted for a bidding unit having more than one block must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units and their acreages appear on map 2.

(d) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11 except for those blocks or partial blocks described as follows:

STERN GULF OF MEXICO LEASE OFFER JULY 1984 WESTERN GULF OF MEXICO LEASED L
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High Island, South Addition (continued)	A-433	A437 A437 A438	A-439	A 441	A-443	A-444	A-445 A-446	A-447	A-448	A-455	A-459	A-461	A-466	A-467	A-469	A-472	A-474	A-475 A-476	A-477	A-480	A-487	A-488 A-489	A-490	A-492	A-495	A-497	A-499	A-500	A-503	A-506	A-507	A-511	A-514	A-515	A-520	A-523	A-531	A-532					
High Island (continued)	171	179	194	196	200	201	204	206	232	A-3	A-6	A-7 A-12	A-14	A-20	A-21	A-24	A-26	A-34 *	A-38	A-39 A-60	A-62	A-64 A-65	69·V	A-86	A-88	A-89	A-119	A-120	A-157	A-161	A-162	High Island,	South Addition	A.411	A-412	A-413	A-414	A-416	A-424				
High Island (continued)	71 (SE%)	88	90	94	96	105	107	108	110	1115	116	133	135-	(N%; N%S%;	WINGELICWIL.	NEWSEWSWW.	N%S%SE%)	(E%: E%NE%SW%;	SHSEKSWW)	139	140	141 (E%) 142	143	154 (WK)	158	159	(NE%; NEWNWA;	E%SE%NW%;	NYSEWSEW)	161-	(NW%NE%NW%;	WKNWK;	SEMNWM:	NEWNEWSWW:	NWISWIA.	NW%SW%SW%)	162	163	170				
Galveston (continued)		465 503	A-4	A-18	A-35	A-37	A-57	A-58	A-84	A-113		South Addition		A-114	A-115	A-126	A-127	A-131	A-142	A-156	A-187	A-190	A-224	A-227	A-253	High Island	Different Light	61	21	22	34	47	49	52	63	64	65	99	68				
Galveston (continued)	VY;WYNWWSEW;	296- (NE%;	SHEWNEWNW.	S%SW%NW%;	N45%;	NEWSWASWA;	NYSW'SE'A;	SEWSEW)	300	302	303	313	318	319	321	(NE%NE%NE%;	WKNEKNEK;	NESWANEW:	SWKSWKNEK.	323	326	332	333	343	345	350	353	354	357	361	362	384	388	389	392	393	421	422	476				
Brazos, South Addition (continued)	A-53	A-66 A-70	A-73 A-74	A-76	A-89	A-102	A-106	A-118	A-119 A-132	A-133		Galveston	103	104	144	180	181	190 (W1%)	192	211	213	239	241	255	270	271	(S%NE%NE%;	SEKNWKNEK;	EMEMSWW: SEW)	289-	(SW%NW%NW%;	SEMSWANWA:	SW%SE%NW%;	SWK; WKSEK)	(SKNFKNFK:	NW%NE%;	W%SW%NE%;	NEWSWENEY:	N'SSEMNEW,				
	ted	Brazos (continued)	450	451	453	466	475	478	479	490	491	494	497	498	502	504	510	515	517	534	535	551	552	809	615	A-7	A-10	A:17	A-19	A-20	A:23	A-24	A-28	A-33	. 4.34	A-39	A-40	A41	Brazos,	South Addition	A47	A48	A-52
IG NDS	ed Unless Otherwise No	Matagorda Island (continued)	653	655	656	664	665	666	668	699	0	2																												9	437	439	449
OFFERINASED LA	88								9	99	670	67	673	676	089	681	682	989	687	969	697	669	700	703	704	710	711	713	715	716	718	A4	A-7	Brazos		397	398	412	417	436	4 4	4	
CO LEASE Y 1984	Federal Acreage Le	Mustang Island, East Addition	(continued)	A-151 A-152	A-153	A-174	A-175	Mateoords feland		518				528 676						568 696							603							631 Brazos					639 417			652	
N GULF OF MEXICO LEASE JULY 1984 TERN GULF OF MEXICO LE	isted Represent All Federal Acreage Le	Mustang Island Mustang Island, (continued) East Addition			834 A-153			Mateoords Island	Matagorda Island	518	519	526	527		555		550	565	566		698			665	009	602		607	919		619	622	623	631		633	635		639	640		652	A-140
WESTERN GULF OF MEXICO LEASE OFFERING JULY 1984 WESTERN GULF OF MEXICO LEASED LANDS	Descriptions of Blocks Listed Represent All Federal Acresge Leased Unless Otherwise Noted	nd, Mustang Island n (continued)	828	830		836	844	Mateoords Island	847 maragorua Mano	849 518	519	876 526	A-1 527	A-2 528	A-18 555	556	A-20 SS7	565	A-30 566	A-36 568	995	East Addition 587	588	735 599	760 600	A-52 602	A-53 603	A-60 607	A-65 616	A-66 617	A-84 620	A-85 622	A.90 623	A-106 624 A-107 631	A-110 632	A-111 633	A-117 635	A-118 636 A-121 638	A-122 639	A-124 640	A-129 649 A-135 651	652	

<ul> <li>(ii) Although currently unleased and shown'on Official Protraction Diagrams or Leasing Maps as indicated, no bids will be accepted in the following areas:</li> </ul>	Shirth Padre Jeland Area Teves Men No. 1 (enground July 16, 1954)		Block 1163		D) SOUTH FAGTE ISLAND AFER, EAST ADDITION, 1 exas Map NO. 1A (approved May K 104K)		Blocks 1162 through A-90		c) Port Isabel - NG 14-6, January 27, 1976	Blocke 048 through 069	Blocks 949 i through 1012		d) Alaminos Canyon - NG 15-4, March 26, 1976	the design of the second secon	Blocks 92 Intough 94.2	COLUMN TO THE PROPERTY OF THE	e) Keathly Canyon - NG 15-5, December 2, 1976		Blocks 969 through 978		(iii) Although ourseast and shown on Teves Leasing Man No 7C High Island Area East Addition.			Block A-375	Block A-3y8.			13. Lease lerms and stipulations.	(a) (corres werelltime from this colo will have initial towns	(a) Leaves Tesuring Tour (11) and (11)	as shown on may rain will be on the masses of Anglast 1900; to copies of the first form are available from the full of Mexico Benjanal Office	נות וכמסת וטווו מות מעמוומנית וטוו נות ממון טו וותאונט התקומום טווינה.	(h) The applicability of Ctinulations 1 through 2 that will	he included in leases resulting to achign splan in man 1.		Stioulation No. 1Cultural Resources	מבולסו מכו של מבולמו מו מבספון ביו	(This stipulation will apply to all blocks offered for lease in this sale).		(a) "Cultural resource" means any site, structure, or object of historic	or prehistoric archaeological significance. "Operations" means any drilling,	mining, or construction or placement of any structure for exploration, devel-	opment, or production of the lease.		(b) If the Regional Manager (RM) believes a cultural resource may exist	in the lease area, the RM will notify the lessee in writing. The lessee shall	then comply with supparagraphis (1) through (5).	
Garden Banks (continued)	182	189	192	193	200	707	221	224	225	229	236	237	269	273	411	412	413	456	43/	*67	Port Isabel	217	258																									
East Breaks (continued)	447	448	450	469	470	764	513	514	555	988	557	250	580	009	602	623	624	625	979	Garden Ranke	Carter Danna	77	927	963	56	96	103	108	109	110	118	121	122	126	127	135	139	140	147	140	165	991	171	1/1	178			
Corpus Christi (continued)	700	743		East Breaks	***	100	110	122	127	128	129	146	151	154	158	159	160	191	165	171	172	173	190	191	195	208	239	244	282	283	7000	101	293	323	324	353	360	361	368	397	404	405	406	473				
High Island, East Addition, South Extension	(continued)	A 220	A-332	A-334	A-335	A-557	A-340	A-341	A-342	A-343	A-344	A-346	A-349	A-351	A-355	A-356	A-357	A-358	A-364	A-368	A-369	A-370	A-374	A-376	A-378	A-382	A-383	A-384	A-388	A-389	A-392	A-397	A-401	A-402	A-403	Cohina Pace	Sabine 1 438	17	81	40	The state of the state of	Corpus Christi	070	500				
High Island, East Addition	, ,,,,	A-174	A-178	A-179	A-181	A-185	A-193	A-194	A-198	A-231	A-237	A-244	A-250	High Island	East Addition.	South Extension		A-267	A-268	A-270	A-271	A-273	A-274	A-279	A-281	A-282	A-283	A-285	A-289	A-290	A-295	A-298	A-302	A-303	A-309	A-310	A-312	A-313	A-315	A-317	A-319	A-323	A-324	A-325	A-329			
High Island, South Addition	****	A-556	A-542	A-543	A-545	A-546	A-548	A-549	A-550	A-551	A-552	A-553	A-556	A-557	A-561	A-563	A-564	A-566	A-567	A-569	A-570	A-571	A-572	A-573	A-577	A-578 *	A-579	A-582	A-595	A-596		High Island,	East Addition	38	39	45	110	120	128	129	166	167	A-170	A-171	A-173			

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RM, to determine the potential existence of any cultural resource that, may be affected by operations. The report, prepared by an archaeologist and geophysicist, shall be based on an assessment of data from remote-sensing surveys and other pertinent cultural and environmental information. The lessee shall submit this report to the RM for review.

