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federal register

Wednesday
February 29, 1984

Selected Subjects

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

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Presidential Documents

Title 3—

The President

Proclamation 5154 of February 27, 1984

Cancer Control Month, 1984

By the President of the United States of America

A Proclamation

The news about cancer is getting brighter. While three out of ten Americans will develop cancer at some time in their lives, half of those who do will live five years or more and are considered curable. For some of the major cancers, more than two-thirds of patients survive beyond the five-year mark.

Physicians treating cancer patients anywhere in the United States now have access to the latest treatment information through a new computerized data-base. In addition, there are in 34 States new community cancer programs which are affiliated with 200 hospitals and designed to bring the latest and best treatment to cancer patients in their own communities.

We have learned more about the basic nature of cancer in the past ten years than in the entire history of science. The new technologies developed through research now give us the tools to examine the intricate steps that occur when cancer begins to form. We expect these tools to give us even better diagnosis, treatment, and prevention.

The best news of all about cancer today is that we are developing clear ideas about how to prevent it. Cancer researchers believe that two-thirds of all cancers in this country are linked with our lifestyles so we can now make daily choices that may decrease our odds of developing cancer. The single most important step which can be taken is to avoid smoking. Evidence also shows that some dietary components may not only prevent cancer, but even act to reverse a cancer-causing process which has already begun.

Thus we are reaping important benefits from the billions of dollars and the years of work this country has invested in the all-out effort to control cancer. With the continued advance of medical science to improve treatment and prevention, it may be possible to reduce by fifty percent the national death rate from cancer by the year 2000.

In 1938, the Congress of the United States passed a joint resolution (52 Stat. 148; 36 U.S.C. 150) requesting the President to issue an annual proclamation setting aside the month of April as "Cancer Control Month."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April 1984 as Cancer Control Month, 1984. I invite the Governors of the fifty States and the Commonwealth of Puerto Rico and the appropriate officials of all other areas under the United States flag to issue similar proclamations. I also ask that health care professionals, the communications industry, and all other interested persons and groups unite during this appointed time to reaffirm publicly our Nation's continuing commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of Feb., in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 84-5572
Filed 2-27-84; 4:28 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12466 of February 27, 1984

Reimbursement of Federal Employee Relocation Expenses

By virtue of the authority vested in me as President by the laws of the United States of America, including Public Law 98–151 and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. Executive Order No. 11609 of July 22, 1971, as amended, is further amended by designating the present text of subsection (7) as subsection 7(a), and by adding the following new subsections 7(b) and 7(c):

"(b) In consultation with the Secretary of the Treasury, the authority of the President under 5 U.S.C. 5724b to prescribe the regulations provided for therein relating to reimbursement of Federal, State, and city income taxes for travel, transportation, and relocation expenses of employees, transferred at Government expense, furnished in kind or for which reimbursement or an allowance is provided.

"(c) The authority of the President to prescribe guidance pursuant to which each agency shall carry out its responsibilities under 5 U.S.C. 5724c.".

Sec. 2. This order shall be effective as of November 14, 1983.

Ronald Reagan

THE WHITE HOUSE,
February 27, 1984.

[FR Doc. 84–5573
Filed 2–27–84; 4:29 pm]
Billing code 3195–01–M

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 426

[Amdt. No. 1]

Combined Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Combined Crop Insurance Regulations (7 CFR Part 426), effective for the 1984 and succeeding crop years, by: (1) Changing the policy to make it easier to read; (2) changing the cancellation and termination dates to conform with farming practices; and (3) providing for unit determination when the acreage report is filed.

In addition, FCIC issues a new subsection in the combined crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring combined crops in accordance with Departmental Regulation 1512–1, requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations. Further, FCIC redesignates this document as Amendment No. 1 to the Combined Crop Insurance Regulations.

EFFECTIVE DATE: March 30, 1984.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation No. 1512–1 (December 15, 1983). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

On Wednesday, July 27, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 34045, amending the policy for insuring combined crops in accordance with the provisions of DR 1512–1, and issuing a new subsection to contain control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The notice of proposed rulemaking published on July 27, 1983, was incorrectly designated as Amendment No. 2. This error is corrected herein. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, with the exception of minor and non-substantive changes in language, the proposed rule as published is hereby issued as a final rule to be effective with the 1984 crop year.

List of Subjects in 7 CFR Part 426

Crop insurance, Combined crops.

Final Rule

PART 426—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Combined Crop Insurance Regulations (7 CFR Part 426), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 426 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

2. 7 CFR 426.3 is revised to read as follows:

§ 426.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 426) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

3. 7 CFR 426.5(b) is amended by removing the number "$20,000" therein and inserting, in its place, the number "$100,000".

4. 7 CFR 426.7(b) is amended by revising the Combined Crop Insurance Policy therein to read as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Combined Crop—Crop Insurance Policy

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. The provisions for each insured crop contained in the individual policy for such crop shall apply except as otherwise provided herein. For the purpose of combined crop insurance, those parts of the individual policies which refer to individual crops shall

be considered to mean all crops insured under this policy.

2. In addition to section 2 of the applicable individual crop policies, the following shall apply:

a. The crops insured are all of the crops for which production guarantees and premium rates are shown by the actuarial table for combined crop insurance, and which are grown on insured acreage.

b. Insurance shall not be considered to have attached to any acreage of rye for any crop year when the contract is canceled or terminated for indebtedness for that crop year.

3. In lieu of subsection 9(c) of the applicable individual crop policies, the following shall apply:

a. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage for each insured crop on the unit times the applicable production guarantee, times the applicable price election, times your share;

(2) Multiplying the total production to be counted for each insured crop on the unit, times the applicable price election, times your share;

(3) Adding the dollar amounts obtained for each of the respective insured crops in (1) above; and

(4) Adding the dollar amounts obtained for each of the respective insured crops in (2) above, and subtracting this sum from the sum obtained in (3) above.

b. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

4. In lieu of section 5 of the applicable individual crop policies, the following shall apply:

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the applicable diversification factor(s) times the applicable premium factor(s), times the applicable premium adjustment percentage shown in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Section 5c and 5d of the applicable individual crop policies will not be applicable to combined crop insurance.

5. In lieu of section 15 of the applicable individual crop policies, the cancellation and termination dates are April 15.

6. In lieu of section 16 of the applicable crop policies, we may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of a notice from you to cancel the contract.

7. For the purposes of combined crop insurance, meanings for the following terms are:

a. "Actuarial table," in lieu of the definition of actuarial table in section 17 of the applicable crop policies, means the forms and related material for the crop year approved by us which are on file for public inspection in the service office, and which show the production guarantees, coverage levels, premium factors, dollar coverage per acre, applicable prices for computing indemnities, the applicable diversification factor table, insurable and uninsurable acreage, and related information regarding combined crop insurance in the county.

b. "Diversification factor" means a factor applied to reduce the premium when there is a diversity of crops planted. The factor is provided by the actuarial table.

c. "Premium factor" means the factor provided in the actuarial table for use in determining the premium.

d. "Unit" means all of the insurable acreage of all applicable insured crops in the county at the time of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

3. The Appendix to Part 426 is designated as Appendix and revised to read as follows:

Appendix A.—Counties Designated for Combined Crop Insurance

The following counties are designated for Combined Crop Insurance under the provisions of 7 CFR 426.1.

North Dakota

Barnes	Pierce	Steele
Grand Forks	Richland	

Done in Washington, D.C. on December 27, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Date: February 17, 1984.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-5181 Filed 2-27-84; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 1033

Milk in the Ohio Valley Marketing Area; Order Terminating Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rules.

SUMMARY: This action terminates the seasonal incentive producer payment plan (take-out/pay-back plan) that was designed to encourage level milk production by dairy farmers throughout the year for the Ohio Valley milk order. The action is based on the record of a public hearing held at Columbus, Ohio on October 12 and 13, and 1983. A proposal to eliminate the seasonal payment plan provisions from the order was considered at that hearing. The proposal was made by Milk Marketing, Inc., a cooperative representing a large number of the producers who supply milk for the market. Since the plan no longer accomplishes its intended purpose, it should be terminated.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Hearing: Issued September 26, 1983; published September 29, 1983 (48 FR 44565).

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. Such action will lessen the regulatory impact of the order on dairy farmers and will not affect milk handlers.

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

It is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In § 1033.61, in paragraph (g), the words ", except for the months specified below,"; and all of paragraphs (h) through (l).

2. In § 1033.70, all of paragraph (b); and in paragraph (c), the words "or (l)".

Statement of Consideration

This termination action is based on the record of a public hearing held at Columbus, Ohio on October 12 and 13, 1983. The termination removes from the order those provisions that provide for withholding from payments to producers 6 percent of the Minnesota-Wisconsin (M-W) price but not more than 25 cents per hundredweight during the months of April through July and distributing the money so accumulated to producers supplying the market during the ensuing months of September through December. This plan, which is commonly known as the "take-out/pay-back plan", was intended to encourage dairy farmers to produce about the same amount of milk each month of the year.

A proposal to eliminate the take-out/pay-back plan from the order was considered at the October hearing. The proposal was made by Milk Marketing, Inc., a cooperative representing a large number of the producers supplying the market. There was no opposition to the proposal at the hearing or in briefs. The other major producer group supplying milk for the market supported the proposal. Also, it should be noted that such plan was suspended during 1983 at the request of the proponent cooperative.

The record clearly indicates that the seasonal payment plan no longer provides an adequate incentive for producers supplying the Ohio Valley market to level their milk production throughout the year. For instance, when the seasonal payment plan was adopted for this market in 1970, the plan included a provision that limited the withholding rate to 25 cents per hundredweight. Such limit has prevented the rate from increasing over the years. If the limit were removed now, the effective rate (at 6 percent of the M-W price) would be about 75 cents per hundredweight. Such a rate, however, would cause serious price alignment problems among producers supplying the various Federal order markets in the region. This could ultimately result in disorderly marketing as producers attempt to change markets for temporary monetary gains.

During the same time period, producer prices in the Ohio Valley market have increased dramatically. For example, blend prices for the market averaged $5.96 and 1971 compared with $13.42 during 1983. As the amount withheld from producer payments represents a smaller percentage of the total price received by producers, the effectiveness of the seasonal incentive plan is eroded. The 25-cent rate represented 4.2 percent of the market's average blend prices in 1971 while in 1983 the rate was only 1.8 percent of such average prices. Hence, the seasonal payment plan no longer is effective in encouraging dairy farmers to level their milk deliveries throughout the year.

Since the seasonal payment plan is no longer effective in accomplishing its intended purpose and the possibility of restoring its effectiveness is not practical, the plan should be eliminated from the order. Accordingly, the provisions are terminated.

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

List of Subjects in 7 CFR Part 1033

Milk marketing orders, Milk, Dairy products.

PART 1033—[AMENDED]

It is therefore ordered, that the aforesaid provisions in §§ 1033.61 and 1033.70 of the order are hereby terminated.

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

Effective date: February 29, 1984.

Signed at Washington, D.C., on February 24, 1984.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-5439 Filed 2-28-84; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1097

Milk in the Memphis, Tennessee, Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends a portion of the base computation provisions of the seasonal base and excess plan for paying producers under the Memphis, Tennessee, milk order for the months of March through July 1984. The action suspends the requirement that bases for producers be computed by dividing each producer's deliveries during the base-making period of September-January by a minimum of 120 days.

The action was requested by Malone and Hyde, the operator of a fluid milk plant that recently became regulated under the Memphis order. The suspension is needed to provide a more equitable allocation of base and excess milk among producers supplying its plant. Such action will not have any significant impact on the computation of bases for other producers currently supplying handlers regulated under the Memphis order.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Suspension: Issued February 7, 1984; published February 10, 1984 (49 FR 5133).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action will provide a more equitable allocation of base and excess milk among a large number of dairy farmers supplying a plant that became regulated under the Memphis order on January 1, 1984, 4 months after the start of the base-making period under the Memphis order.

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

It is hereby found and determined that for the months of March through July 1984 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1097.92, the words "but not less than 120. In the case of producers delivering milk to a handler's plant which first became a fluid milk plant during or after the end of the base-forming period, the daily average base for each producer shall be that which would have been calculated for such producer for the entire base-forming period if the handler's plant had been a fluid milk plant during such period".

Statement of Consideration

For the months of March through July 1984, this action eliminates the requirement in the base computation section of the Memphis order that producer deliveries during the base-making period of September-January be divided by at least 120 days of production. Malone and Hyde, a fluid milk plant operator which first became regulated under the Memphis order in January 1984, requested the suspension in order that approximately 225 producers delivering milk to the Malone and Hyde plant would be treated equitably in the issuance of producer bases and the resulting payments to producers for base and excess milk during the months of March through July 1984. The suspension will allow these producers to have their bases computed on the basis of their deliveries during January 1984.

The suspension is necessary to minimize the adverse impact on the bases of producers supplying the Malone and Hyde plant as a consequence of the plant's shift in regulation from the Nashville milk order to the Memphis, Tennessee, milk order. As a result of the plant's recent start-up, the average daily base of the 225 producers now supplying the plant would not be representative of their production during the base-making period. Some of the producers have been associated with the plant since October 31, 1983, when the plant began operating, while others have only recently associated their milk with the plant. Furthermore, none of the production history of these producers for the period of September 1, 1983 through October 30, 1983, can be utilized in the computation of their bases upon the Memphis order because the Malone and Hyde plant did not start distributing milk until October 31, 1983. However, in the absence of this action, each of the Malone and Hyde producers, despite having less than 120 days of delivery to Malone and Hyde, would have their daily base computed under the terms of the Memphis order by dividing their respective deliveries by 120 days. As a consequence, their resulting bases would not be representative of the producers' average daily milk production during the base-making period and the payments received by them for their base and excess milk from the Malone and Hyde plant for the months of March through July 1984 would be distributed inequitably among the producers delivering milk to that plant.