(sobath (meters)

Bank Name

- (2) If the evidence suggests that a cultural resource may be present, the lessee shall either:
- (i) Locate the site of any operation so as not to adversely affect the area where the cultural resource may be; or
- (ii) Establish to the satisfaction of the RM that a cultural resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation conducted by an archaeologist and geophysicist, using survey equipment and techniques deemed necessary by the RM. A report on the investigation, shall be submitted to the RM for review.
- (3) If the RM determines that a cultural resource is likely to be present on the lease and may be adversely affected by operations, he will notify the lessee immediately. The lessee shall take no action that may adversely affect the cultural resource until the RM has told the lessee how to protect it.

(c) If the lessee discovers any cultural resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RM. The lessee shall make every reasonable effort to preserve the cultural resource until the RM has told the lessee how to protect it.

# Stipulation No. 2--Protection of High Relief Banks

(This stipulation will be included in leases located in the areas so indicated on maps I and 3 entitled "Western Gulf of Mexico Lease Sale 84, Stipulations, Lease Terms, and Bidding Systems, Proposed," and "Detailed Maps of Biologically Sensitive Areas, Proposed," respectively. The high relief banks with their appropriate "no activity" isobaths are listed below).

74, 76, 78, 80, 84 70, 78, 82 78, 82 70, 70	65 65 65 65 65 65 65 65 65 65 65 65 65 6	Various Various 100 (defined by 444 system) 100 (defined by 444 system) 64 85	& & & & & & & & & & & & & & & & & & &
Mysterious Bank <sup>1</sup> Blackfish Ridge <sup>1</sup> Dream Bank <sup>2</sup> Southern Bank <sup>2</sup> Hosnifal Bank <sup>2</sup>	NEAF FFE	Applebaum Bank Coffee Lump West Flower Garden Bank East Flower Garden Bank NacNeil Bank 29 Fathom Bank 28 Fathom Bank	Geyer Bank Elvers Bank Bright Bank³ 18 Fathom Lump³ Rezak Bank³ Sidner Bank³

Low Relief Banks - only paragraph (a) of the stipulation applies.
20ther South Texas Banks - paragraph (c) of the stipulation shall not apply; for production and development operations only, the provisions of paragraph (b) shall apply in both the "I Mile Zone" and the "3 Mile Zone."

3central Gulf of Mexico bank with a portion of its "1 Mile Zone" and/or "3 Mile Zone" in Western Gulf of Mexico.

4Flower Garden Banks - has a "4 Mile Zone" vice "3 Mile Zone"; in the "1 Mile Zone," paragraph (c)(2) of the sthpulation shall apply in addition to paragraph (b); in the "4 Mile Zone," only paragraph (b) shall apply.

(a) No structures, drilling rigs, pipelines, or anchoring will be allowed within the isobaths of the banks listed above.

(b) Operations within the area shown as "I Mile Zone" shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpie that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(c) Operations within the area shown as "3 Mile Zone" shall be restricted as specified in either (1) or (2) below at the option of the lessee.

- All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.
- (2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the Regional Manager (RM) on a schedule established by the RM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the RM shall require shunting as specified in subparagraph (1) above or other appropriate operational restrictions.

## Stipulation No. 3 -- Military Warning Areas

(This stipulation is required of the lessee for operations within the warning areas indicated on map 1 entitled "Western Gulf of Mexico Lease Sale 84, Stipulations, Lease Terms, and Bidding Systems, Proposed.")

### Warning Areas Command Headquarters Western Planning Area

Command Headquarters	Naval Air Training Command Naval Air Station Corpus Christi, Texas	Director of Training Deputy Chief of Staff, Oper Headquarters Strategic Air Offirt AFR, Nahracka
Warning Areas	W-228	W-602

Command

(a) Hold Harmless. Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the United States Government, its contractors or subcontractors, or any of their officers, agents, or employees, being conducted as a part of, or in connection with, the programs and activities of the command headquarters listed in the table above.

Notwithstanding any limitation of the lessee's liability in section 14 of caused in whole or in part by an act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions. The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors, or subcontractors, emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the table above to the degree necessary to prevent damage to, or unacceptable interference with, DOD flight, testing, or operational activities, conducted within individual designated warning areas. Necessary monitoring control and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emission shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

(c) Operational. The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic into the individual designated warning area, shall enter into an agreement with the commander of the individual command—headquarters listed in the table above prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating into the warning areas at all limes.

## 14. Information to Bidders and Lessees.

- a set of drawings entitled "Split Blocks Western Gulf of Mexico," depicting the State-Federal boundary, including the acreage on the Federal side of the line. For complete information on any of the subjects mentioned in this Notice, including copies of the various documents identified as available from the Gulf of Mexico OCS Regional Office, prospective bidders should contact the Regional Supervisor for Leasing and Environment at the address stated in paragraph 2, either in writing or by telephone (504) 837-4720.
- stricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.), as amended. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.
- Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.
- (d) Bidders are advised that in accordance with section 16 of each lease offered, the lesson may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.
- (e) For those blocks identified as having lease terms with an initial period of 10 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the Minerals Management Service either an exploration plan, where required, or a general statement of exploration intention prior to the end of the ninth lease year.

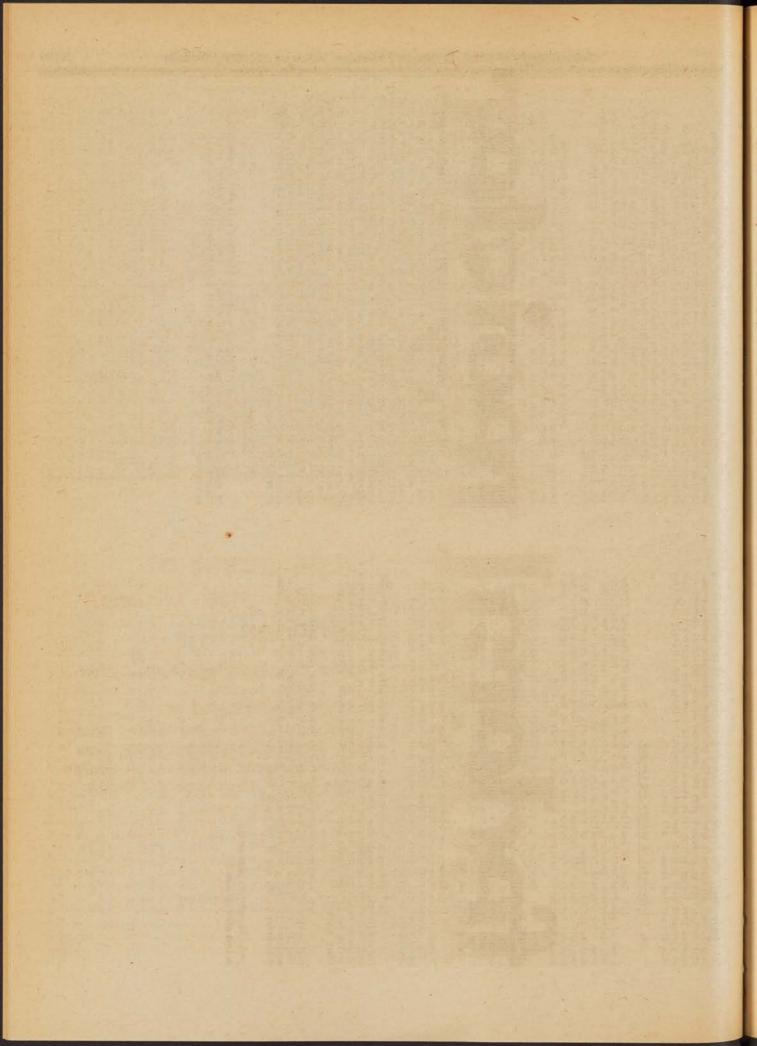
[FR Doc. 84-5108 Filed 2-24-84; 8:45 am]

BILLING CODE 4310-MR-C

- action requirements for Bopartment of Labor regulations on affirmative been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this offering, section 18 of the lease form (Form MMS-2005, August 1982), would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseeded by the revised versions of Forms (a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations requirements will be deemed to be part of the existing affirmative action forms.
- ordnance disposal areas in the Corpus Christi and East Breaks areas, shown on map 1. These areas were used to dispose of ordnance of unknown composition and quantity. These areas have not been used since about 1970. Mater depths in the Corpus Christi disposal area range from 600 to 900 meters. Mater depths in the East Breaks disposal area range from approximately 300 to 700 meters. Bottom sediments in both areas are generally soft, consisting of silty class. Exploration and development activities in these areas require precautions commensurate with the potential hazards. Lessees are advised of an EPA dumping site located in portions of Alaminos Canyon, East Breaks, Garden Banks, and Keathley Canyon.
- shallow hazards and other geological and geophysical surveys that are necessary for the evaluation of activities to be carried out under a proposed exploration or development/production plan or activities being carried out under an approved plan. Data collection by the lessee on a lease and, when necessary reanalyzed and submitted by the lessee and then reviewed and, when necessary reanalyzed by the Regional Manager (RM) to ensure that drilling, development, and production activities can be conducted in an acceptable manner with minimum acceptable risk or damage to human, marine, and coastal environments. Based on the review and analysis of the data received and other available data and information, the RM either approves or requires modification to an exploration or development/production plan or application for permit to drill, or recommends that the Director, Minerals Management Service, temporarily prohibit or suspend the conduct of exploration or development/production activities, according to provisions of the OCS Lands Act, as amended, and appropriate regulations. Existing regulations authorize the RM to take whatever steps are necessary to a suspen or after the lease sale.

### OCS Orders

Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.





Monday February 27, 1984

Part V

### Department of Health and Human Services

Health Care Financing Administration

42 CFR Parts 400, 460, 462
Medicare; Utilization and Quality Control
Peer Review Organization (PRO) Area
Designations and Definitions of Eligible
Organizations; Final Rule and Notice

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400, 460 and 462

Medicare Program; Utilization and Quality Control Peer Review Organization (PRO) Area Designations and Definitions of Eligible Organizations

AGENCY: Health Care Financing Administration (HCFA), HHS. ACTION: Final rule.

SUMMARY: This final rule implements a portion of the Peer Review Improvement Act of 1982 (Title I, Subtitle C of the Tax Equity and Fiscal Responsibility Act of 1982, Pub. L. 97-248) requiring the Secretary to establish geographic areas throughout the United States for contracts under the PRO program and defining organizations eligible to become PROs. A final notice published eleswhere in this edition of Federal Register establishes these area designations and will enable the Secretary to begin the process of contracting with PROs by setting the boundaries for each new organization. This final rule implements that portion of the law which defines organizations eligible to become PROs.

EFFECTIVE DATE: March 28, 1984.

FOR FURTHER INFORMATION CONTACT:
Mary K. Terry (301) 594–7910.

SUPPLEMENTARY INFORMATION:

### I. Legislation

The Peer Review Improvement Act of 1982 (Title I, Subtitle C of the Tax Equity and Fiscal Responsibility Act of 1982, Pub. L. 97–248 as amended by the Social Security Amendments of 1983, Pub. L. 98–21) amended Part B of Title XI of the Social Security Act (Act) to establish the Utilization and Quality Control Peer Review Organization (PRO) program. Congress originally enacted Part B of Title XI in 1972, establishing the Professional Standards Review Organization (PSRO) program.

The purpose of the PSRO program was to assure that health care services and items for which payment may be made in whole or part under the Medicare, Medicaid, and Maternal and Child Health and Crippled Childrens' programs were medically necessary, conformed to appropriate professional standards and were delivered in the most efficient and economical manner possible.

The Peer Review Improvement Act of 1982 (PRO Act), enacted on September 3, 1982, seeks to redirect, simplify and enhance the cost-effectiveness of the program of peer review under Medicare.

### II. Proposals

On August 15, 1983 we issued a proposed rule (48 FR 36970) and a proposed notice (48 FR 36976) that would implement the following two parts of the PRO Act:

• Section 1153(a)(2) of the Act, as amended by Pub. L. 97–248, requires the Secretary to establish geographic areas for the purpose of entering into contracts for PRO review.

 Sections 1152 and 1153 of the Act, as amended by Pub. L. 97–248, define organizations eligible to become PROs and establish limitations and priorities for PRO contracting.

### A. Proposed Notice

The specific provisions of the proposed notice establishing geographic areas and a discussion of the comments received on those provisions is contained in the final notice on area designations published elsewhere in this edition of the Federal Register.

### B. Proposed Rule

The major provisions that we proposed in August, 1983 are as follows:

1. Area Designations. HCFA would designate PRO areas, review the PRO area designations from time to time and revise those that HCFA determines need revision (section 1153(a) of the Act).

2. Eligible Organizations—General.
The PRO Act specifies that in order to compete for a PRO contract, an organization must be either a physician-sponsored organization (section 1152(1)(A) of the Act) or a physician-access organization (section 1152(i)(B) of the Act) and must demonstrate the ability to perform review (section 1152(2) of the Act). The organization may be for-profit or non-profit.

3. Physician-Sponsored Organizations. Section 1152(a)(1)(A) of the Act specifies that physiciansponsored organizations must be composed of a "substantial" number of the combined population of licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area and that these doctors must be "representative" of the physicians practicing in the review area. We proposed that the "substantial number" test would be met if an organization is composed of at least 5 percent of the licensed physicians practicing in the PRO review area. We proposed the following two ways in which a physician-sponsored organization could be found "representative": (1) An organization is composed of at least 10 percent of the area's licensed practicing

physicians; or (2) the organization meets the "substantial numbers" test and demonstrates, with additional documentation, that it is representative. Section 1153(b)(1) of the Act directs that priority in the awarding of PRO contracts be given to physician-sponsored organizations. The proposed rule would implement this requirement by giving physician-sponsored organizations additional points during the contract evaluation process.

4. Physician-Access Organizations. The PRO Act further mandates that in order for an entity to be eligible for a PRO contract as a physician-access organization, the organization must have available to it, through arrangement or otherwise, a sufficient number of licensed doctors of medicine or osteopathy practicing medicine or surgery in the review area to assure adequate peer review of services provided by the various medical specialties and nonspecialties. We proposed to measure the adequacy of physician "availability" through the use of a general standard which would compare the number and types of physicians available to the organization with the organization's proposed review system. At the minimum, we would require that the organization have available at least one specialist in every generally recognized specialty.

5. Ability To Perform Review. Any organization, whether physiciansponsored or physician-access, must be able to perform review. We proposed as a general standard for finding that an organization is "able" that it have acceptable utilization and quality review plans and resources sufficient to carry out those plans. Under the proposal, we would also consider the organizations' prior experience in the conduct of similar review activities.

6. Prohibitions and Restrictions.-8. Health Care Facilities. Pub. L. 97-248 prohibits PRO contracts with a health care facility, an association of facilities. or an affiliate of such a facility or association where these organizations provide services in the area that the PRO would review (section 1153(b)(3) of the Act). The proposed rule would preclude such organizations from becoming a PRO if the organization operates a health care facility in the PRO area or if the organization is affiliated with (through management, ownership or control) a PRO area health care facility or association of facilities. A State government that operates or is affiliated with a health care facility (or association of facilities) also would be precluded under this provision from becoming a PRO.

b. Payor Organizations. A PRO-area payor organization would be prohibited by law from becoming a PRO for that area for 12 months beginning October 1. 1983 (section 1153(b)(2) of the Act). We defined a payor organization as any organization which makes payments directly or indirectly to health care practitioners or providers whose health care services are reviewed by the organization or would be reviewed by the organization if it entered into a PRO contract. A payor organization was also defined as any organization which is affiliated with any entity which makes payments as described above, by virtue of the organization having a governing body member, officer, partner, 5 percent or more owner or managing employee who is also a governing body member, officer, partner, 5 percent or more owner or managing employee in the entity making payments.