Interested parties were given the opportunity to submit written data, views or arguments concerning the suspension. No comments in opposition to the proposed action were received.

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

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that this action will permit producers supplying the Malone and Hyde plant to have their bases computed in an equitable manner;

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

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No comments were filed in opposition to this action.

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

List of Subjects in 7 CFR Part 1097

Milk marketing orders, Milk, Dairy products.

PART 1097—[AMENDED]

It is therefore ordered, that the aforesaid provisions in § 1097.92 of the order are hereby suspended for the months of March through July 1984.

Effective date: February 29, 1984.

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

Signed at Washington, D.C. on: February 24, 1984.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-5440 Filed 2-28-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records

AGENCY: Immigration Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule limits the use of oral argument in administrative appeals to the Commissioner. This action is necessary in order to expedite the appeals process for cases being considered by its recently created Administrative Appeals Unit. The revised rule is intended to give the appellate officers discretionary authority to deny oral argument.

EFFECTIVE DATE: March 30, 1984.

FOR FURTHER INFORMATION CONTACT:

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

For Specific Information: Lawrence J. Weinig, Supervisory Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone (202) 633-3000

SUPPLEMENTARY INFORMATION: Proposed rule making was published in the Federal Register of October 18, 1983 (48 FR 48242).

Under the proposed rule, an appellant seeking review by the Commissioner must state, upon filing the appeal, reasons for requesting oral argument to supplement their written appeal. Under the final rule, justification for oral argument may be submitted at the time of filing a written brief in support of the appeal, including any extension of time granted by the district director for submission of such brief. Also changed in the final rule is the provision which would have given an appellant 30 days to submit additional written material when oral argument is denied. Granting of additional time was deemed inappropriate since upon appeal the submitted written brief is required to be complete including the reasons why oral argument is requested.

The final rule broadens the discretionary authority of the appellate officer to deny oral argument.

Comments were received from 14 sources, all practitioners of immigration law, commenting as individuals or representing professional organizations. The following summarizes their comments, suggestions and action taken.

Six commenters suggested that the rules for oral argument remain unchanged but that chronic abusers of the process should be penalized in some way. The suggestion has not been added because it would require extensive record-keeping by the appeals unit staff, further encroaching on their time. In addition, assessment of any such penalty would potentially cause burdensome litigation. Also, non-productive oral arguments are frequently initiated by individual appellants or counsel not regularly engaged in immigration practice. Such individuals are not intentionally abusive, but are equally draining on very limited resources.

Five commenters suggested that oral argument is a useful clarifier for the hearing officer and that to eliminate it would cut off what is often their only means of fact-finding. Appellate offices have several options when facts and issues are not abundantly clear. While reviewing a case, the appellant or counsel may be contacted to clarify a point or provide additional information if the examining officer so chooses. More serious defects may be corrected by remanding the case to a district director for additional fact-finding. In the event of an adverse decision based on a lack or misinterpretation of evidence, regulation permits the appellant to request reconsideration.

Three commenters suggested that the proposed rule allowed insufficient time to develop a request for oral argument. In consideration of this comment, the final rule has been amended to allow the oral argument justification to be submitted in conjunction with the written brief, including any time extension granted for submission of such brief.

Three commenters suggested that the proposed rule would, in some way, limit their "right to be heard." Since each agency must establish rules which enable it to conduct business in an orderly and effective manner, some limitation or channeling is obviously essential. In the type of proceeding which is the object of this rule, a written brief is generally the most effective, persuasive vehicle.

Two commenters indicated that the proposed rule was vague, in that it did not clearaly explain when oral argument would be granted. The rule was intended to give the appellate officer latitude in deciding whether to grant oral argument. In general, oral argument is not appropriate when factual matters are in dispute but may be useful in unusual cases involving interpretation of statute, regulation or case law. Since it is difficult to categorize requests, the rule is intended to give the appellate officer final authority to grant oral argument.

One commenter raised a concern that oral argument was the only vehicle by which a response could be made to new issues not cited in the original decision as a basis for denial. Although in an administrative appeal a case may be considered *de novo*, appellate officers will generally take issue with only those grounds of eligibility which are fully set forth in the record. When an issue needs clarification, a decision to remand is the most common practice.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule, if promulgated, would not have a significant economic impact on a number of small entities. This rule would not be a major rule as defined in section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 103

Administrative practices and procedure, Authority delegation (Governmental Agencies), Archives and records, Certification, Fees.

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

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

1. In § 103.3 paragraph (c) is revised as follows:

§ 103.3 Denials, appeals, and precedent decision.

* * * * *

(c) *Oral argument.* If an appeal is taken, request for oral argument, if desired, shall be included in the notice of appeal or supporting brief, providing such brief is submitted within the prescribed appeal period or any extension of time granted for submission of a supporting brief. Any request for oral argument must set forth facts explaining why such argument is necessary to supplement the appeal. The officer to whom the appeal is taken shall have sole authority to approve or reject a request for oral argument. Upon

approval of a request for oral argument, the appellate authority shall set the time, date, place, and manner by which the argument shall be heard.

* * * * *

(Sec. 103, Immigration and Nationality Act, as amended; (8 U.S.C. 1101))

Dated: February 9, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations Immigration and Naturalization Service.

[FR Doc. 84-5385 Filed 2-28-84; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563b

[No. 84-90]

Conversion From Mutual to Stock Form

Dated: February 23, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; solicitation of comments.

SUMMARY: The Federal Home Loan Bank Board ("Board") is extending its regulatory restriction on offers to acquire and acquisitions of more than ten percent of the stock of recently-converted insured institutions from one year to three years following conversion. The extended acquisition restriction will provide converted institutions a better opportunity to deploy conversion proceeds into productive assets, will protect against takeovers designed to gain control of a converted institution's conversion proceeds, and will foster the integrity and objectives of the conversion process. In order to avoid market disruption, the amendment will take effect immediately but will expire of its own terms in six months. The Board is soliciting comment on the rule for 60 days.

DATES: The rule will be effective on February 29, 1984. Comments must be received by April 30, 1984.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Attorney, Corporate and Securities Division (202-377-6457); J. Larry Fleck, Deputy Director, Corporate and Securities Division (202-377-6413); of Julie L. Williams, Director, Corporate and Securities Division, Office of General Counsel (202-377-6459).

SUPPLEMENTARY INFORMATION: Section 563b.3(i)(3) of the Regulations of the Federal Savings and Loan Insurance Corporation ("Insurance Regulations") provides that, without the prior written consent of the Federal Savings and Loan Insurance Corporation ("Corporation"), no person shall directly or indirectly offer to acquire or acquire the beneficial ownership of more than ten percent of any class of equity security of an institution whose accounts are insured by the Corporation ("insured institution") for a period of one year following the date of the completion of its conversion from the mutual to the stock form pursuant to Part 563b of the Insurance Regulations. 12 CFR 563b.3(i)(3) (1983). This restriction on acquisitions is one of a series of limitations originally adopted by the Board, as operating head of the Corporation, in Resolution No. 76-848, dated November 10, 1976, in recognition of the unique considerations presented by acquisitions and changes in control of recently converted institutions. By its action, the Board sought to lessen the vulnerability of newly-converted institutions to attempts to take unfair advantage of the results of conversion, to protect, in a variety of other respects, the integrity of the conversion process and to insure that conversions are accomplished in a manner that strengthens the converting association and are consistent with the purposes of the conversion program. 41 FR 50414 (Nov. 16, 1976). The restriction applies to any type of acquisition, whether effected by purchase, exchange, or otherwise, and any offer or announcement of an offer for such an acquisition, if the effect of consummation would be that the acquiror or offeror would directly or indirectly acquire more than ten percent of any class of equity security of the insured institution. 42 FR 14085 (Mar. 15, 1977).

In its original form, the § 563b.3(i)(3) restriction on offers and acquisitions applied for three years following the completion of the conversion. In Resolution No. 82-311, dated April 28, 1982, however, the Board reduced the length of the restriction from three years to one year. 47 FR 19672 (May 7, 1982). The reduction resulted from the Board's belief at that time that a one-year restriction would provide sufficient time to facilitate the deployment of the conversion stock sale proceeds and protect the integrity of the conversion process.

Recent events, however, have led the Board to reexamine the sufficiency of a one-year restriction, in light of the unique concerns presented by acquisitions of recently converted associations. There have been repeated instances in which recently-converted associations have become embroiled in costly takeover battles prior to and immediately following the expiration of the one-year regulatory acquisition restriction. These battles generally involved parties who had established up to 9.9% positions in the association's stock while the regulatory restriction on the acquisition of more than 10% was still in effect. Although these parties initially filed Reports of Beneficial Ownership stating that their purchases were for investment only, the final result has been a takeover battle of the type that the Board sought to avoid through imposition of a post-conversion acquisition restriction. 41 FR 50415 (Nov. 16, 1976). Moreover, in a number of cases, persons and entities have purchased blocks of stock and have acted together, even prior to the expiration of the one year restriction, to attempt to compel management of recently converted institutions to sell the institution to a takeover bidder.

This increasingly common course of events significantly undermines the efficacy of the one-year acquisition restriction and endangers a number of fundamental objectives of the conversion process. Instead of devoting itself to the orderly deployment of the conversion proceeds into productive assets and housing finance, management may spend the first year following conversion preparing for a takeover fight. Management may also feel compelled to take other steps that may not be in the best interests of the recently converted institution and all of its stockholders.

These developments have led the Board to conclude that one-year restriction on offers and acquisitions does not adequately accomplish the Board's objectives in limiting acquisitions of newly converted institutions. The one-year period is apparently not long enough to deter potential acquirors from setting takeover plans in motion before converted institutions have fully utilized their conversion proceeds. The potential for a takeover windfall has attracted speculators to savings and loan stocks and provided potential acquirors with a more receptive audience for their offers. Moreover, actions by potential acquirors during the year after conversion, whether in a "friendly" or "unfriendly" context, have serious negative implications for the conversion process.

including the valuation of the converting institution, the adequacy of conversion disclosures and the risk of management conflicts of interest. Accordingly, the Board has determined to reestablish the three-year protective period on a six month temporary basis or until a final rule can be adopted.

The Board considers the orderly functioning of the conversion process essential to the health of the thrift industry and the protection of the Insurance Fund. Nearly ten percent of the industry's current net worth is attributable to conversion stock sales in 1983 alone and conversion stock sales promise to be an important source of net worth to the industry in the future. To remain an attractive capitalization option, however, the conversion process must not be used to transform savings and loan associations into objects of manipulation and speculation and associations should not be faced with substantial burdens and disincentives to conversion. Investors must be mindful that the thrift industry is a highly regulated business suffused with the public interest. The Board will not tolerate practices that might discourage associations from undertaking conversions, that have the result of siphoning conversion proceeds from their intended uses, or that result in the expenditure of conversion proceeds in a manner inconsistent with the purposes of the conversion program.

In order to minimize inconvenience resulting from the transition to the new rule, it is the Board's intention that the three year acquisition restriction will apply only to insured institutions that have not commenced subscription offerings prior to the effective date. Institutions that have commenced their offering wil remain subject to a one year restriction by virtue of paragraph (i)(4). A subscription offering shall be deemed to have commenced when the subscription offering circular has been declared effective by the Board or its delegate. Institutions that have commenced subscription offerings but have not completed their conversion also may opt for coverage by the new rule if they give subscribers the right to increase, decrease, or rescind their subscriptions through a post-effective amendment to the subscription offering circular describing the effect of the regulatory amendment. The procedures for conducting the rescission offering are set forth in § 563b.7(k).

The Board has carefully considered the impact of this action on investors and their expectations, versus the benefits afforded converted associations, and has concluded that the substantial benefit to converted associations to be gained by avoiding the described problems outweigh any disappointed profit expectations that may be experienced by some prospective investors which may cause them to refrain from purchasing conversion stocks. In addition, the Board believes that the threat to the conversion process posed by excessively speculative practices and the Board's statutory responsibilities to the conversion process compel it to take immediate action. With regard to persons who contemplate acquiring control of converting institutions, the Board notes that § 563b.3(i)(3) is not a flat prohibition against offers and acquisitions but rather a requirement of prior approval. Accordingly, reimposition of the three-year restriction does not mean that acquisition plans must be abandoned.

In order to increase the effectiveness of § 563b.3(i)(3), the Board has adopted a provision for self-enforcement of the restriction. The provision permits an association to disregard shares in excess of ten percent for purposes of voting and establishment of a quorum if the beneficial ownership of such shares was acquired in violation of § 563b.3(i)(3). Under § 563b.3(k), this sterilization procedure would take precedence over the one-share-per-vote requirement of section 5 of the federal stock charter.

To facilitate compliance with § 563b.3(i)(3), the Board also is expanding the definitional provisions of § 563b.3(i)(8) to provide more examples of the scope of the terms "person" and "security" and to clarify the terms "acquire" and "group acting in concert." It should be emphasized that the term "group acting in concert" encompasses persons seeking to combine or pool their voting or other interests in a converted institution's securities. A solicitation of revocable proxies to vote on a matter at an upcoming meeting, however, would not of itself fall within the § 563b.3(i)(3) proscription. These definitions apply to all associations subject to § 563b.3(i)(3) and its predecessor versions.

The Board is also taking this opportunity to amend § 563b.3(i)(5) to provide an exemption to § 563b.3(i)(3) to allow the formation of a holding company after one year from the date of conversion, provided that the ownership of the holding company is substantially the same as the ownership of the insured institution. Formation of a holding company within one year of conversion will be considered for approval on a case-by-case basis.