7. Selection-Procedures. Under the proposal we specified the general selection procedures we would follow in awarding PRO contracts. Specifically, all organizations submitting proposals would be evaluated to determine if they are eligible as physician-sponsored or physician-access organizations. The proposals would be evaluated and ranked based on their meeting specified criteria. The organization selected would be awarded the contract for a period of two years.

### III. Public Comments

We received approximately 100 comments on the proposed rule from medical societies, hospital associations, PSROs, State governments, advocacy groups, individual physicians, and private individuals. The major comments and our responses to those comments are as follows:

### Eligible Organizations

1. Proposal. Pursuant to the "substantial number" and "representativeness" requirements of section 1152(1)(A) of the Act, the proposed rule specified that a physician-sponsored organization must either: (1) Be composed of at least 5 percent of the physicians in the area and demonstrate that it is representative of area physicians; or (2) be composed of at least 10 percent of the area physicians.

Comment. Seventeen commenters indicated that the five percent requirement was too low. Some of these commenters suggested that we maintain the 25 percent requirement currently included in PSRO regulations. Several commenters also suggested that an organization composed of 10 percent of the physicians in the area may not

necessarily be representative of all the physicians in the area.

Response: We have changed both the "substantial number" and "representativeness" requirements for physician-sponsored organizations. A physician-sponsored organization must be composed of at least 10 percent of the physicians in the area in order to satisfy the "substantial number" requirement. If the organization is composed of at least 20 percent of the area physicians then it is "representative" but if it is composed of between 10 and less than 20 percent of area physicians then the organization must demonstrate that it is "representative" of physicians in the PRO area. These larger percentage requirements will result in greater physician participation in PROs and a concomitant improvement in the effectiveness of the peer review system, while still encouraging competition.

2. Comment: Several commenters recommended that physician-access organizations be required to meet stricter requirements for availability of physicians than those in the proposed rule, which proposed that the PRO have at least one physician in every specialty available to perform review. Some commenters also felt that the PRO should have some form of contractual arrangement with the physicians it uses for review.

Response: The requirement of one physician per specialty represents the minimum acceptable standard. In its proposal to be a PRO, the organization must also substantiate the availability of sufficient physician resources to conduct all of its required review activities and to achieve all of the objectives contained in its contract. Therefore, we believe the standard of at least one physician in every generally recognized specialty is sufficient. In addition, we believe a requirement for a contractual arrangement with physicians would result in a vague and unenforceable process essentially redundant to the requirement in § 462.103 that specifies that a PRO must have available to it continuously throughout the contract period, sufficient physician resources to perform its required review activity.

3. Comment: Two State governments indicated that they should be allowed to compete for PRO contracts because, although they may operate health care facilities, it is not the usual business of the State. Therefore, they suggested the statutory prohibition against contracting with an organization that owns or operates a health care facility should not apply to State governments.

Response: Congress enacted section 1153(b)(3) of the Act to preclude organizations affiliated with a health care facility, or an association of such health care facilities from becoming a PRO. The intent of these provisions is to prevent conflicts of interest. State governments or entities thereof were not exempted specifically, either by statute or congressional intent, from the conflict of interest provisions.

Therefore, State governments or entities thereof, as well as all other organizations seeking to become PROs, must establish that no conflict of interest, as determined under § 462.105 of these regulations, would arise from their performance of PRO review. States which wish to become PROs will be evaluated against the same criteria as all other bidders, i.e., the eligibility of any State government, or entity thereof, to serve as a PRO will be judged on a case-by-case basis.

In addition, any State which would be financially advantaged by PRO decisions could be presumed, unless proven otherwise, to have a conflict of interest. States that operate Medicaid programs could be financially advantaged by PRO decisions. A State entity functioning as a PRO could have an incentive not to disallow Medicare payments because to do so might place the State at financial risk under the Medicaid program. This is the presumed conflict and it may make a State incapable of performing the required PRO functions effectively as required by section 1152(2) of the Act. A State can only refute this presumption by demonstrating to the satisfaction of HCFA that it can act with complete independence and objectivity.

4. Comment: Congress enacted the Section 1153(b)(3) proscription of PRO affiliation (through management, ownership or common control) with a health care facility or association of facilities because of the potential for conflict of interest. In the proposed regulation, we defined "affiliation" to include any organization that has a governing body member, officer, partner, 5 percent or more owner, or managing employee who is also a governing body member, officer, partner, 5 percent or more owner, or managing employee in a health care facility or association of facilities in the PRO area.

We received over 50 comments objecting to the prohibition of a PRO having a hospital administrator, officer, or trustee on its Board of Directors. Several commenters cited the positive effects of those arrangements in fostering communication and providing expertise to the PRO. Some commenters noted that in many States payor

organizations are required by law to have significant provider representation on their Boards of Governors. The commenters suggested that in those States HCFA would be precluded from contracting with the fiscal intermediary and if no other organization were available there could not be a PRO for that particular area. Additionally, one organization representing retired persons proposed that 20 percent of any board or commission or members of any organization doing PRO work be "Medicare consumers."

Response: While we recognize the potential benefits associated with allowing such members on the Board, we believe that the clear intention of the PRO Act is to prevent the possibility of conflicts of interest. The PRO legislation states that the PRO contract cannot be awarded to any entity that is or is affiliated with (through management, ownership, or control) a health care facility or association of facilities within the PRO area. Therefore in order to be consistent with Congressional intent, we have retained the prohibition against a PRO having a hospital administrator, officer, or trustee on its Board of Directors. However, effective October 1, 1984, this prohibition will not apply to Medicare fiscal intermediaries designated under section 1816 of the Act, if HCFA determines that no other eligible organization is available to be the PRO in an area. The basis for this exception is that PRO contracts must be finalized by October 1, 1984 if payment is to be made under the new Medicare prospective payment system (section 1866(a)(1)(F) of the Act). Therefore, if no other eligible organization is available, HCFA will designate the fiscal intermediary as the PRO, even if the fiscal intermediary has significant provider representation on its Board. With regard to lay representation on PRO boards, Congress intended that there be as few stipulations as possible on the structure of PRO organizations, and did not specify the composition of PRO boards. This flexibility in the law encourages an open and competitive process for selection of PRO contractors. Therefore, in accordance with the intent of the statute, we are not specifying the composition of PRO boards other than to assure that no conflicts of interest exist between the PRO and the facilities for which it has review responsibility.

5. Comment: We received four comments on the proposal to award bonus points to physician-sponsored organizations. The commenters recommended that these organizations be given absolute priority over physician-access organizations in the

awarding of PRO contracts, rather than just receiving a set amount of bonus points.

Response: The statute gives "priority" to physician-sponsored organizations. However, although it does not define 'priority", we believe it is clear from other sections of the law that Congress intended to open the contracting process and encourage competition. If we were to give absolute priority to physiciansponsored organizations, physicianaccess organizations would be effectively precluded from competition for a PRO contract. Also, we believe that if Congress had wanted to give physician-sponsored organizations absolute priority they would not have provided for other organizations to bid for PRO contracts. The legislative history of peer review shows that for the PSRO program Congress limited participation until January 1, 1978 to professional organizations composed of a substantial number of doctors of medicine or doctors of osteopathy in the area in the same way they have precluded payor organizations under the PRO Act. The fact that the Congress did not retain this absolute priority for the PRO program in the definition of eligible organizations, but merely indicated a need for priority consideration indicates that they wanted to foster competition (see H.R. Rep. No. 97-760, 97th Cong., 2d Sess. pp. 442-443 (1982)]. Therefore, we have retained a relative priority for physician sponsored organizations in the final rule. This relative priority will be recognized in the PRO selection process by providing that physician sponsored organizations will receive bonus points not to exceed 10% of the total points available.

6. Comment: Several commenters suggested that the regulations should specifically define how we will determine if the organization's review system is adequate, whether it has resources sufficient to implement the system and whether its quantifiable objectives are acceptable. Some commenters indicated that an organization's prior review experience should count towards an organization's qualifications for becoming a PRO and another recommended that while favorable prior review experience should add to qualifications, unfavorable review experience should not lower an organization's qualifications.

Response: The requirements and criteria for determining the capability of an organization to perform review will be specified in the Request For Proposal (RFP) for PRO contracts (which will be available to all interested parties) and in

the contract with organizations selected as PROs. We believe that the RFP is the proper place to indicate exactly how prior review experience will be considered in the contract evaluation process in accordance with § 462.104(c).

7. Comment: Eight commenters submitted comments on the provisions regarding delegation (subcontracting) of review authority. The notice of proposed rulemaking (NPRM) follows the PRO Act in allowing delegation of review to health care facilities (section 1153(c)(1) of the Act). However, the law does not require subcontracting. Some commenters recommended that delegation should not only be encouraged, but should be rewarded as well. One commenter noted that we selected a program design which makes little use of delegated review, which the commenter believes is a more costeffective approach than our design. Other commenters stated that the regulations are unclear as to the function of the health care facility under delegation and whether the PRO is required to delegate review if requested to do so by a qualified facility. Three commenters indicated that the provisions for subcontracting in the proposed rule are in conflict with instructions recently issued by HCFA on the prospective payment system which exclude major areas of review from delegation. The commenters request that the language in the proposed regulation be retained and the instructions revised.

Response: The specific conditions and limitations regarding subcontracting with health care facilities will be included in a proposed rule on the conduct of review for PROs that will be published shortly and, when finalized would amend 42 CFR Part 466. We will address specific comments concerning the impact of delegated review in the final regulation on the conduct of review. Therefore, to coordinate the regulations we are revising § 462.105(c) of the proposed rule (which has been redesignated as § 462.105(d) for the final rule) to state that subcontracting is permitted in accordance with the terms of 42 CFR Part 466.

8. Comment: Several commenters were confused as to when the 12-month prohibition on awarding a contract to a payor organization begins and ends.

Response: Section 602(a) of the Social Security Amendments of 1983 (Pub. L. 98–21) added section 1153(b)(2) of the Act to specifically state that the 12-month waiting period for payor organizations is to begin no later than October 1, 1983 (section 1153(b)(2)(c) of the Act). Therefore, a qualified payor organization becomes eligible for the

initial PRO contract in an area on October 1, 1984, if no other non-payor organization is available at that time. Therefore, to reduce confusion, we have revised § 462.107 by substituting "October 1, 1984" for "the 12 months following the first intended contracting date."

9. Comment: Several commenters indicated that they had private contracts with health insurance companies to perform review. One commenter said that it sometimes "executes" payments to providers on behalf of the insurance company. The commenters questioned whether they would be considered a payor organization or affiliated with a payor organization and thus prohibited from becoming eligible to be a PRO until October 1, 1984.

Response: In order to be considered affiliated with a payor organization, the group or party must be linked to the payor organization through management, ownership, or common control (section 1153(b)(2)(A) of the Act). Private contracts do not normally constitute this sort of arrangement. The PRO Act encourages PROs to engage in private review, as long as there is no conflict of interest with the review it performs under the PRO program. The Senate Finance Committee Report accompanying the PRO Act states that organizations that do not write health insurance policies, collect premiums or assume an underwriting function, would not be considered payor organizations with respect to the PRO provisions of the Act. If in the process of "executing" (i.e., forwarding) payments on behalf of a health insurance company a group does not write health insurance policies. collect premiums or assume an underwriting function, then such a group would probably not be considered a payor organization and thus would not be required to wait until October 1, 1984 to become eligible to be a PRO. (However, each case must be decided individually.)

### IV. Changes to the Regulations

Based on the comments received and other considerations explained below. we are making the following changes to the proposed rule.

1. We have added the definition of "PRO" to § 400.200 of the regulations. This section contains general definitions applicable to the Medicare and Medicaid programs.

2. We have added the definition of "health care facility" to § 462.2 of the regulations.

3. We have revised the § 462.102(b) definition of "substantial number" to state that the organization must be composed of "at least" 10 percent of the

area physicians. Also, we have revised the § 462.102(c) definition of "representativeness" to state that the organization must either be composed of at least 20 percent of area physicians or else demonstrate in its contract proposal that it is representative of area physicians.

4. We have added a new § 462.105(c) to state that prohibition of affiliation between a PRO and a health care facility does not apply to payor organizations under certain conditions. We have redesignated § 462.105(c) of the proposed regulations as § 462.105(d) and revised it to state that PRO subcontracting of review authority to a health care facility is permitted, but only as provided in 42 CFR Part 466.

5. We have revised §§ 462.106 and 462.107 to clarify that payor organizations are not eligible to become PROs until October 1, 1984, and then only if HCFA determines that no other qualified non-payor organization is available and to indicate that HCFA will designate a payor organization as the PRO when there is no other eligible organization for an area. HCFA will determine that there is no eligible organization available if no acceptable offer is received in response to a request for proposal for the area.

### V. Impact Analysis

### A. Executive Order 12291

These final regulations define utilization and quality control peer review organizations and their functions. The statute establishes that "each State shall generally be designated as a geographic area" for the awarding of PRO contracts. This will result in the consolidation of the current 194 PSRO review areas into approximately 52 PRO review areas. While some of this impact could be offset by becoming PROs, obtaining private sector peer review funding or by becoming a subcontractor to the organization that receives the contract for the PRO area, this reduction of review areas could result in the termination of at least 50 percent of the current 143 PSROs.

Effective with the redesignations and awarding of new review contracts in fiscal year 1984, we anticipate that the PROs will be more cost effective than PSROs. We do not expect any detrimental impact on the quality of patient care as a result of the use of PROs instead of PSROs.

As noted above, we are responding to public comments received on the NPRM. As a result of these comments, we are making several changes to the proposed rule that are basically technical

clarifications resulting in a negligible budget impact. We believe that this negligible impact will not change our estimate noted in the NPRM. Therefore, we have determined that these final provisions will not meet any of the threshold criteria of section 1(b) of the Executive Order and that a regulatory impact analysis is not required.

### B. Regulatory Flexibility Act

As noted in the Executive Order discussion, the statute specifies that PRO areas would generally be statewide. The statute establishes that States will generally be designated as single PRO review area for the purpose of administrative and program efficiencies. There is, however, flexibility in the statute that allows the Secretary to establish local or regional PRO areas rather than State-wide areas if the local or regional area is a selfcontained medical area and has no fewer than 60,000 total hospital admissions under review annually. To exercise this option, the Secretary would also need to find that a local or regional review would be able to be carried out with equal or greater efficiency than a review on a State-wide basis.

We believe a State-wide area allows for administrative efficiencies in data collection and processing and for uniform application of program criteria through the State. A State-wide PRO may also subcontract with local professional review groups to facilitate the effective conduct of its review. Therefore, following the guidance of the statute, we believe there is no compelling reason to propose local PRO

areas in most cases.

There will also be a significant beneficial impact on those entities not currently funded as a PSRO that receive a PRO contract or subcontract. Forprofit entities were not eligible for contracts under the PSRO program; they will now be able to compete for funding. This is, however, a result of the statute, not the regulations.

As discussed above, we believe the primary impact on current PSROs and future contractors is the result of the statute and not the final notice and the

final regulations.

We received only one public comment that addressed the impact analysis section of the NPRM. That comment addressed the effect of our program design for implementing provisions about delegation of review responsibility. However, as noted in the response to this comment, any discussion of the issues noted by the commenter will be included in the final rule on conduct of review for PROs.

The revision made in the final notice regarding PRO area designations, the designation of the Virgin Islands, Puerto Rico and Hawaii as separate PRO areas and the retention of Guam, American Samoa, the Northern Mariana Islands and the Trust Territory of the Pacific Islands as a single PRO area, may result in some additional costs to the program. However, this decision was made because of the language, political and cultural differences of Puerto Rico and the Virgin Islands and the large geographic area of Hawaii and the other islands and should therefore benefit the program and the providers of these three

Therefore, the Secretary certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that the final rule and the final notice are not likely to result in a significant impact on a substantial number of small entities. However, because such a large percentage of current PSROs will be impacted significantly by changes in the utilization review program, we have prepared this statement which, combined with the preamble of the rule and the discussion in the notice, serves as a voluntary Final Regulatory Flexibility Analysis.