In the case of a holding company formation proposed within the first year after conversion, the Board will examine closely the adequacy of disclosure provided in connection with the conversion regarding the possible formation of a holding company, the implications of a reorganization into a holding company with respect to such factors as regulatory considerations, permitted activities and anti-takeover provisions, and the extent of which the holding company formation reflects upon the conversion valuation. Where a converting institution wants to form a holding company as part of its conversion, such conversions are permitted under the Insurance Regulations. 12 CFR 563b.9. The Board notes that the acquisition of more than ten percent of the shares of a savings and loan holding company is considered to be the acquisition of more than ten percent of the association's shares.

In a related action, the Board is expanding the authority of converting insured institutions to include anti-takeover provisions in their stock charters. Under §563b.3(i)(7), a converting institution may provide in its stock charter that, for a period of one year following conversion, no person shall acquire or offer to acquire beneficial ownership of more then ten percent of its stock. Following conversion, the institution may adopt any anti-takeover provision "that would be permitted to be adopted by a corporation charterd by the state in which the principal office of * * * the converted insured institution is located." 48 FR 15602 (Apr. 12, 1983) (to be codified at 12 CFR 563b.3(i)(7)). The regulations generally governing amendments to the charters of federal associations employ the same state law standard. 48 FR 44187 (September 23, 1983) (to be codified at 12 CFR 552.4(c)).

In order to encourage charter flexibility in this area and allow associations more discretion in managing their affairs, the Board has determined to allow converting insured institutions the option to adopt up to a five-year restriction on acquisitions and provide for the sterilization of improperly held shares. In view of the longer permissible anti-takeover protective period, it is anticipated that insured institutions will not seek to adopt additional anti-takeover provisions in the first year following conversion. In addition, the staff will carefully review offering material disclosure to ensure that there is adequate discussion of the disadvantages as well as the advantages of any anti-takeover provisions of an

association seeks to implement. Counsel for converting institutions should refer to Securities Exchange Act Rel. No. 15230 (October 13, 1978) for guidance in this respect.

To further enhance the effectiveness of the anti-takeover authority, the Board is expanding § 563b.3(i)(7) to authorize federal associations temporarily to eliminate cumulative voting and limit the right of shareholders to call special meetings of shareholders relating to changes in control or amendment to the converted institution's charter during up to a five year period following conversion. For Federal associations, these rights are specified in § 562.6 (a) and (f)(6) of Regulations for the Federal Savings and Loan System. The full availability of these options to state-chartered insured institutions will depend on state law. By temporarily eliminating these rights, insured institutions would be able to reduce their vulnerability to post-conversion acquisitions of control or control battles conducted through the medium of proxy contests.

The Board has determined for good cause to implement the three-year regulatory acquisition restriction immediately pursuant to 5 U.S.C. 553(b)(3)(B) and 12 CFR 508.11. The Board believes that good cause exists for immediate implementaion of the extension in order to serve the public interest by averting the injury to insured institutions previously described. In addition, the Board has concluded that the likelihood of substantial market disruption as a result of potential acquirors accelerating their takeover plans solely in order to avoid imposition of the restriction after a notice and comment period and of market uncertainty in view of a proposed rule compels adoption of the rule in final form.

In reaching this result, the Board has considered the benefit of averting the problems of market disruption and market uncertainty that would be likely to result, and the uncertainties and problems in the conversion appraisal process that would also be created, if the rule were not adopted in final form. The Board has also examined the numbers of institutions in various stages of the conversion process and the extent to which amendments to filings and additional mailings of materials would be required by a final rule. The Board has also sought to minimize inconvenience by providing that the rule will apply only to insured institutions that have not commenced subscription offerings prior to the effective date and by permitting institutions whose offerings are in progress to elect to be covered by the rule if they give their subscribers the right to increase, decrease or rescind their subscriptions through a post-effective amendment procedure. Moreover, a proposed rule might lead some institutions to wait to convert to see if the rule becomes final, thereby incurring additional costs as a result of requirements to update their materials.

The extension from one to three years of the post-conversion limitation period does not represent a major shift in Board policy. It merely reinstates a previous rule that had been in effect for nearly seven years, before its change less than two years ago on the basis of recent agency experience confirming the value of the previous rule. The Board is also aware that the subject of post-conversion acquisition restrictions has been a topic of active public discussion in the thrift industry and among investors.

The amendments to § 563b.3(i) (5) and (7) relieve restrictions on insured institutions and enhance the orderly functioning of the conversion process and the Board has determined that the public interest is served by their immediate implementation. The Board therefore finds that observance of the public notice and comment period, pursuant to 5 U.S.C. 552(b) and 12 CFR 508.12, and the delay of the effective date, pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, is unnecessary, for the reasons cited above.

The Board, however, solicits the public's comments on the amendments and has accordingly provided for a 60-day comment period after which, if appropriate, the rules may be modified, extended, or otherwise addressed. It is noted that the Board today has rescinded the previous one-year rule and adopted a temporary rule.

List of Subjects in 12 CFR Part 563b

Savings and loan associations, Securities.

PART 563b—CONVERSION FROM MUTUAL TO STOCK FORM

Subpart A—Standard Conversions

Accordingly, the Board hereby amends Part 563b of Subchapter D, Chapter V, Title 12 of the Code of Federal Regulations, as set forth below.

Amend § 563b.3 by revising paragraphs (i) (3), (4) and (5) (ii) and (iii); adding paragraph (i)(5)(iv); and revising paragraphs (i) (7) & (8): as follows:

§ 563b.3 General principles for conversions.

* * * * *

(i) *Acquisition of securities of converting and converted insured institutions.*

* * * * *

(3) *Prohibition on offers to acquire and acquisitions of stock for three years following conversion.* For a period of three years following the date of completion of the conversion, no person shall, directly or indirectly, offer to acquire or acquire the beneficial ownership of more than ten percent of any class of an equity security of an insured institution converted in accordance with the provisions of this Part 563b, without the prior written approval of the Corporation. Where any person, directly or indirectly, acquires beneficial ownership of more than ten percent of any class of any equity security of an insured institution converted in accordance with Part 563b, without the prior written approval of the Corporation as required by this section, the securities beneficially owned by such person in excess of ten percent shall not be counted as shares entitled to vote and shall not be voted by any person or counted as voting shares in connection with any matter submitted to the stockholders for a vote. Unless extended or made permanent, this paragraph (i)(3) shall expire on August 31, 1984.

(4) *Savings clause for certain offers and acquisitions made prior to February 29, 1984.* The provisions of paragraph (i)(3) of this section shall not apply to an offer to acquire or an acquisition of the beneficial ownership of more than ten percent of any class of an equity security of an insured institution that had commenced its subscription offering by February 29, 1984 provided that the offer or acquisition shall not have been made without the approval of the corporation during the first year following the date of completion of the conversion. A subscription offering shall be deemed to have commenced on the date on which the subscription offering circular was declared effective by the Corporation or its delegate. However, an insured institution that commenced its subscription offering prior to February 29, 1984, but has not completed its conversion prior to that date may become subject to the provisions of paragraph (i)(3) by distributing to each subscriber a post-effective amendment to its subscription offering circular giving subscribers the right to increase, decrease, or rescind their subscriptions and declared effective by the Corporation or its delegate.

(5) *Exceptions.*

* * * * *

(ii) Paragraphs (i) (2) and (3) of this section shall not apply to any offer with a view toward public resale made exclusively to the institution or to the underwriters or a selling group acting on its behalf.

(iii) Unless made applicable by the Corporation by prior advice in writing, the restriction contained in paragraph (i)(3) of this section shall not apply to any offer or announcement of an offer which if consummated would result in the acquisition by a person, together with all other acquisitions by the person of the same class of securities during the preceding 12-month period, of not more than one percent of the class of securities.

(iv) The restriction contained in paragraph (i)(3) of this section shall not apply to any offer to acquire or acquisition of beneficial ownership of more than ten percent of the common stock of an insured institution by a corporation whose ownership is or will be substantially the same as the ownership of the insured institution, provided that the offer or acquisition is made more than one year following the date of completion of the conversion.

* * * * *

(7) *Optional charter provisions.* To the extent permitted by applicable Federal or State law, the plan of conversion may provide for the charter of the converted insured institution to state that, for a specified period of not more than five years following the date of the completion of the conversion, no person shall directly or indirectly offer to acquire or acquire the beneficial ownership of more than ten percent of any class of an equity security of the converted insured institution. Notwithstanding the provisions of Part 552 of this chapter and to the extent otherwise permitted by applicable Federal or State law, the plan of conversion may provide for the charter of a converted insured institution to state that, for the specified period following the date of the completion of the conversion: (i) Shares beneficially owned in violation of the above-described charter provision shall not be entitled to vote and shall not be voted by any person or counted as voting stock in connection with any matter submitted to shareholders for a vote; (ii) shareholders shall not be permitted to cumulate their votes for elections of directors; and (iii) special meetings of the shareholders relating to changes in control or amendment of the charter may only be called by the board of directors. At any annual or special meeting of its shareholders, a converted insured institution may adopt any charter provision regarding the acquisition by any person or persons of its equity securities that would be permitted to be adopted by a corporation chartered by the state in which the principal office of the converted insured institution is located: *Provided,* that the institution shall file as part of this charter amendment filing an opinion of counsel independent of the institution that such charter provision is permissible under the law of the applicable state.

(8) *Definitions.* The term "person" includes an individual, a group acting in concert, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization or similar company, a syndicate or any other group formed for the purpose of acquiring, holding or disposing of securities of an insured institution. The term "offer" includes every offer to buy or acquire, solicitation of an offer to sell, tender offer for, or request or invitation for tenders of, a security or interest in a security for value. The term "acquire" includes every type of acquisition, whether effected by purchase, exchange, operation of law or otherwise. The term "security" includes non-transferable subscription rights issued pursuant to a plan of conversion as well as a "security" as defined in 15 U.S.C. § 78c(2)(10). The term "group acting in concert" includes persons seeking to combine or pool their voting or other interests in the securities of an issuer for a common purpose, pursuant to any contract, understanding, relationship, agreement or other arrangement, whether written or otherwise. When persons act together for such purpose, their group is deemed to have acquired their stock.

* * * * *

(Sec. 402(j) of the National Housing Act, 12 U.S.C. 1725(j) (1982))

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 84-5282 Filed 2-28-84: 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 133

[Amdt. 3]

Display of Office of Management and Budget (OMB) Control Numbers for Reporting and Recordkeeping Requirements

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration is amending its regulations to indicate Office of Management and Budget (OMB) approval of new and revised information collection requirements contained in or authorized by the regulations. This action is required by the Paperwork Reduction Action of 1980 (Pub. L. 96-511, 94 Stat. 2812, Chapter 35 of Title 44).

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Elizabeth M. Zaic, Chief, Paperwork Management Branch, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416. Telephone No. 653-8538.

SUPPLEMENTARY INFORMATION: This amendment is administrative in nature and is intended to comply with the requirements of the Paperwork Reduction Act of 1980 as implemented by 5 CFR Part 1320 that agencies display a current OMB control number assigned by the Director, OMB on each agency information collection requirement. This subpart collects and displays current OMB control numbers and expiration dates. Where the information collection requirement exists as a document separate from the regulations, the Small Business Administration will also display the current OMB number on the document.

Because this is a nonsubstantive amendment dealing with procedural matters, it is not subject to the provisions of the Administrative Procedure Act (5 U.S.C. 551 et seq) requiring advance notice and comment.

List of Subjects in 13 CFR Part 133

OMB control numbers assigned, Reporting and recordkeeping requirements.

§ 133.1 [Amended].

In § 133.1, paragraph (c) is revised to read as follows:

* * * * *

(c) Index to OMB-appoved reporting and recordkeeping requirements.

Current OMB control No.	Information collection requirement	13 CFR part or section where identified and described	Expiration date
3245-0003	SBA 745 (2-83 ed.)	125.9	4-30-85
	SBA 745A (2-83 ed.)	125.9	4-30-85
3245-0007	SBA 990	115.5	5-31-85
	SBA 994	115.5	5-31-85
	SBA 994B	115.5	5-31-85
	SBA 994F	115.5	5-31-85
	SBA 994H	115.5	5-31-85
	SBA 994J	115.5	5-31-85
3245-0009	SBA 480	107.301	3-31-84
3245-0012	SBA 770	123.9	7-31-84
3245-0013	SBA 74	125.5	3-31-86
	SBA 74A	125.5	3-31-86
	SBA 74B	125.5	3-31-86
	SBA 183	125.5	3-31-86
3245-0015	SBA 1010A	124	11-31-84
	SBA 1010B	124	11-31-84
	SBA 1010C	124	11-31-84
	SBA 1010D	124	11-31-84
	SBA 1010E	124	11-31-84
	SBA 1010I	124	11-31-84
3245-0016	SBA 4	122.309	12-31-86
	SBA 4I	122.309	12-31-86
	SBA 4 Sched. A	122.309	12-31-86
3245-0017	SBA 5	123	12-31-86
	SBA 739A	123	12-31-86
	SBA 1368	123	12-31-86
3245-0018	SBA 5C	123.1	8-31-84
	SBA 739	123.9	8-31-84
	SBA 143	123.9	8-31-84
3245-0019	SBA 1099	101.2-7	11-30-84
	SBA 933	101.2-7	11-30-84
	SBA 1107	101.2-7	11-30-84
	SBA 1100	101.2-7	11-30-84
3245-0020	SBA 1136	111.5	6-30-85
	SBA 1136A	111.5	6-30-85
3245-0023	SBA 2006	101.2-6	9-30-85
3245-0024	SBA 1167	125.10	3-31-86
	SBA 1167A	125.10	3-31-86
3245-0046	SBA 1174	101.2-7	9-30-86
3245-0053	SBA 24	101.2-7	2-29-85
	SBA 1351	101.2-7	2-29-85
3245-0062	SBA 415	107.102	3-31-85
	SBA 415A	107.102	3-31-85
	SBA 415B	107.102	3-31-85
3245-0063	SBA 468	107.1102	3-31-85
	SBA 468, Pts. 1, 2, 3	107.1102	3-31-85
3245-0066	SBA 1261	112.15	8-31-83
3245-0070	SBA 18	101.2-7	9-30-86
3245-0071	SBA 1244	108.503	1-31-85
3245-0072	SBA 22	101.2-7	9-30-86
3245-0073	SBA 1246	108.503	3-31-84
3245-0074	SBA 1253	108.503	1-31-84
	SBA 1253A	108.503	1-31-84
	SBA 1253B	108.503	1-31-84
3245-0075	SBA 20	101.2-7	3-31-84
3245-0076	Non Discriminatory Requirements	112.9, 113.5	4-30-85
	SBA 793		4-30-85
3245-0077	Reporting & Record-Keeping Requirements on Non-Bank Lenders	120.5 and 120.6	6-30-84
3245-0078	Small Business Investment Company Records and Reports	107.1102	4-30-84
	SBA 684		4-30-84
	SBA 1031		4-30-84
3245-0079	SBA 419	125.4	6-30-84
3245-0080	SBA 1081	120.4	3-31-84
3245-0081	Funds to Licensee	107.201	6-30-84
	SBA 1022	107.201	6-30-84
	SBA 1022A	107.201	6-30-84
	C.O. 158	107.201	6-30-84
	C.O. 159	107.201	6-30-84
3245-0083	Amendments to License	107.1105	7-31-84
	SBA 415C	107.1105	7-31-84
3245-0084	SBA 700	123	8-31-84
3245-0090	SBA 59	101.2-7	9-30-84
3245-0091	SBA 641	101.2-7	11-30-84
3245-0095	SBA 1175		11-30-84
3245-0096	SBA 883	Presidential Proclamation Designating Small Business Week.	12-31-86
3245-0097	SBA 1335		1-31-85
3245-0098	Survey on Selected Innovating Companies to Analyze Systematic Differences Between Large and Small Firm Innovations.		12-31-83
3245-0099	Survey on Significant New Products, etc. in U.S. Mfg., 1970-82		3-31-84
3245-0101	SBA 355, 1340		3-31-85
3245-0104	SBA 1356		5-31-86
3245-0108	SBA 1062	101-2.7	8-31-85
3245-0109	SBA 857, 858	107.1101	7-31-86
3245-0110	SBA 1366	123.17	12-31-86
	Retention of Books, Records and Proceeds	123.42	
3245-0112	SBA 1301	108.503	7-31-86
3245-0114	SBA 1302	109.503	7-31-86
3245-0116	SBA 860	107.1101	7-31-86
3245-0117	CO 266		6-30-86
3245-0118	SBA 856	107.1101	6-30-86
3245-0121	Governor's Request for Disaster Declaration	123.24	6-30-86

Current OMB control No.	Information collection requirement	13 CFR part or section where identified and described	Expiration date
3245-0122	Reconsideration Request	123.11	7-31-86
3245-0123	SBA 888	107-2.7	9-30-85
3245-0124	Notice of Duplication of Benefits	123.22	6-30-86
3245-0125	SBA 898	Pub. L. 92-463	7-31-86
3245-0126	Survey to Assess the Effects of Decision Criteria on Small Business Investment		1-31-84
3245-0128	SBA 1160	123	8-31-86
3245-0129	SBA 1238A		8-31-86
3245-0130	SBA 1238		8-31-86
3245-0131	SBA 172	Agency's Participant Handbook	8-31-86
3245-0132	SBA 1149		8-31-84
3245-0133	SBA 2014A	Pub. L. 95-454	8-31-86
3245-0134	SBA 1369	101.2-7	9-30-86
3245-0135	SBA 1202	101.2-7	9-30-86
3245-0136	SBA 987	123.1	9-30-86
3245-0137	SBA Contract Requirements	OMB Circulars A-110; A-21; A-102; A-122	8-31-86
3245-0140	SBA Grants Mgmt. Program applications (SBA 1222, 1223, 1224)	OMB Circulars A-110; A-21; A-102; A-122	8-31-86
3245-0141	SBA 843	SBA SOP 60 02	8-31-86
3245-0142	Ownership Characteristics Survey		6-30-84
3245-0143	Request for Eligibility Reconsideration	124	11-30-86
3245-0144	Capability Review and Requirements Request (SBA 1017)	124	11-30-86
3245-0145	Notice of Change in Ownership	124	11-30-86
3245-0146	Request for Approval of Joint Venture agreement	124	11-30-86
3245-0147	Request for Fixed Program Participation Term (FPPT)	124	11-30-86
3245-0148	Request for Advance Payment and Schedule of Advance Payment Requirements	124	11-30-86
3245-0149	Request for Business Development Expense	124	11-30-86
3245-0151	Submission of Business Financial Statement	124	11-30-86
3245-0152	Dredging Industry Questionnaire (SBA 1374)	121	9-3-84
3245-0153	SBA 1375	Presidential Proclamation Designating Small Business Week.	12-31-86

(Paperwork Reduction Act of 1980; 5 CFR Part 1320)

Dated: February 17, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-5143 Filed 2-28-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-ANE-03; Amdt. 39-4817]

Airworthiness Directive; Pratt & Whitney Aircraft Models JT8D-1, -1A, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17A, -17R, and -17AR Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Pratt & Whitney JT8D-9, -11, -15, -17 and -17R engine models by adding the JT8D-15A, -17A, and -17AR model engines and provides a 6,000 cycle reinspection interval for disks operated in the higher thrust rated engine models and subsequently inspected and installed in one of the lower thrust rated JT8D-1, -7 engines. This amendment is needed to prevent compressor disk rupture and subsequent engine failures.

DATES: Effective March 30, 1984.

Compliance Schedule—As prescribed in body of AD.

The Director of the Federal Register approved the incorporation by reference provisions in this document on February 16, 1984. The approval is effective March 30, 1984.

ADDRESS: The applicable Alert Service Bulletin (ASB No. 4723, Revision 9) may be obtained from Pratt & Whitney Aircraft, Commercial Products Division, 400 Main Street, East Hartford, Connecticut 06108.

A copy of the Alert Service Bulletin is contained in the Rules Docket, 81-ANE-03, Federal Aviation Administration, Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01083; telephone (617) 273-7385.

FOR FURTHER INFORMATION CONTACT: W. Locke Easton, Transport Engine Section, ANE-141, Aircraft Certification Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39-4083 (46 FR 21596), AD 81-08-02, as amended by Amendment 39-4432 (47 FR 34360) which currently requires initial and repetitive inspection intervals of stages 9-12 high pressure compressor disks at tie rod holes. The inspection and reinspection intervals vary by engine model, decreasing intervals with increased thrust rated engine models. An installed on-wing inspection for the 10th stage disk is included as an option. The current inspection compliance schedule is in accordance with Pratt & Whitney Aircraft Alert Service Bulletin 4723, Revision No. 8. After issuing Amendment 39-4432, the FAA has determined that "A" series engine conversion kits are now available to convert JT8D-15, -17, and -17R engine models to JT8D-15A, -17A and -17AR engine models.

Based on this a notice was issued in the **Federal Register** on October 25, 1983 (48 FR 49296) which proposed to amend the existing AD by requiring the addition of JT8D-15A, -17A and -17AR model engines and provided a 6,000 cycle reinspection interval for disks operated in the higher thrust rated engine models and subsequently inspected and installed in one of the lower thrust rated JT8D-1, -7 engines.

Interested persons have been afforded an opportunity to participate in the making of this Amendment. No objections were received. Accordingly, the proposal is adopted without change.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Safety, and Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Amendment 39-4083 (46 FR 21596), AD 81-08-02, as amended by Amendment 39-4432 (47 FR 34360) to read as follows:

Pratt & Whitney Aircraft: Applies to Pratt & Whitney Aircraft Models JT8D-1, -1A, -7, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, and -17AR turbofan engines.

Compliance required as indicated, unless already accomplished in accordance with Pratt & Whitney Aircraft Alert Service Bulletin Number 4723, Revision 7, dated February 26, 1981, or Revision 8, dated July 9, 1982. Inspection methods and intervals subsequent to the effective date of this AD must be in accordance with Revision 9 of the above Alert Service Bulletin.

To prevent crack propagation and possible disk failure, inspect stages 9 through 12 HPC disks at the tierod holes in accordance with Pratt & Whitney Aircraft Alert Service Bulletin Number 4723, Revision 9, dated June 13, 1983, or equivalent means approved by the Manager, Engine Certification Branch, New England Region.

Accomplish first inspection and reinspection at the intervals specified by stage and engine model in Tables I through V and Table VIII of Alert Service Bulletin 4723, Revision 9. Disks inspected prior to the first inspection limit must be reinspected before reaching the specified reinspection interval, or reaching the first inspection limit, whichever is later. In no case shall the established life limits of the disk be exceeded.

Remove cracked disks from service prior to further flight. They may be returned to service if repaired in accordance with Paragraph 6 of the above Alert Service Bulletin 4723, Revision 9.

Upon request of the operator, an FAA Airworthiness Inspector, subject to prior approval of the Manager, Engine Certification Branch, FAA, New England Region, may adjust the inspection intervals specified in this AD to permit compliance at an established inspection of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's Alert Service Bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a). All persons affected by this directive who have not already received the service bulletin from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Commercial Products Division, 400 Main Street, East Hartford, Connecticut 06108. The service bulletin may also be examined at Federal Aviation Administration, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 08103.

This amendment becomes effective on March 30, 1984.

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

Note.—The FAA has determined that this amendment only involves operators of JT8D-15, -17, and -17R engines who have elected to convert to JT8D-15A, -17A, and -17AR engines. During the conversion the engines would comply with Revision 9 or would have already been in compliance with Revisions 7 or 8 of Pratt & Whitney Aircraft Alert Service Bulletin Number 4723.

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

Issued in Burlington, Massachusetts, on February 7, 1984.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 84-5334 Filed 2-28-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 78-NE-09; Admt. 39-4818]

Airworthiness Directives; Pratt & Whitney Aircraft Models JT8D-9, -9A, -11, -15, -15A, -17, -17A, -17R, and -17AR Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Pratt & Whitney Aircraft JT8D-9, -9A, -11, -15, -17, and -17R engine models by adding the JT8D-15A, -17A, and -17AR model engines that have or will be obtained by conversion. The amendment is needed to detect cracks in front compressor front hub blade slots which could result in fracture of the retaining lugs and release of first stage blades in service.

DATE: Effective March 30, 1984.

Compliance schedule—As prescribed in body of AD.

The Director of the Federal Register approved the incorporation by reference provisions in this document on February 16, 1984. The approval is effective March 30, 1984.

ADDRESS: The applicable Alert Service Bulletin No. 4823, Revision 6, may be obtained from Pratt & Whitney Aircraft, Commercial Products Division, 400 Main Street, East Hartford, Connecticut 06108.

A copy of the Alert Service Bulletin is contained in the Rules Docket, 78-NE-09, Federal Aviation Administration, Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7385.

FOR FURTHER INFORMATION CONTACT: W. Locke Easton, Transport Engine Section, ANE-141, Engine Certification Branch, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 018103; telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION: The amendment further amends Amendment 39-3281 (43 FR 36430), AD 78-17-02, as amended by Amendment 39-4334 (47 FR 9815), AD 78-17-02 R1, and further amended by Amendment 39-4407 (47 FR 27847) which currently requires front compressor front hub blade slot initial inspection at 8,000 cycles to 13,000 cycles with repetitive inspections from 5,000 to 6,000 cycles depending on the engine model. An on-wing ultrasonic reinspection interval from 1,500 to 2,000 cycles depending on engine model, is included as an option. The current inspection compliance schedule is in accordance with Pratt & Whitney Aircraft Alert Service Bulletin 4841, Revision 5. After issuing Amendment 39-4407, the FAA has detemined that "A" service engine conversion kits are now available to convert JT8D-15, -17, and -17R models to JT8D-15A, -17A, and -17AR models. Based on this, a notice was published in the **Federal Register** on October 25, 1983 (48 FR 49296) which proposed to amend the existing AD by requiring the addition of the JT8D-15A, -17A, and -17AR model engines that have or will be obtained by conversion.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No objections were received. Accordingly, the proposal is adopted without change.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to be by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Amendment 39-3281 (43 FR 36430), AD 78-17-02, as amended by Amendment 39-4334 (47 FR 9815), AD 78-17-02R1, and further amended by Amendment 39-4407 (47 FR 27847), to read as follows:

Pratt & Whitney Aircraft: Applies to Pratt & Whitney Aircraft models JT8D-9, -9A, -11, -15, -15A, -17, -17A, -17R and -17AR turbofan engines.

Compliance is required as indicated, unless already accomplished.

To detect cracks in compressor front hubs, P/Ns 594301, 791801, 640601, 743301, 750101,

and 749801, except those excluded by serial number in Pratt & Whitney Aircraft Alert Service Bulletin No. 4841, Revision 6, dated July 15, 1983, which could result in fracture of the retention lugs and release of first stage fan blades, accomplish the following:

(A) Inspect front compressor front hubs for cracks in the blade slots in accordance with Pratt & Whitney Aircraft Alert Service Bulletin No. 4841, Revision 6, dated July 15, 1983, or equivalent means approved by the Manager, Engine Certification Branch, New England Region, and in accordance with limits specified in Paragraphs (B) and (C) of this AD. Remove cracked compressor front hubs prior to further flight.

(B) Hubs not previously inspected shall be inspected within 1,000 cycles from the effective date of this AD or before reaching the initial inspection limits specified in Column I of Paragraph (D), whichever occurs later, except do not exceed 13,000 total cycles. Repeat inspections at intervals listed in Column II, or Column III, Paragraph (D), thereafter.