### List of Subjects

### 42 CFR Part 400

Health facilities, Health maintenance organizations (HMO), Medicaid, Medicare.

### 42 CFR Part 460

Health care, Health professions, Hospitals, Physicians, Professional Standards Review Organizations (PSRO).

### 42 CFR Part 462

Grant-in-Aid program—health, Health care, Professional Standards Review Organizations (PSRO).

42 CFR Chapter IV is amended as set forth below:

### PART 400—INTRODUCTION: DEFINITIONS

### Subpart B-Definitions

- I. Part 400, Subpart B is amended as follows:
- a. The authority citation for Subpart B reads as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

 Section 400.200 is amended by adding the definition of "PRO" in alphabetical order to read as follows:

### § 400.200 General definitions.

"PRO" stands for Utilization and Quality Control Peer Review Organization.

II. Subchapter D is amended by revising the title to read as follows:

### SUBCHAPTER D—PEER REVIEW ORGANIZATIONS

- III. Part 460 is amended as set forth below:
- a. The title of Part 460 is revised to read as follows:

### PART 460—AREA DESIGNATIONS

b. The table of contents is amended to reflect the establishment of a new Subpart A—"PSRO Area Designations," to include existing sections §§ 460.1—460.56, and a new Subpart B, and by revising the authority citation, to read as follows:

### Supbart B—Utilization and Quality Control Peer Review Organization Area Designations

Sec.

460,101 Guidelines for designation of areas.

Authority: Section 1102 of the Social Security Act, 42 U.S.C. 1302. Subpart A is also issued under Section 150 of Pub. L. 97–248, 42 U.S.C. 1320c note. Subpart B is also issued under Section 1153 of the Social Security Act, 42 U.S.C. 1320c and 1320c–2.

c. Section 460.1 is amended by removing the paragraph designations, reorganizing the paragraphs in alphabetical order, revising the definitions of "Area," and adding, in alphabetical order, the definition of a "PRO." The definitions of "Area" and "PRO" read as follows:

### § 460.1 Definitions.

"Area" means the geographical area within the boundaries of a State or a State or other jurisdiction designated as constituting an area with respect to which a Professional Standards Review Organization or a Utilization and Quality Control Peer Review Organization may be designated, pursuant to section 1152(a) or 1153(a) of the Act.

"PRO" means a Utilization and Quality Control Peer Review Organization.

d. A new Subpart B is added to read as follows:

### Subpart B—Utilization and Quality Control Peer Review Organization Area Designations

### § 460.101 Guidelines for designation of PRO areas.

HCFA will-

(a) Designate appropriate areas for which Utilization and Quality Control Peer Review Organizations may be designated; and

(b) From time to time, review the area designations and revise those that HCFA determines need revision.

IV. Part 462 is amended as set forth below:

a. The title of Part 462 is revised to read as follows:

### PART 462—PEER REVIEW ORGANIZATIONS

b. The table of contents is amended to reflect the establishment of a new Subpart A—PSRO, to include existing §§ 462.1-462,16, and a new Subpart B, and by revising the authority citation, to read as follows:

### Subpart B—Utilization and Quality Control Peer Review Organizations

Con.

462.100 Scope and applicability.

462.101 Eligibility requirements for PRO contracts.

462.102 Eligibility of physician-sponsored organizations.

462.103 Eligibility of physician-access organizations.

462.104 Requirements for demonstrating ability to perform review.

462.105 Prohibition against contracting with health care facilities.

462.106 Prohibition against contracting with payor organizations.

462,107 PRO contract award.

Authority: Section 1102 of the Social Security Act, 42 U.S.C. 1302. Subpart A is also issued under section 150 of Pub. L. 97–248 U.S.C. 1320c note. Subpart B is also issued under sections 1152 and 1153 of the Social Security Act, U.S.C. 1320c and 1320–2.

c. Section 462.2 is amended by removing the paragraph designations, adding the words "or PRO" after PSRO each time it appears in the definitions of "PSRO area", "governing body", and "physician", reorganizing the paragraphs in alphabetical order and adding, in alphabetical order, the following definitions:

### § 462.2 Definitions.

"Five Percent or More Owner" means a person (including, where appropriate, a corporation) who:

(a) Has an ownership interest of 5 percent or more;

(b) Has an indirect ownership interest equal to 5 percent or more;

(c) Has a combination of direct and indirect ownership interests (the possession of equity in the capital, the stock, or the profits of an entity) equal to

5 percent or more; or

(d) Is the owner of an interest of 5 percent or more in any obligation secured by an entity, if the interest equals at least 5 percent of the value of the property or assets of the entity. .

"Health Care Facility" means an institution that directly provides or supplies health care services for which payment may be made in whole or in part under Title XVIII of the Act. A health care facility may be a hospital, skilled nursing facility, home health agency, free-standing ambulatory surgical center, or outpatient facility or any other entity which provides or supplies direct care to Medicare beneficiaries.

"Managing employee" means a general manager, business manager, administrator, director or other individual who exercises operational or managerial control over the entity or organization, or who, directly or indirectly, conducts the day-to-day operations of the entity or organization. \*

"Payor organization" means any organization which makes payments directly or indirectly to health care practitioners or providers whose health care services are reviewed by the organization or would be reviewed by the organization if it entered into a PRO contract. "Payor organization" also means any organization which is affiliated with any entity which makes payments as described above, by virtue of the organization having a governing body member, officer, partner, 5 percent or more owner or managing employee who is also a governing body member, officer, partner, 5 percent or more owner or managing employee in the entity making payments.

"PRO" means a Utilizatin and Quality Control Peer Review Organization.

d. A new Subpart B including §§ 462.100 to 462.107 is added to read as follows:

### Subpart B-Utilization and Quality **Control Peer Review Organization**

### § 462.100 Scope and applicability.

This subpart implements sections 1152 and 1153(b) of the Social Security Act as amended by the Peer Review Improvement Act of 1982 (Pub. L. 97-248). It defines the types of

organizations eligible to become PROs and establishes certain limitations and priorities regarding PRO contracting.

### § 462.101 Eligibility requirements for PRO contracts.

In order to be eligible for a PRO contract an organization must-

(a) Be either a physician-sponsored organization as described in § 462.102; or a physician-access organization as described in § 462.103; and

(b) Demonstrate its ability to perform review as set forth in § 462.104.

### § 462.102 Eligibility of physiciansponsored organizations.

(a) Except as prohibited under § 462.105, in order to be eligible for designation as a physician-sponsored PRO, an organization must-

(1) Be composed of a substantial number of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area;

(2) Be representative of these

physicians.

(b) In order to meet the requirements of paragraph (a)(1) of this section, an organization must state and have documentation in its files showing that it is composed of at least 10 percent of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area.

(c) In order to meet the requirements or paragraph (a)(2) of this section, an

organization must-

(1) State and have documentation in its files demonstrating that it is composed of at least 20 percent of the licensed doctors of medicine and osteopathy practicing medicine or

surgery in the review area; or
(2) If the organization is not composed of at least 20 percent of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area, then the organization must demonstrate in its contract proposal, through letters of support from physicians or physician organizations, or through other means, that it is representative of the area physicians.

(d) Organizations that meet the requirements in paragraph (a) of this section will receive, during the contract evaluation process, a set number of

bonus points.

### § 462.103 Eligibility of physician-access organizations.

(a) Except as prohibited under § 462.105, in order to be eligible for designation as a physician-access PRO. an organization must have available to it, by arrangement or otherwise, the services of a sufficient number of licensed doctors of medicine or

osteopathy practicing medicine or surgery in the review area to assure adequate peer review of the services provided by the various medical specialties and subspecialties; and

(b) An organization meets the requirements of paragraph (a) of this section if it demonstrates-

(1) That it has available to it at least one physician in every generally recognized specialty; and

(2) The existence of an arrangement or arrangements with physicians under which the physicians would conduct review for the organization.

### § 462.104 Requirements for demonstrating ability to perform review.

- (a) A physician-sponsored or physician-access organization will be found capable of conducting review if HCFA determines that the organization is able to set quantifiable performance objectives and perform the utilization and quality review functions established under section 1154 of the Social Security Act in an efficient and effective manner.
- (b) HCFA will determine that the organization is capable of conducting utilization and quality review if-

(1) The organization's proposed review system is adequate; and

- (2) The organization has available sufficient resources (including access to medical review skills) to implement that system; and
- (3) The organization's quantifiable objectives are acceptable.
- (c) HCFA may consider prior similar review experience in making determinations under paragraph (b) of this section.
- (d) A State government that operates a Medicaid program will be considered incapable of performing utilization and quality review functions in an effective manner, unless the State demonstrates to the satisfaction of HCFA that it will act with complete independence and objectivity.

### § 462.105 Prohibition against contracting with health care facilities.

- (a) Except as permitted under paragraph (c) of this section, an organization which is or is affiliated with a health care facility in the PRO area or an association of health care facilities within the area served by the organization, or which would be served by the organization if it entered into a PRO contract, is not eligible for a PRO contract.
- (b) An organization is considered affiliated with a health care facility or association of health care facilities under paragraph (a) if it has a governing body member, officer, partner, 5 percent

or more owner, or managing employee who is also a governing body member, officer, partner, 5 percent or more owner, or managing employee in a health care facility or association of health care facilities in the PRO area.

(c) Effective October 1, 1984, the prohibition stated in paragraph (a) of this section will not apply to a Medicare fiscal intermediary under section 1816 of the Act, if HCFA determines that there is no other eligible organization as defined in this section, available.

(d) This section does not preclude PRO subcontracting of review to a health care facility for review of services furnished in that facility in accordance with the terms of 42 CFR Part 466, provided that ultimate responsibility for review remains with the PRO.

### § 462.106 Prohibition against contracting with payor organizations.

Payor organizations are not eligible to become PROs for the area in which they make payments until October 1, 1984. If no PRO contract for an area is awarded prior to October 1, 1984, a payor organization would be determined eligible by HCFA, if an eligible organization that is not a payor organization is unavailable at that time. HCFA may determine this unavailability based on the lack of response to an appropriate RFP.

### § 462.107 PRO contract award.

HCFA, in awarding PRO contracts, will take the following actions—

- (a) Identify from among all proposals submitted in response to an RFP for a given PRO area all proposals submitted by organizations that meet the requirements of §§ 462.102 or 462.103;
- (b) Identify from among all proposals identified in paragraph (a) of this section all proposals that set forth minimally acceptable plans in accordance with the requirements of § 462.104 and the RFPs;
- (c) Assign bonus points not to exceed 10% of the total points available to all physician-sponsored organizations

identified in paragraph (b) of this section, consistent with statute; and

(d) Subject to the limitations established by §§ 462.105 and 462.106;

(1) Award the contract for the given PRO area to the selected organization for a period of two years; or

(2) Subject to the prohibition stated in § 462.106, if by October 1, 1984 no minimally acceptable proposal was submitted by an eligible organization that is not a payor organization award the contract to a payor organization.

(Catalog of federal Domestic Assistance Program No. 13.774, Medical—Hospital Insurance)

Dated: December 8, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: January 31, 1984.

Margaret M. Heckler, Secretary.

[FR Doc. 84-5201 Filed 2-24-84; 8:45 am] BILLING CODE 4120-03-M

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Utilization and Quality Control Peer Review Organization (PRO) Area Designations

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final notice.

summary: A final rule published elsewhere in this issue of the Federal Register implements portions of the Peer Review Improvement Act of 1982 (Title I, Subtitle C of the Tax Equity and Fiscal Responsibility Act of 1982, Pub. L. 97–248) (PRO Act) requiring the Secretary to establish geographic areas throughout the United States for contracts under the PRO program and defining organizations eligible to become PROs. This notice sets forth the geographic areas (area designations) required for contracting under the PRO program.

FOR FURTHER INFORMATION CONTACT: Anthony J. Tirone (301) 594–9208. EFFECTIVE DATE: March 28, 1984. SUPPLEMENTARY INFORMATION:

### I. Background

The PRO Act amended Part B of Title XI of the Social Security Act (Act) to establish the Utilization and Quality Control Peer Review Organization (PRO) program. Congress originally enacted Part B of Title XI in 1972, establishing the Professional Standards Review Organization (PSRO) program.

Section 1153(a)(2) of the Act requires the establishment of geographic areas throughout the United States for purposes of entering into contracts for PRO review. The statute requires the consolidation of existing PSRO areas using the following criteria:

 Each State generally must be designated as a geographic area (section)

1153(a)(2)(A) of the Act).

- The Secretary must establish local or regional areas rather than State areas only where the volume of review activities or other relevant factors, as determined by the Secretary, warrant establishment of less than Statewide areas and where the Secretary determines that review activity can be carried out with equal or greater efficiency by establishing local or regional areas (section 1153(a)(2)(B) of the Act).
- Any local or regional area must be a self-contained medical service area, having a full spectrum of services, including medical specialists' services (section 1153(a)(2)(C) of the Act).

### II. Proposals

On August 15, 1983, we issued a proposed rule (48 FR 36970) implementing portions of the PRO Act and a proposed notice (48 FR 36976) which would establish geographic areas throughout the United States for contracts under the PRO program. In that notice we proposed to designate each State and the District of Columbia, as a separate PRO geographic area with the following exceptions:

Hawaii, together with Guam,
 American Samoa and the Trust Territory of the Pacific Islands, would be designated as a single PRO area.

 Puerto Rico and the Virgin Islands would be designated as a single PRO area.

The proposed notice specifically requested comments on the possibility of establishing regional PRO areas by combining States with low numbers of total annual hospital admissions with PRO areas in adjacent States. We were particularly interested in the effect such a consolidation would have on the efficiency and the effectiveness of review.

The proposed notice also requested comments on the possibility of Statewide PROs contracting with local organizations to perform the review function.

### III. Major Comments on Proposed Notice

We received over 200 public comments concerning area designations. Approximately 120 comments were from groups representing PSROs, private medical review institutions, medical societies, hospital associations, hospitals, medical centers, and State agencies. The remaining comments were from individual physicians and private citizens. The suggestions of the commenters and our responses are as follows:

1. Comment: Over 150 commenters from 17 States objected to the proposal to designate Statewide PRO areas. All of the commenters agreed with the need to reduce the number of review areas effective currently under the PSRO program. But many of the commenters argued that although the Act indicates that PRO areas are to be defined generally by State boundaries. exceptions could be allowed for States with large numbers of Federal discharges. Specifically, the commenters in favor of "more than one PRO within a State" based their arguments on the need to meet the medical, economic and social differences within district

geographical areas of their particular State. The commenters believed that a single Statewide PRO is not conducive to effective local peer review. However, medical societies generally supported the Statewide concept, citing its administrative efficiency and uniform application of criteria.

Response: We are retaining the Statewide concept in the final notice. Currently under the PSRO program, we have designated 32 areas, including 29 States, the District of Columbia, Puerto Rico and the Virgin Islands, as Statewide areas. Three other States (Arizona, Connecticut and Oregon) have 180,000 or less Federal admissions and therefore do not meet the criteria set forth in section 1153(a)(2)(B) of the Act for designation other than as a Statewide area. Of the remaining States. eight (Indiana, Maryland, Massachusetts, Minnesota, North Carolina, Tennessee, Virginia and Wisconsin) have more than 180,000 but less than 360,000 Federal admissions. The other 10 States (California, Florida, Illinois, Louisiana, Michigan, Missouri, New Jersey, New York, Ohio and Pennsylvania) have more than 360,000 admissions. While we recognize that it is possible to divide these States into multiple PRO geographic areas, we believe that Statewide PROs, even in these areas, are administratively preferable.

We believe Statewide PROs would be administratively efficient, particularly in the areas of uniform collection and processing of data, the development and uniform application of criteria and in developing a valid data base to evaluate the efficiency and effectiveness of the review system.

Although the commenters suggested that Statewide PROs would not meet local review needs, we believe that a single Statewide PRO, recognizing the medical, social and economic differences of its geographical area, could address these local needs and facilitate the review process by subcontracting with substate organizations such as small efficient PSROs. In addition, in order to address local medical needs a Statewide PRO could establish criteria and standards to be applied to specific locations and facilities in the area if the patterns of practice are substantially different from patterns in the remainder of the PRO area, and the use of such criteria insults in more effective review (section 1154(a)(6) of the Act).

Finally, we believe that single Statewide PRO area designations are consistent with the Congressional intent of consolidating the current PSRO areas. As specified elsewhere in the final rule, we will continue to monitor these areas and will revise the regulations as our experience may require.