(C) Hubs which have been previously inspected shall be reinspected within 1,000 cycles after the effective date of this AD or before reaching the initial inspection limit specified in Column I, Paragraph (D), or before reaching the repetitive inspection limits specified in Column II or Column III of Paragraph (D), whichever comes later. Repeat inspections at intervals listed in Column II or Column III, Paragraph (D), thereafter.

(D)

Model	Column I, initial inspection limit (cycles)	Column II, eddy current repetitive inspection limit (cycles)	Column III, on-wing ultrasonic repetitive inspection limit (cycles)
JT8D-9, -9A	13,000	6,000	2,000
JT8D-11	10,500	6,000	2,000
JT8D-15, -15A	9,500	5,000	1,500
JT8D-17, -17A	8,500	5,000	1,500
JT8D-17R, -17AR	8,000	5,000	1,500

Note.—If the initial inspection or repetitive inspection is achieved by the on-wing ultrasonic inspection, the Column III limits in paragraph (D) apply. If, however, the initial inspection or repetitive inspection is achieved by an eddy current inspection on an uninstalled engine, the Column II inspection limits of paragraph (D) would apply.

(E) Upon request of the operator, an FFA maintenance inspector, subject to the approval of the Manager, Engine Certification Branch, FAA, New England Region, may adjust the inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(F) For hubs that have been installed in more than one engine model, the inspection schedule for the engine model with the highest thrust rating in which it has operated is applicable.

The manufacturer's Alert Service Bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a). All persons affected by this directive who have not already received the service bulletin from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Commercial Products Division, 400 Main Street, East Hartford, Connecticut 06108. The service bulletin may also be examined at Federal Aviation Administration, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803. This amendment becomes effective March 30, 1984.

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

Note.—The FAA has determined that this amendment only involves operators of JT8D-15, -17, and -17R engines who have elected to convert to JT8D-15A, -17A, and -17AR engines. During the conversion, the engines would comply with Revision 6 or would have already been in compliance with Revision 5 of Pratt & Whitney Aircraft Alert Service Bulletin Number 4841. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts, on February 8, 1984.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 84-5335 Filed 2-28-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 10

[Docket No. 84N-0052]

General Administrative Procedures; Amendment of Regulations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the administrative practices and procedures regulations governing submission of documents to FDA's Dockets Management Branch to correct a recodification error.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Warren B. Howard, Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: This document amends the regulations to correct an error that occurred when the agency recodified its procedural regulations in the **Federal Register** of March 22, 1977 (42 FR 15553) from a single Part 2 (21 CFR Part 2) to the current Parts 10 through 19 (21 CFR Parts 10 through 19). FDA inadvertently limited the penalty now prescribed in § 10.20(c)(6) to violations of requirements in Part 10. The original intent, to apply the penalty of rejection of submissions also to Part 12 or Part 13 submissions, is shown by the reference to § 10.20 in § 12.80(a) and § 13.20(a). Accordingly, FDA is correcting the first sentence in § 10.20(c)(6) to read, "The failure to comply with the requirements of this part or with § 12.80 or § 13.20 will result in rejection of the submission for filing or, if it is filed, in exclusion from consideration of any portion that fails to comply."

List of Subjects in 21 CFR Part 10

Administrative practice and procedure.

PART 10—ADMINISTRATIVE PRACTICES AND PROCEDURES.

§ 10.20 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 201 et seq., Pub. L. 717, 52 Stat. 1040 as amended (21 U.S.C. 321 et seq.); sec. 1 et seq., Pub. L. 410, 58 Stat. 682 as amended (42 U.S.C. 201 et seq.); sec. 4, Pub. L. 91-513, 84 Stat. 1241 (42 U.S.C. 257a); sec. 301 et seq., Pub. L. 91-513, 84 Stat. 1253 (21 U.S.C. 821 et seq.); sec. 409(b), Pub. L. 242, 81 Stat. 600 (21 U.S.C. 679(b)); sec. 24(b), Pub. L. 85-172, 82 Stat. 807 (21 U.S.C. 467f(b)); sec. 2 et seq., Pub. L. 91-597, 84 Stat. 1620 (21 U.S.C. 1031 et seq.); secs. 1 through 9, Pub. L. 625, 44 Stat. 1101-1103 as amended (21 U.S.C. 141-149); secs. 1 through 10, Chapter 358, 29 Stat. 604-607 as amended (21 U.S.C. 41-50); sec. 2 et seq., Pub. L. 783, 44 Stat. 1406 as amended (15 U.S.C. 401 et seq.); sec. 1 et seq., Pub. L. 89-755, 80 Stat. 1296 as amended (15 U.S.C. 1451 et seq.)] and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 10 is amended in § 10.20 *Submission of documents to Docket Management Branch; computation of time; availability for public disclosure,* by revising the first sentence of paragraph (c)(6) to read as follows: "The failure to comply with the requirements of this part or with § 12.80 or § 13.20 will result in rejection of the submission for filing or, if it is filed, in exclusion from consideration of any portion that fails to comply."

Effective date: February 29, 1984.

Dated: February 23, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-5354 Filed 2-28-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510 and 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Trichlorofon and Phenothiazine Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) sponsored by TPC Products, Inc. The NADA provides for the use of trichlorofon and phenothiazine in a premeasured package for mixing in feed as an anthelmintic for horses. The regulations are also amended to add TPC Products, Inc., to the list of sponsors of approved NADA's.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Terence Harvey, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: TPC Products, Inc. (formerly Texas Phenothiazine Co.), P.O. Box 4308, Fort Worth, TX 76106, is sponsor of NADA 13-685 which provides for use of Equi-Verm® (trichlorofon plus phenothiazine) in premeasured packages for adding to feed as an anthelmintic for horses. The drug is to be used in the control and removal of bots (*Gastrophilus* spp.), large strongyles (*Strongylus vulgaris*), and small strongyle species. The drug was approved by letter of November 6, 1963.

Approvals at that time were not codified by publication in the **Federal Register.** This action codifies the previously approved NADA but does not change the approved use of the drug. Additionally, the regulations are amended to add TPC Products, Inc., to the list of sponsors of approved NADA's. Because the application was approved before July 1, 1975, the sponsor is not required to submit a summary of the safety and effectiveness data and information under the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2).

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

List of Subjects

21 CFR Part 510

Adminstrative practice and procedure; Animal drugs; Labeling; Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs, oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
TPC Products, Inc., P.O. Box 4308, 2021 North Grove St., Fort Worth, TX 76106	011531
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
011531	TPC Products, Inc., P.O. Box 4308, 2021 North Grove St., Fort Worth, TX 76106.
* * * * *	

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

2. In Part 520, new § 520.2520h is added to read as follows:

§ 520.2520h Trichlorofon and phenothiazine powder.

(a) *Sponsor.* See No. 011531 in § 510.600(c) of this chapter.

(b) *Special considerations.* This drug is a cholinesterase inhibitor. Do not use any drug, insecticide, pesticide, or chemical having cholinesterase-inhibiting activity simultaneously or for a few days before or after treatment.

(c) *Conditions of use*—(1)—*Amount.* (i) One 3-ounce package containing 7.477 percent trichlorofon and 17.638 percent phenothiazine for horses of 300 to 400 pounds body weight.

(ii) One 3-ounce package containing 11.205 percent trichlorofon and 23.517 percent phenothiazine for horses of 500 to 700 pounds body weight.

(iii) One 3-ounce package containing 16.803 percent trichlorofon and 29.396 percent phenothiazine for horses of 800 to 1,000 pounds body weight.

(2) *Indications for use.* For horses for the control and removal of bots (*Gastrophilus* spp.), large strongyles (*Strongylus vulgaris*), and small strongyle species.

(3) *Limitations.* Mix entire contents of package with morning feed. Remove and destroy any medicated feed not consumed within 12 hours. Do not retreat within 30 days. Do not treat pregnant mares within 30 days prior to foaling. Do not treat horses to be used for food. Do not treat sick or emaciated horses. Consult your veterinarian for assistance in diagnosis, treatment, and control of parasitism.

Effective date. February 29, 1984.

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

Dated: February 17, 1984.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 84-5352 Filed 2-28-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510 and 558

New Animal Drugs for Use in Animal Feeds; Pyrantel Tartrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for South St. Paul Feeds, Inc., providing for use of a 48-gram-per-pound pyrantel tartrate premix in making a 9.6-gram-per-pound pyrantel tartrate intermediate premix. The intermediate premix is subsequently used to make complete swine feeds.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV-130), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: South St. Paul Feeds, Inc., 500 Farwell Ave., South St. Paul, MN 55075, is sponsor of NADA 136–369 submitted on its behalf by Pfizer, Inc. The NADA provides for use of a 48-gram-per-pound pyrantel tartrate premix, supplied by Pfizer, Inc., in making a 9.6-gram-per-pound pyrantel tartrate intermediate premix. The intermediate premix is used in making complete swine feeds used for aid in prevention of migration and establishment of large roundworm (*Ascaris suum*) infections; for aid in prevention of establishment, removal, and control of nodular worm (*Oesophagostomum*) infections; and for removal and control of large roundworm (*Ascaris suum*) infections. The NADA is approved and the regulations are amended to reflect this approval. The basis for approval of this NADA is discussed in the freedom of information summary.

In addition, the sponsor has not previously been added to the list of sponsors of approved NADA's in 21 CFR 510.600(c). The list is amended to add this sponsor.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.1(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

List of Subjects

21 CFR Part 510

Administrative practice and procedure; Animal drugs; Labeling; Reporting and recordkeeping requirements.

21 CFR Part 558

Animal drugs; Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
South St. Paul Feeds, Inc., 500 Farwell Ave., South St. Paul, MN 55075	001800
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
001800	South St. Paul Feeds, Inc., 500 Farwell Ave., South St. Paul, MN 55075.
* * * * *	

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In Part 558, § 558.485 is amended by adding new paragraph (a)(18) to read as follows:

§ 558.485 Pyrantel tartrate.

(a) * * *

(18) To No. 001800: 9.6 grams per pound, paragraph (e) (1) through (3) of this section.

* * * * *

Effective date: This amendment is effective February 29, 1984.

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

Dated: February 17, 1984.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 84-5353 Filed 2-28-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 11

Law and Order on Indian Reservations; Listing of Courts of Indian Offenses

December 23, 1983.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The purpose of this revision is to update the listing of Courts of Indian Offenses. Accordingly, the Menominee (Wisconsin), Sault Ste. Marie (Michigan), Isabella (Michigan), Fort Mohave (Arizona), Yavapai-Prescott (Arizona), Reno Sparks (Nevada), Pleasant Point and Indian Township (Maine), Winnemucca (Nevada), Walker River (Nevada), and Washoe (Nevada) are being removed for the listing because these courts are now tribal courts. These adjustments will provide an updated, accurate listing of Indian offenses.

EFFECTIVE DATE: This revision will become effective February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Allen L. Davis or George T. Skibine, Office of Indian Services, Bureau of Indian Affairs, Washington, D.C. 20245, telephone number (202) 343–7885.

SUPPLEMENTARY INFORMATION: Ten courts are being deleted from the listing of courts of Indian offenses under 25 CFR 11.1(a) (also known as CFR courts). The Branch of Judicial Services, Bureau of Indian Affairs, conducted a survey of those tribes and has determined that these tribal entities derive the core of their substantive law from tribal law and order codes, or have ceased operations for other reasons. Menominee (Wisconsin), Isabella (Michigan), Fort Mohave (Arizona), Yavapai-Prescott (Arizona), Reno Saprks (Nevada), Walker River (Nevada), Washoe (Nevada), and Pleasant Point and Indian Township (Maine) have adopted tribal law and order codes, and should be deleted from the listing of courts of Indian offenses. Sault Ste. Marie (Michigan), is presently served by the Bay Mills Tribal Court, and will therefore also be deleted. Winnemucca (Nevada) is presently served by the Fort McDermitt Tribal Court, and will therefore also be deleted from the listing. A proposed rule was published in the **Federal Register** on August 16, 1983. As a result of written comments submitted by the Phoenix Area Director, Walker River and Washoe were added to the number of courts to be deleted from the listing because both tribes have adopted their own law and order codes. No other written comments were received and there were no objections to any of the proposed deletions, nor were there requests for additional deletions.

The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the revised statutes (25

U.S.C. 2 and 9), and delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act. The intended effect of this rule is to advise affected communities, interested parties, and the public at large of the number and names of courts which are operating under this part.

The primary authors of this document are Allen L. Davis and George T. Skibine, Office of Indian Services, Bureau of Indian Affairs, Telephone number (202) 343–7885.

This final rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3504(h) *et seq.*

List of Subjects in 25 CFR Part 11

Courts, Indians—law, Law enforcement and penalties.

PART 11—LAW AND ORDER ON INDIAN RESERVATIONS

Paragraph (a) of § 11.1 of Part 11 of Subchapter B, Chapter 1, of Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 11.1 Application of regulations.

(a) Except as otherwise provided in this part, §§ 11.1–11.87 of this part apply to the following Indian reservations:

(1) Omaha (Nebraska).
(2) Flandreau (South Dakota).
(3) Yankton (South Dakota).
(4) Wind River (Wyoming).
(5) Bois Forte (Minnesota).
(6) Red Lake (Minnesota).
(7) Cocopah (Arizona).
(9) Hopi (Arizona) (Tribal court enforcement of special grazing regulations).
(10) Fallon (Nevada).
(11) Goshute (Nevada).
(12) Lovelock (Nevada).
(13) Te-Moak (Nevada).
(14) Yomba (Nevada).
(15) Duckwater Shoshone (Nevada).
(16) Kootenai (Idaho).
(17) Shoalwater Bay (Washington).
(18) Hoopa (California) (Jurisdiction limited to special fishing regulations).
(19) Anadarko Area Tribes (Western Oklahoma).
(20) Choctaw (Mississippi).
(21) Eastern Cherokee (North Carolina).

* * * * *

John W. Fritz,
Acting Assistant Secretarty—Indian Affairs.

[FR Doc. 84–5304 Filed 2–28–84; 8:45 am]
BILLING CODE 4310–02–M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 951

Air Force Office of Special Investigations Special Agents

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 951—Air Force Office of Special Investigations special agents, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 124–2, 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 29, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Kennedy, HQ AFOSI/XPP, Washington, D.C. 20331, telephone (202) 767–5828.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 951

Archives and records, Federal buildings and facilities investigations.

PART 951—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 951.

Authority: 10 U.S.C. 8012.

Winnibel F. Holmes,
Air Force Federal Register Liaison Officer.

[FR Doc. 84–5347 Filed 2–28–84; 8:45 am]
BILLING CODE 3910–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 264

Official Forest Service Insignia

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the text of 36 CFR Part 264, Official Forest Service Insignia, to improve readability and to clarify the distinction between public service and commercial uses of the insignia. In addition, the rule deletes gender-specific language, corrects minor typographical errors in the existing text, and deletes a periodic progress report requirement. These changes result from a review of the regulation as required by E.O. 12291.

EFFECTIVE DATE: March 30, 1984.

FOR FURTHER INFORMATION CONTACT: Marsha Cittinger, Administrative Management Staff, (202) 447–3057.

SUPPLEMENTARY INFORMATION: The rules governing external use of the official Forest Service insignia are set forth at 36 CFR Part 264. The rules authorize commerical use of the insignia, for which a royalty is paid, as well as public service use, for which no royalty is paid. The rule sets forth the basis for the Chief's approval and the conditions governing commercial and public service uses of the insignia.

As required by E.O. 12291, the Forest Service reviewed 36 CFR Part 264 to determine if the rule should be revised. As part of this review, the Forest Service solicited comments from licensed commercial users.

No major changes are required, but the review did identify several improvements in language and content that we believe are beneficial to users. Specifically the changes being made by this rulemaking include (1) the clarification of the distinction between public service (non-royalty) use and commercial (royalty) use, (2) the removal of gender-specific language in the regulation, and (3) the elimination of the requirement for a periodic progress report, a requirement which, in fact, has never been enforced.

Public Comment

In accordance with exceptions to rulemaking procedures at 5 U.S.C. 553 and Department of Agriculture policy (36 FR 13804), it has been found and determined that advance notice and request for comments would be unnecessary, since the rule makes only minor technical changes to the regulation. Moreover, licensees, who are the only known segment of the public to be directly affected by the rule, have participated in the review of 36 CFR Part 264.

Regulatory Impact

This rule has been reviewed pursuant to E.O. 12291. The Assistant Secretary of Agriculture for Natural Resources and Environment has determined that this is not a major rule as defined in that order.

The rule will have neither an annual effect on the economy of $100 million or more nor have significant adverse impact on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), the Assistant Secretary has also determined that this rule will not have a significant economic impact on a substantial number of small entities. The rule imposes no information collection or reporting requirement as defined at 5 CFR Part 1320, Controlling Paperwork Burdens; it does not affect the competitive position of small entities in relation to large entities; it does not affect the ability of a small entity to stay in the market or require small entities to obtain professional assistance in order to obtain a license or approval to use the official Forest Service insignia for public service uses. To the contrary, the rule removes a previous requirement that licensees make a periodic progress report on the use of the insignia.

The rule also has no impact on the quality of the human environment and, therefore, is not subject to an environmental impact assessment.

List of Subjects in 36 CFR Part 264

Forest Service, and Seals and Insignia.

Therefore, for the reasons set out in the preamble, Part 264 of Chapter II of Title 36 of the Code of Federal Regulations is revised to read as follows:

PART 264—PROPERTY MANAGEMENT

Subpart A—Official Forest Service Insignia

Sec.

Authority: 5 U.S.C. 301.

Subpart A—Official Forest Service Insignia

§ 264.1 Definitions.

(a) The term "Insignia" means the Official Forest Service Insignia as shown here

or any likeness thereof, in total or in part, which is used in such a manner as to suggest the insignia.

(b) The term "Chief" means the Chief of the Forest Service, U.S. Department of Agriculture, or a person designated to act for the Chief.

§ 264.2 Use of insignia.

The Forest Service insignia is reserved for the official use of the Forest Service. Such use will be primarily for identification purposes. The Chief may authorize other uses of the insignia as follows:

(a) *Public Service Use:* The Chief may authorize the use of the insignia for non-commercial educational purposes, without charge when such use is essentially a public service and will contribute to public knowledge and understanding of the Forest Service, its mission, and objectives. An example of this would be the use of the insignia on a printed program for a dedication ceremony where the Forest Service participates but is not the sponsor of the event.

(b) *Commercial Use.* Through the issuance of licenses, the Chief may authorize commercial use of the insignia to (1) contribute to the public recognition of the Forest Service, such as a likeness of the insignia on a toy forest ranger's truck or (2) promote employee esprit de corps or pride in the organization, such as a likeness of the insignia on belt buckles. Such use must be consistent with the status of a national insignia. Business or calling cards commercially prepared for employees, at employee expense, may display the insignia without special license.

§ 264.3 Licensing for commercial use.

Each commercial license granted for the use of the insignia or likeness thereof shall contain the following terms and conditions:

(1) A use charge, royalty payment, or payment in kind which is reasonably related to the commercial value of the license must be established. This is to be paid by the licensee.

(2) A definite expiration date shall be specified.

(3) The license shall be nonexclusive.

(4) Licensees are not authorized to grant sublicenses, or transfer or reassign licenses to another person or company, in connection with the manufacture and/or sale of an item, unless and except as approved in writing by the Chief.

The Chief may incorporate additional terms and requirements into any commercial license issued under this subpart.

§ 264.4 Unauthorized Use.

Whoever manufactures, sells, or possesses the insignia, except as provided under § 264.2, is subject to criminal penalty under 18 U.S.C. 701.

§ 264.5 Power to revoke.

All authorities and licenses granted under this subpart shall be subject to cancellation by the Chief at any time the Chief finds that the use involved is offensive to decency and good taste or injurious to the image of the Forest Service. The Chief may also revoke any license or authorization when there is a failure to comply with the terms and conditions of the license or authorization.

Dated: February 14, 1984.

John R. Block,

Secretary.

[FR Doc. 84-5363 Filed 2-28-84; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AW039PA; A-3-FRL 2533-4]

Commonwealth of Pennsylvania Approval of Revisions to the Allegheny County State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA received from the Commonwealth of Pennsylvania and the Allegheny County Bureau of Air Pollution Control several revisions to Article XX of the Pennsylvania State Implementation Plan (SIP). These revisions were for glass production, cutback asphalt paving and open burning. EPA has reviewed the revisions and has determined that they were developed in accordance with the requirements of Section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for preparation, adoption and submittal of Implementation Plans. Therefore EPA approves the revisions to Article XX of the Allegheny County portion of the Pennsylvania SIP.

DATES: This action will be effective on April 30, 1984 unless notice is received by March 30, 1984 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revisions and accompanying documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Michael Giuranna (3AW11), Telephone: (215) 597–2842

Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, Pennsylvania 15201, Attn: Ronald Chleboski

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW. (Waterside Mall), Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

All comments should be directed to: H. Glenn Hanson, Chief, PA/WV Section (3AW11), Air Management Branch, U.S. Environmental Protection Agency, Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106, Attn: AW039PA.

FOR FURTHER INFORMATION CONTACT: Patricia Gaughan at the Region III address shown above or telephone (215) 597–8176.

SUPPLEMENTARY INFORMATION: The Commonwealth of Pennsylvania and the Allegheny County Bureau of Air Pollution Control (BAPC) submitted the above revisions to the EPA on September 6, 1983. One revision proposes to expand the use of cutback asphalt paving (a source of volatile organic compound emissions), for patching roads, to the month of October. This is consistent with Pennsylvania regulations for areas outside Allegheny County. The next revision authorizes the use of PIT incinerators with special pollution controls for on site burning of trees, shrubs and other vegetation. The final revision sets a particulate emission standard (50 lbs/ton of fill) for glass production furnaces in the County.

A public hearing and comment period was held on May 24, 1983 to allow comment on these SIP revisions. No public comments were received.

Since the revisions were developed in accordance with Clean Air Act requirements, EPA is today approving the Allegheny County BAPC's request.

Conclusion

The Administrator's decision to approve the revisions to the Allegheny County State Implementation Plan was based on the determination that it meets the requirements of Section 110 of the Clean Air Act and 40 CFR Part 52, Approval and Promulgation of Implementation Plans.

Notice of Public Hearing

The County informed EPA that a public hearing was held in Pittsburgh on May 24, 1983, as required by 40 CFR 51.4.

EPA Evaluation/Action

EPA has reviewed the County's submittal and concludes that the terms and conditions of the SIP revisions meet all of applicable SIP requirements as discussed in 40 FR 29531. Therefore, EPA approves the September 6, 1983 SIP revisions from Allegheny County. Accordingly, this notice amends 40 CFR 52.2020, Subpart NN (Pennsylvania) to incorporate the submitted material into the approved Allegheny County SIP.

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

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 52

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

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

(42 U.S.C. 7401–642)

Dated: February 17, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52, Subpart NN of the Code of Federal Regulations is amended by adding § 52.2020(c)(58) to read as follows:

Subpart NN—Pennsylvania

§ 52.2020 Identification of Plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(58) Revision to Article XX of the Allegheny County SIP were submitted by the Secretary of the Pennsylvania Department of Environmental Resources on September 6, 1983.

[FR Doc. 84–5037 Filed 2–28–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 81

[A–5–FRL 2533–7]

Designations of Areas for Air Quality Planning Process; Attainment Status Designations: Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: This rulemaking revises the carbon monoxide (CO) designation for a portion of downtown Moline in Rock Island County from nonattainment to attainment. This revision is based on a request from the State of Illinois to redesignate this area and on the supporting data the State submitted. Under the Clean Air Act (Act), designations can be changed if sufficient data are available to warrant such change.

EFFECTIVE DATE: This final rulemaking becomes effective on March 30, 1984.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 S. Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Air and Radiation Branch (5AR–26), Environmental Protection Agency, Region V, Chicago, Illinois 60604 (312) 886–6035.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the Act, the Administrator of USEPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of every State. See 43 FR 8962 (March 3, 1978) and 43 FR

45993 (October 5, 1978). These area designations may be revised whenever the data warrant.

On July 28, 1983 (48 FR 34295), USEPA proposed to revise the designation of a portion of downtown Moline, in Rock Island County, Illinois, from nonattainment to attainment for the pollutant, carbon monoxide (CO). This revision was based on Section 107(d) of the Act. A detailed discussion of the basis of USEPA's action can be found in the notice of proposed rulemaking.

During the public comment period, one public comment was received. The comment, from a metropolitan planning commission, fully supported the proposed redesignation of downtown Moline to attainment and pointed out that the last CO violation occurred 4 years ago. USEPA agrees that no violation of the CO NAAQS has occurred since 1979. Additionally, CO modeling analyses have not identified any potential problem areas.

Based upon the notice of proposed rulemaking and the public comment received, USEPA redesignates to attainment for the pollutant CO the area bounded by 7th Avenue from 12th Street to 22nd Street on the southeast; 23rd Street from 7th Avenue to 3rd Avenue and continuing along that line to the Mississippi River on the Northeast; 12th Street from 7th Avenue to 3rd Avenue and continuing along that line to the Mississippi River on the Southwest, the Mississippi River bank from the 12th Street alignment to the 23rd Street alignment on the northwest in the City of Moline in Rock Island County.

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

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

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Section 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: February 17, 1984.

William D. Ruckelshaus,

Administrator.

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

In § 81.314, under the Carbon Monoxide (CO) portion of the table, the Rock Island County nonattainment area is redesignated from "does not meet primary standards" to "cannot be classified or better than National Standards".

§ 81.314 Illinois.

ILLINOIS—CARBON MONOXIDE (CO)

Designated Area	Does not meet primary standards	Cannot be classified or better than national standards
* * * * *		
AQCR69:		
Rock Island County		X
* * * * *		

[FR Doc. 84-5215 Filed 2-28-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2605/R642; PH-FRL 2530-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ethyl 3-Methyl-4-(Methylthio)Phenyl (1-Methylethyl)Phosphoramidate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity raspberries. The regulations to establish a maximum permissible level for residues of the nematocide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on February 29, 1984.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Support and Emergency Response Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of January 4, 1984 (49 FR 426), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2605 to EPA on behalf of the IR-4 Technical Committeee and the Agricultural Experiment Stations of Oregon and Washington proposing that 40 CFR 180.349 be amended by establishing a tolerance for residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramadite in or on the raw agricultural commodity raspberries at 0.1 part per million.

There were no comments received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 512 (21 U.S.C. 346a(e)))

Dated: February 14, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.349(a) is amended by adding and alphabetically inserting the entry for the raw agricultural commodity raspberries, to read as follows:

§ 180.349 Ethyl 3-methyl-4-(methylthio) phenyl(1-methylethyl) phosphoramidate; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Raspberries	0.1
* * * * *	

[FR Doc. 84-4829 Filed 2-28-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300079A; PH-FRL 2530-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Polyethylene

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for polyethylene when used as an inert ingredient in pesticide formulations. This rule was requested by Petrolite Corp.

EFFECTIVE DATE: Effective on February 29, 1984.