2. Comment: We received over 20 comments objecting to the proposal to combine States into regional PRO areas where the volume of admissions was so low as to make Statewide designation impracticable. Most of the comments were from PSROs, medical societies and private business organizations and associations. The commenters argued specifically that regional PROs could not work because each State has different laws governing health care, different medical politics and different philosophies on peer review.

Response: We have accepted the suggestions of the commenters and not included regional PROs in the final notice. However, this does not preclude a prospective bidder from competing for a PRO contract in more than one geographic area. We will continue to monitor these areas and we will revise the area designations as our experience may require.

3. Comment: We received over 20 comments objecting to the proposal to

combine Puerto Rico and the Virgin Islands into one PRO area. The majority of the comments were from medical societies, individual physicians, the End Stage Renal Disease (ESRD) network, and PSROs. The commenters indicated that the political, cultural and language differences between these two jurisdictions make their combination into a single PRO area inappropriate. The commenters noted further that other Federal programs had unsuccessfully attempted to consolidate these two jurisdictions. We also received a number of comments objecting to the proposal to form a single PRO area by combining Hawaii with Guam, American Samoa and the Trust Territory of the Pacific Islands. The commenters pointed out that under the PSRO program the administration of such a large geographic area was not cost effective.

Response: We have adopted the recommendation of the commenters and have designated the Virgin Islands, Puerto Rico and Hawaii as separate PRO areas. However, we have retained in this final notice the combination of Guam, American Samoa, the Northern Mariana Islands and the Trust Territory of the Pacific Islands as a single PRO area. We believe that in view of the low number of admissions and beneficiaries in this area, to further subdivide the area would not be cost effective.

### IV. Provisions of the Final Notice

Based on comments received on the proposed notice, the provisions of the final notice are as follows:

Each State, the District of Columbia, the Virgin Islands, Puerto Rico, and Hawaii are each designated as a separate Utilization and Quality Control Peer Review Organization area, with the following exception:

 Guam, American Samoa, the Northern Mariana Islands and the Trust Territory of the Pacific Islands is designated as a single Utilization and Quality Control Peer Review Organization area.

The impact of this notice is considered together with the impact of the final rule published elsewhere in this document. A description is found in the impact analysis section of the preamble to the rule.

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare-Hospital Insurance)

Dated: December 9, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: January 31, 1984. Margaret M. Heckler,

Secretary.

[FR Doc. 84-5202 Filed 2-24-84; 8:45 am] BILLING CODE 4120-03-M

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Listing of Public Laws
Last Listing February 24, 1984
This is a continuing list of
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### Revision Date **CFR CHECKLIST** 16 Parte 0-149 7.00 Jan. 1, 1983 This checklist, prepared by the Office of the Federal Register, is 150-999 7.00 Jan. 1, 1983 published weekly. It is arranged in the order of CFR titles, prices, 1000-End..... 7.00 Jan. 1, 1983 and revision dates. 17 Parts: An asterisk (\*) precedes each entry that has been issued since last Apr. 1, 1983 1-239 8.00 week and which is now available for sale at the Government 240-End 7.00 Apr. 1, 1983 Printing Office. New units issued during the week are announced on the back cover 1–149..... 7.00 Apr. 1, 1983 of the daily Federal Register as they become available. 150-399..... 8.00 Apr. 1, 1983 A checklist of current CFR volumes comprising a complete CFR set, 6.50 Apr. 1, 1983 also appears in the latest issue of the LSA (List of CFR Sections Apr. 1, 1983 Affected), which is revised monthly. The annual rate for subscription to all revised volumes is \$550 20 Parts: domestic, \$137.50 additional for foreign mailing. 1–399 Apr. 1, 1983 400-499..... Apr. 1, 1983 Order from Superintendent of Documents, Government Printing 7.00 Office, Washington, D.C. 20402. Charge orders (VISA, MasterCard, 500-End..... 7.50 Apr. 1, 1983 or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, 6.00 Apr. 1, 1983 Monday-Friday (except holidays). 100–169..... Apr. 1, 1983 6.50 170-199 6.50 Apr. 1, 1983 Price Revision Date 200-299 4.75 Apr. 1, 1983 Jan. 1, 1983 1, 2 (2 Reserved) ...... \$6.00 300-499 Apr. 1, 1983 3 (1982 Compilation and Parts 100 and 101)..... 6.00 Jan. 1, 1983 500-599 Apr. 1, 1983 6.50 7.50 Jan. 1, 1983 4..... 600–799..... 5.00 Apr. 1, 1983 5 Parts: 800-1299..... Apr. 1, 1983 6.00 Jan. 1, 1983 ..... 1300-End..... 5.00 Apr. 1, 1983 1200-End, 6 (6 Reserved) ..... Jan. 1, 1983 Apr. 1, 1983 8.50 22 23 7.00 Apr. 1, 1983 0-45 9.00 Jan. 1, 1983 24 Parts: Jan. 1, 1983 46-51..... 7 50 0-199..... 6.00 Apr. 1, 1983 9.00 Jan. 1, 1983 200-499..... 8.00 Apr. 1, 1983 53-209 7.50 Jan. 1, 1983 500-799..... 5.00 Apr. 1, 1983 210-299..... 7 00 Jan. 1, 1983 800-1699..... Apr. 1, 1983 6 50 Jan. 1, 1983 300-399..... 5.50 1700-End..... 6.00 Apr. 1, 1983 400-699 6.50 Jan. 1, 1983 Apr. 1, 1983 25 8.00 700-899..... 6.50 Jan. 1, 1983 900-999..... 8 50 Jan. 1, 1983 1000-1059..... Apr. 1, 1983 7:50 §§ 1.0–1.169..... 8.00 Jan. 1, 1983 1060-1119..... 6.50 Jan. 1, 1983 §§ 1.170-1.300..... 7.50 1 Apr. 1, 1982 1120-1199 7.00 Jan. 1, 1983 §§ 1.301–1.400..... 6.00 Apr. 1, 1983 1200-1499..... Jan. 1, 1983 §§ 1.401–1.500..... 7 00 7.00 Apr. 1, 1983 1500-1899..... Jan. 1, 1983 6.50 §§ 1.501–1.640..... 6.50 Apr. 1, 1983 1900-1944 8.00 <sup>1</sup> Apr. 1, 1982 Jan. 1, 1983 §§ 1.641–1.850..... 7 50 1945-End..... 7.00 Jan. 1, 1983 §§ 1.851–1.1200..... 8.00 Apr. 1, 1983 § § 1.1201–End Apr. 1, 1983 6.50 Jan. 1, 1983 8.50 Apr. 1, 1983 2-29..... 7.00 Apr. 1, 1983 30-39..... 6.00 7.50 Jan. 1, 1983 Apr. 1, 1983 40-299..... 7 50 200-End..... 7.50 Jan. 1, 1983 300-499..... 6.00 Apr. 1, 1983 10 Parts: 500-599 8.00 <sup>2</sup> Apr. 1, 1980 0-199..... 9.00 Jan. 1, 1983 600-End..... 5.00 Apr. 1, 1983 200-399..... 7.50 Jan. 1, 1983 400-499..... 6.50 Jan. 1, 1983 Apr. 1, 1983 6.50 500-End..... 7.00 Jan. 1, 1983 Apr. 1, 1983 200-End..... 11.... July 1, 1983 July 1, 1983 7.00 12 Parts: 29 Parts: 7.00 Jan. 1, 1983 July 1, 1983 0-99 8.00 ..... 8.00 Jan. 1, 1983 100-499..... July 1, 1983 300-499 7.00 Jan. 1, 1983 5.50 500-899..... July 1, 1983 8.00 500-End..... 8.00 Jan. 1, 1983 900-1899..... 5.50 July 1, 1983 13..... Jan. 1, 1983 1900-1910..... 8.50 July 1, 1983 14 Parts: July 1, 1983 1911–1919..... 4.50 7.00 Jan. 1, 1983 1920-End..... 8.00 July 1, 1983 60-139..... 7.00 Jan. 1, 1983 30 Parts: 140-199..... 5.50 Jan. 1, 1983 July 1, 1983 200-1199..... 0-199..... 7.00 Jan. 1, 1983 1200-End..... 200-699..... Jan. 1, 1983 5.50 Oct. 1, 1983 6.50 July 1, 1982 15 Parts:

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