ADDRESS: Written objections should be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

N. Bhushan Mandava, Registration Support and Emergency Response Branch, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Registration Support and Emergency Response Branch, Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of October 19, 1983 (48 FR 48476), which announced that Petrolite Corp., Tulsa, OK 74112, had submitted a request that 40 CFR 180.1001(c) be amended by establishing an exemption from the requirement of a tolerance for polyethylene as a coating agent used in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. Subsequent to the issuance of this notice of filing, Petrolite Corp. requested that the exemption be expanded to include the use of polyethylene as a "binder" and a "carrier," as well as a coating agent, in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. The use of polyethylene as a "binder" or "carrier" is generally confined to preharvest application. This addition to the final rule is of little, if any, toxicological concern, particularly in light of the published food additive uses for this biologically unavailable material.

Inert ingredients are ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Except for the request from Petrolite Corp., as noted above, there were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption from the requirement of a tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)))

Dated: February 14, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001(c) is amended by adding and alphabetically inserting the inert ingredient as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * *		
Polyethylene, conforming to 21 CFR 177.1520(c).		Binder, carrier, and coating agent.
* * * * *		

[FR Doc. 84-4832 Filed 2-28-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-FRL-2514-1]

State Hazardous Waste Programs; Requirements for Public Participation in the State Enforcement Process During Interim and Final Authorization

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is promulgating final amendments to 40 CFR 271.16(d) and 271.128(f)(2) (formerly 40 CFR 123.9(b) and 123.128(f)(2) respectively), which contain provisions addressing interim authorization for hazardous waste programs. These provisions clarify State program requirements for public participation in the State enforcement process under Subtitle C of the Resource Conservation and Recovery Act. Subtitle C (in addition to delineating the requirements of the Federal hazardous waste management program) sets out the requirements for interim and final authorization by which State hazardous waste management programs may operate "in lieu of" the Federal program. Interim final amendments to the requirements for interim authorization in § 123.128(f)(2) were promulgated January 19, 1981 (46 FR 5616). In addition, the same amendment is being extended to the analogous requirement for final authorization (§ 271.16(d)).

DATES: The amendments to 40 CFR 271.128(f)(2) are effective on February 29, 1984. The amendments to 40 CFR 271.16(a) are effective March 30, 1984.

FOR FURTHER INFORMATION CONTACT: Rick Rutherford, State Programs Branch,

Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Telephone: (202) 382-2232.

SUPPLEMENTARY INFORMATION:

I. Discussion

On May 19, 1980, EPA published regulations establishing minimum requirements for States seeking interim and final authorization for their hazardous waste programs under Section 3006 of the Resource Conservation and Recovery Act (45 FR 33290). These requirements are contained in 40 CFR Part 271, Subparts A and B. Among these is the requirement that a State program provide for public participation in its enforcement process. (40 CFR §§ 271.128(f)(2), 271.16(d)).

Section 271.128(f)(2), the provision addressing interim authorization, requires States to satisfy one of two alternatives for ensuring public participation in the enforcement process. The first alternative requires States to allow intervention as of right in enforcement actions by any citizen having an interest which is or may be adversely affected. "Intervention as of right", as opposed to "permissive intervention", cannot be denied by a court if minimum requirements are met. The second alternative requires that three assurances be given by the State: (1) That it will investigate and provide written responses to all citizen complaints; (2) that it will not oppose intervention where permissive intervention is authorized; and (3) that it will publish and provide the public thirty days to comment on any proposed settlement of a State enforcement action.

After these requirements were promulgated, numerous questions were raised concerning them. In response, EPA published interim final amendments to resolve these issues (46 FR 5616, January 19, 1981). No comments were received on these amendments; accordingly, EPA is today promulgating them as final rules. In addition, EPA is promulgating the same amendments to the analogous requirements for final authorization (40 CFR 271.16(d)). Through an oversight, EPA failed to include changes to the final authorization requirements in the 1981 **Federal Register** notice. Because the reasons for amending the interim authorization requirements apply with equal force to final authorization, EPA is making the same changes to the final authorization requirements.

II. Amendments

The following changes are being made to § 271.16(d) to parallel § 271.128(f)(2). The preamble to the January 19, 1981 **Federal Register** should be referred to for a fuller explanation of EPA's rationale.

(1) States which are using the first alternative (§ 271.16(d)(1)) are no longer required to have authority to allow intervention as of right in a civil action which is designed to immediately restrain activities which are endangering or causing damage to public health or the environment (§ 271.16(a)). These actions are normally of a more imminent nature in which the need to act quickly is paramount. Section 271.16(d)(1) was not intended to cover such action. To clarify this, § 271.16(d)(1) has been amended to apply only to actions to enjoin program violations and assess civil penalties (§ 271.16 (a)(2) and (a)(3)(i)).

(2) States which seek to satisfy the second alternative (§ 271.16(d)(2)) must make various assurances. These assurances are to be provided by the appropriate enforcement authority *i.e.*, the responsible official of that State agency which can best carry out the aim of the required assurance. The regulations now clarify that each of the assurances mentioned in this provision may be given by a separate person; this was unclear before.

(3) The requirement that the State publish and provide notice on settlement agreements (§ 271.16(d)(2)(iii)) now applies only to civil enforcement actions. This was EPA's original intent. The scope of this provision is in keeping with the practice of the Department of Justice, whose guidelines, published in 28 CFR 50.7, served as the model for EPA's provision. Of course, the appropriate State enforcement authority may always expand the scope of this provision by agreeing to publish notice and provide opportunity for public comment on proposed settlements of administrative enforcement actions as well.

(4) This same requirement has been amended to allow States to provide less than 30 days opportunity for comment on proposed settlements of civil enforcement actions or, in some cases, to completely eliminate notice and comment where the associated delay would itself cause substantial damage to either public health or the environment by preventing immediate action. A settlement involving cleanup is an example of such cases and is specifically referenced in the regulation itself.

Two changes made to § 271.128(f)(2) in the 1981 interim final amendments are not being promulgated today for § 271.16(d) because the provisions are already in § 271.16(d).

(1) Section 271.128(f)(2) was amended to include the word "notice" in the requirement that the appropriate State enforcement authority publish and provide at least 30 days for public comment on all proposed settlements. The addition of the word "notice" clarified EPA's original intent that only notice of the settlement must be published; the proposed settlement itself need not be published. This provision appeared in §271.16(d) as originally promulgated in May 1980.

(2) The amendment eliminating the requirement that States have authority to allow intervention as of right in administrative actions was promulgated on April 1, 1983 (48 FR 14254).

III. Alternative Approaches

EPA had been asked, during the course of reviewing State applications for interim authorization, whether the two options specified in § 271.128(f)(2) are the only acceptable methods of satisfying the Agency's public participation in enforcement requirements. The answer to this question was no and remains no for final authorization. These two options represent minimum guidelines to ensure that the public has an adequate opportunity to participate in the State enforcement process. States are always free to impose more stringent requirements. In the case of final authorization, the test for stringency is whether the State program provides equal or greater opportunity for public participation in enforcement than does one of the two options set out in § 271.16(d)(2). A hybrid of the two options specified therein which provided a greater opportunity for public participation would be acceptable. For example, some States have satisfied the § 271.16(d) requirement because they allow intervention as of right in a manner analogous to Federal Rule 24 and provide the appropriate assurance. See 45 FR 5616 for further discussion.

IV. Final Promulgation and Effective Date

The "final" amendments promulgated today to § 271.128(f)(2) are already in effect as interim final rules and therefore will take effect immediately. The amendments to §271.16(d)(2) are promulgated today as final amendments with a thirty-day effective date. EPA believes that use of advance notice and comment procedures for the changes to § 271.16(d)(2) would be unnecessary and contrary to the public interest. The changes to §271.16(d)(2) are identical to those in § 271.128(f)(2), and no comments were received on the latter

interim final amendments. Further, the changes are minor and made in response to questions for clarification from the public. Therefore, EPA finds that good cause exists for promulgating final amendments to § 271.16(d)(2) under the Administrative Procedure Act, 5 U.S.C. 553(b)(3).

V. Executive Order 12291

Under Executive Order 12291 (46 FR 12193, February 19, 1981), EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in an annual effect on the economy of $100 million or more, nor will it result in an increase in costs or prices to industry. There will be no adverse impact on the ability of the U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. The regulation merely delineates what requirements for public participation in the enforcement process the States will be expected to meet for interim and final authorization of their hazardous waste management programs under Section 3006 of the Resource Conservation and Recovery Act. EPA submitted this rule to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB and any EPA response to those comments are available through: John Chamberlin, PM-220, U.S. Environmental Protection Agency, Washington D.C. 20460.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have significant impact on a substantial number of small entities so as to require a regulatory flexibility analysis. No regulatory flexibility analysis is required where the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The amendments proposed here merely clarify the procedural requirements for public participation in the enforcement process for State hazardous waste programs and do not affect the compliance burdens of the regulated community. Therefore, pursuant to 5 U.S.C. 601(b), I certify that this regulation, if issued in final form, will not have a significant economic impact on a substantial number of small entities.

VII. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, EPA must estimate the paperwork burden created by any information collection requests contained in a proposed or final rule. Because there are no information collection activities created by this rulemaking, the requirements of the Paperwork Reduction Act do not apply.

Information collection requirements contained elsewhere in 40 CFR Part 271 have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act and have been assigned OMB control number 2000-0387.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indians-lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: February 21, 1984.

William D. Ruckelshaus,

Administrator.

Authority: This amendment is issued under the authority of Sections 1006, 2002(a), 3006 and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6905, 6912(a), 6926 and 6974.

PART 271—[AMENDED]

For the reasons set out in the preamble, 40 CFR Part 271 is revised to read as follows:

§ 271.16 [Amended]

1. 40 CFR 271.16(d) is revised to read as follows:

* * * * *

(d) Any State administering a program under this Subpart shall provide for public participation in the State enforcement process by providing either:

(1) Authority which allows intervention as of right in any civil action to obtain the remedies specified in paragraphs (a) (2) or (3) of this section by any citizen having an interest which is or may be adversely affected; or

(2)(i) Assurance by the appropriate State agency that it will investigate and provide written responses to all citizen complaints submitted pursuant to the procedures specified in § 271.15(b)(4);

(ii) Assurance by the appropriate State enforcement authority that it will not oppose intervention by any citizen when permissive intervention is authorized by statute, rule, or regulation; and

(iii) Assurance by the appropriate State enforcement authority that it will publish notice of and provide at least 30 days for public comment on all proposed settlements of civil enforcement actions, except in cases where a settlement requires some immediate action (e.g., cleanup) which if otherwise delayed could result in substantial damage to either public health or the environment.

§ 271.128 [Amended]

2. 40 CFR 271.128(f)(2) is revised to read as follows:

* * * * *

(f) * * *

(2) Any State administering a program under this Subpart shall provide for public participation in the State enforcement process by providing either:

(i) Authority which allows intervention as of right in any civil action to obtain the remedies specified in paragraphs (f)(1) (ii) and (iii) of this section by any citizen having an interest which is or may be adversely affected; or

(ii) (A) Assurance by the appropriate State agency that it will investigate and provide written responses to all citizen complaints submitted pursuant to the procedures specified in paragraph (g)(5)(iv) of this section;

(B) Assurance by the appropriate State enforcement authority that it will not oppose intervention by any citizen when permissive intervention is authorized by statute, rule, or regulation; and

(C) Assurance by the appropriate State enforcement authority that it will publish notice of and provide at least 30 days for public comment on all proposed settlements of civil enforcement actions, except in cases where a settlement requires some immediate action (e.g., cleanup) which if otherwise delayed could result in substantial damage to either public health or the environment.

* * * * *

[FR Doc. 84-5217 Filed 2-28-84; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 271

[SW-4-FRL 2534-1]

Hazardous Waste Management Programs; Kentucky; Interim Authorization Phase II, Component C

AGENCY: Environmental Protection Agency.

ACTION: Approval of State hazardous waste management program.

SUMMARY: The State of Kentucky has applied for Interim Authorization Phase II, Component C. EPA has reviewed Kentucky's application for Phase II, Interim Authorization Component C, and has determined that Kentucky's hazardous waste program is

substantially equivalent to the Federal program covered by Component C. The State of Kentucky is hereby granted Interim Authorization for Phase II, Component C, to operate the State's hazardous waste program covered by Component C in lieu of the Federal program.

EFFECTIVE DATE: Interim Authorization Phase II, Component C, for Kentucky shall become effective on February 29, 1984.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone (404) 881–3016.

SUPPLEMENTARY INFORMATION:

Background

In the May 19, 1980, **Federal Register** (45 FR 33063) the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), to protect human health and the environment from the improper management of hazardous waste. The Act (RCRA) includes provisions whereby a State agency may be authorized by EPA to administer the hazardous waste program in that State in lieu of a Federally administered program. For a State program to receive final authorization, its hazardous waste program must be fully equivalent to and consistent with the Federal program under RCRA. In order to expedite the authorization of State programs, RCRA allows EPA to grant a State agency Interim Authorization if its program is substantially equivalent to the Federal program. During Interim Authorization, a State can make whatever legislative or regulatory changes that may be needed for the State's hazardous waste program to become fully equivalent to the Federal program. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program takes effect.

Phase I regulations were published on May 19, 1980, and became effective on November 19, 1980. The Phase I regulations include the identification and listing of hazardous wastes, standards for generators and transporters of hazardous waste, standards for owners and operators of treatment, storage and disposal facilities, and requirements for State Programs. The Phase II regulations cover the procedures for issuing permits under RCRA and the standards that will be applied to treatment, storage, and disposal facilities in preparing permits. In the July 26, 1982, **Federal Register** (47 FR 32373), the Environmental Protection Agency announced that States could apply for Component C of Phase II of Interim Authorization. Component C published in the **Federal Register** July 26, 1982 (47 FR 32274), contains standards for permitting facilities that dispose of hazardous waste in waste piles, surface impoundments, land treatment, and landfills.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 271, Subpart B, (48 FR 14249) April 1, 1983.

The State of Kentucky received Interim Authorization for Phase I on April 1, 1981, and Interim Authorization for Phase II, Components A & B, on January 28, 1983.

Draft Application

The State of Kentucky submitted its draft application for Phase II, Component C, Interim Authorization on August 3, 1983. After detailed review, EPA identified minor concerns and transmitted comments to the State on September 20, 1983, for its consideration. Some of the issues raised by EPA were:

The Program Description needed clarification on the number of workyears expended in hazardous waste and the number of facilities to be permitted in Kentucky; clarification of EPA's permitting overview activities as described in the Memorandum of Agreement (MOA); and clarification of the State's definition of "regulated unit" in the regulations. The State satisfactorily resolved these issues in the final application for Phase II, Component C.

Final Application

On December 13, 1983, Kentucky submitted to EPA a Final Application for Interim Authorization, Phase II, Component C, under RCRA. An EPA review team consisting of both Headquarters and Regional personnel made a detailed analysis of Kentucky's Hazardous Waste Management Program.

EPA comments were forwarded to the State on January 23, 1984. No *major* questions were raised in the comments. The comments requested minor changes in the MOA and the program description.

The State responded satisfactorily by revising the MOA and agreeing to revise the program description as requested by EPA before submitting the application for Final Authorization.

Public Hearing and Comment Period

As noticed in the Fegeral Register on December 30, 1983 (48 FR 57561), EPA gave the public until January 31, 1984, to comment on the State's application. EPA issued a public notice for a hearing in Frankfort, Kentucky, on January 31, 1984, if significant public interest was expressed.

The public hearing was not held as scheduled since significant public interest was not received by either Kentucky or EPA, in accordance with procedures under 40 CFR 271.135.

Decision

EPA has reviewed Kentucky's complete application for Interim Authorization Phase II, Component C, and has determined that the State program is substantially equivalent to Phase II, Component C, of the Federal program as defined in 40 CFR Part 271, Subpart B, as amended at 48 FR 14249 (April 1, 1983). In accordance with Section 3006(c) of RCRA and implementing regulations, Kentucky is hereby granted Interim Authorization for Phase II, Component C, to operate the State's hazardous waste program for permitting the construction and operation of facilities that dispose of hazardous waste in lieu of the Federal program.

Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Executive Order 12291

The Office of Management and Budget (OMB) has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indians-lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource

Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b), EPA Delegation 8-7.

Dated: February 8, 1984.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 84-5379 Filed 2-28-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate

41 CFR Parts 9-1, 9-7, and 9-50

Foreign Ownership, Control, or Influence of DOE Contractors

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy is issuing this final rule as an amendment to the DOE Procurement Regulations (DOE-PR). The amendment adds new solicitation and contract provisions which are designed to obtain information that indicates whether certain DOE offerors/bidders or contractors/subcontractors are owned, controlled, or influenced by foreign individuals, governments, or organizations and whether that foreign involvement may pose an undue risk to the common defense and security. This action is necessary to ensure that DOE receives the information which would indicate whether a potential security problem exists concerning foreign ownership, control, or influence (FOCI) over a DOE offeror/bidder or contractor/subcontractor.

The information generated by these provisions will help DOE to protect against situations in which classified information or special nuclear material may intentionally or unintentionally become available to foreign governments, individuals, or organizations because of their ownership, control, or influence over a DOE contractor/subcontractor.

EFFECTIVE DATE: March 30, 1984.

FOR FURTHER INFORMATION CONTACT:

Laura Bick, Procurement Policy Branch, MA-421.1, Procurement and Assistance Management Directorate, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252-8246, or

Christopher T. Smith, Office of General Counsel, AGC for Procurement and Financial Incentives, GC-44, Department of Energy, Room 6B-158, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252-1526

SUPPLEMENTARY INFORMATION:

I. Background

In 1981, a DOE contractor performing defense-related work was acquired by a foreign entity. Although subsequent events evolved so that this acquisition caused no security problems, it stimulated an assessment of the security implications for foreign ownership, control, or influence (FOCI) over certain DOE contract activities. After this assessment, DOE concluded that its existing policy and regulatory procedures concerning contractors subject to FOCI should be clarified and made more comprehensive.

With this final rule, DOE expands through the procurement process its efforts to identify and protect against situations in which any contractor or subcontractor performing or proposing to perform work for DOE requiring access to classified information and/or significant quantities of special nuclear material is subject to FOCI.

In the preamble, the term "contractor" will also mean subcontractor at any tier, and the term "contract" will also mean subcontract at any tier. In addition, the term "special nuclear material" will mean significant quantity of special nuclear material as defined in 10 CFR Part 710.

The specific changes to the procurement regulations are as follows. Change 11.0 is a listing of changes to the Table of Contents. Change 11.1 adds a new Subpart 9-1.52, "Foreign ownership, control, or influence over contractor."

Section 9-1.5200 states that the purpose of this new subpart is to protect against an undue risk to the common defense and security that may occur if classified information or special nuclear material is available to DOE contractors who are owned, controlled, or influenced by foreign governments, individuals, or organizations.

Section 9-1.5201 identifies who is covered by this subpart. Specifically, the subpart applies to all offerors/bidders, contractors, and subcontractors which do have or will have access classified information or a significant quantity of special nuclear material as defined in 10 CFR Part 710.

Section 9-1.5202 defines the terms and concepts which are critical to this subpart: foreign interest; foreign ownership, control, or influence; and Contracting Officer.

Section 9-1.5203 provides the basis and format for disclosure of information concerning FOCI. Essentially, this section states that if an offeror/bidder or contractor has access to the information or material covered by this subpart, DOE must determine that the offeror/bidder or contractor is not subject to FOCI which could cause an undue risk to the common defense and security. To ensure that DOE receives the information necessary to make this determination, this section includes a provision which is to be included in solicitations for work involving access to classified information or special nuclear material and requires offerors/bidders either to answer specific questions related to ownership, control, or influence, or to certify that the responses have previously been submitted to DOE as part of the facility security clearance process. The solicitation provision allows the offerors/bidders to propose, for DOE's consideration, a means of isolating foreign ownership, control, or influence. In addition, this provision specifies that, if a contractor comes under FOCI during the performance of a contract, DOE must make the same determination that is required before a contract is awarded. Finally, this provision specifies that (1) the same information will be provided by existing contractors prior to extending or modifying existing contracts, exercising options under a contract, or approving or consenting to a subcontract; and (2) the same determination concerning an undue risk to the common defense and security must be made.

Section 9-1.5204 discusses the findings and determination which the Contracting Officer must make before a contract can be awarded or continued if the contractor will have access to information or materials covered by this subpart. In addition, this section states that, if FOCI exists which could cause an undue risk to the common defense and security and the offeror/bidder or contractor cannot or will not eliminate or isolate the FOCI, then the offeror/bidder will not be considered for contract award and, in the case of an existing contractor, the contract may be terminated.

The proposed contract provision in section 9-1.5205 places on contractors subject to section 9-1.5201 an obligation to report immediately changes related to FOCI; to insert the new contractual provisions in all subcontracts subject to section 9-1.5201; and to require subcontractors to submit the same information on FOCI matters which the contractor is required to submit.

In addition, this provision specifies that, if a contractor notifies DOE that an

organizational change has occurred so that it is, or may be, subject to foreign ownership, control, or influence, DOE must determine that the change will not create an undue risk to the common defense and security. Furthermore, if FOCI is found to exist over a DOE contractor, the contractor is required to comply with instructions from the Contracting Officer on how to safeguard the classified information or special nuclear material which is to be protected from compromise by foreign interests. A contractor or subcontractor who becomes subject to FOCI and cannot, or will not, eliminate that influence will be denied access to the classified information or special nuclear material and the contract may be terminated.

Change 11.2 adds to Part 9–7 sections 9–7.103–58, 9–7.203–60, 9–7.303–59, 9–7.403–77, 9–7.603–62, 9–7.704–55, 9–7.803–57, and 9–7.903–31 which reference the new FOCI contract article in section 9–1.5205. Change 11.3 adds section 9–50.110 to Part 9–50 making 9–1.52 applicable to operating and on-site contractors.

II. Statutory and Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, agencies are required to determine whether rules are major rules as defined in the Order. DOE has reviewed this rule and, after consulation with the Office of Management and Budget, has determined that it is not a major rule because: It will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises. DOE bases this determination on the fact that this rule relates exclusively to the management of the procurement function.

B. Regulatory Flexibility Act

This final rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96–354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this final rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act

The information collection and recordkeeping requirements that are imposed on the public by this rule have been cleared by the Office of Management and Budget (OMB) under OMB control number 1901–0261, in accordance with Section 3504(h) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*

III. Public Comments

DOE published a proposed rule to establish new procedures concerning FOCI over DOE contractors on July 28, 1983, 48 FR 34396. That notice invited public comments for a 45 day period ending September 12, 1983. At the request of one association representing research universities the comment period was extended through September 30, 1983 (see 48 FR 41450). Comments were received from nine sources. The following discussion summarizes the comments pertinent to the proposed DOE–PR revisions and actions taken in response thereto.

Two commenters suggested that DOE should generally follow the approach which the Department of Defense (DOD) has taken in its revised rules governing FOCI situations. After reviewing the revised DOD rule, DOE has concluded that, with modifications, the approach which DOE proposed on July 28, 1983 is most appropriate for providing the information, and for establishing the requirements, which DOE needs to identify and resolve FOCI situations.

One commenter recommended that DOE monitor the FOCI issue on a corporation-by-corporation basis rather than a contract-by-contract basis, utilizing the process for authorizing facility security clearances. The DOE believes this recommendation is useful and has revised the procedures to accomplish this and to eliminate the confusion which was caused by including unclassified sensitive information in the proposed rule. Specifically, all contractors and subcontractors with facility security clearances will be required to answer the FOCI questions only once and provide an update directly to DOE when the status of any answer changes. Once a contractor has answered the FOCI questions, in responding to subsequent DOE solicitations related to contracts requiring access to classified information or special nuclear material, the contractor would need either to certify that the answers to the questions and information previously supplied are still valid or to update those answers. Contractors without facility security clearances from DOE who are responding to solicitations which involve access to classified information or special nuclear material must answer the FOCI questions and submit them as part of the proposal. To implement this recommendation it was necessary to eliminate from the scope of this subpart unclassified sensitive information, which is defined in section 148 of the Atomic Energy Act of 1954, as amended, (AEC Act) and which has been referred to as unclassified controlled nuclear information (UCNI). This revision was necessary because facility security clearances and individual security clearances are not required for access to UCNI. More significantly, removing UCNI from the scope of this subpart focuses this rule on the primary objective: protecting classified information and special nuclear material, and eliminates various issues concerning section 148 information which are not related to this primary objective. Accordingly, the existing facility security clearance process can be used to monitor the existence of FOCI by contractors and the final rule applies only to contractors having access to classified information and/or special nuclear material.

Commenters requested guidance about what "significant adverse effects" are, what factors in the questionnaire are significant, and why the regulation does not distinguish between friendly and hostile countries. The proposal stated that the rule's purpose "is to protect against significant adverse effects on the national security or the public health and safety". This standard was based on section 148 of the AEC Act concerning unclassified sensitive information. Since this rule no longer covers section 148 information, the rule has been revised to reflect the standard found in Chapter 12, Control of Information, of the AEC Act (42 U.S.C. 2161–65), i.e., this rule is intended to help assure, and to avoid undue risk to, the common defense and security.

In conducting an FOCI review, DOE intends to make comprehensive, reasonable judgments about whether FOCI over a DOE contractor with access to classified information and/or special nuclear material would cause an undue risk to the common defense and security. DOE will make these judgments after evaluating all the information included in the questionnaire promulgated by this rule. Furthermore, the significance of a factor in the questionnaire will probably vary with each situation, and accordingly DOE will not rank these factors. Finally,

since it is conceivable that the control of a DOE contractor by a person in a currently friendly country could endanger the common defense and security, information concerning FOCI over DOE contractors is required regardless of the foreign country involved.

Several commenters stated that the proposed questions in § 9–1.5203 were too broad in scope. For example, without some minimum threshold for disclosure of such interests, the questions may require that an inordinate amount of time and expense be devoted to identify and report each and every such interest even those that do not result in relationships which produce income. It was suggested that a threshold based on the economic worth of the foreign interest or its percentage of the assets or foreign income of the offeror/bidder be established in all questions. DOE agrees with the comment and has revised the questions to include minimum thresholds where appropriate and made them applicable to specific relationships which cumulatively result in 10% of the offeror/bidder's gross income.

Some commenters said the questionnaire is too burdensome because some of the requested information has already been submitted to other Federal agencies. In those instances where a contractor has provided the requested information to another agency and it is a matter of public record, e.g., the Securities and Exchange Commission (SEC), Federal Trade Commission (FTC), or Department of Justice (DOJ), commenters suggested that DOE should provide contractors with the flexibility to respond to the questions on FOCI, indicate to DOE where the information is already a matter of public record and where it can be obtained, or submit a copy of the submission to the other agency. The DOE recognizes that some of the information requested may be the same as that requested by the SEC, FTC, or DOJ and has revised the rule so that contractors can submit copies of the information provided to the other agencies as responses to appropriate questions. After considering this comment, DOE has decided not to allow contractors to merely identify the agency to which responsive information has been previously submitted. Although such a procedure would slightly reduce contractors' reporting burden, it would undoubtedly prolong DOE's review process. Such a delay is not in DOE's or contractors' best interests.

Other commenters suggested tha this rule be included in DOE security regulations and use the same criteria as various DOE security regulations. DOE is including this rule in the procurement regulations because this FOCI review is considered a critical first step in the contracting process for contracts which require access to classified information or special nuclear material. By including this review in the procurement process, DOE believes the review will occur more expeditiously and that any FOCI problems will be identified and resolved before a contractor is selected. Concerning a comparison with DOE security regulations, DOE believes this rule is basically consistent with the most pertinent DOE security regulation, 10 CFR Part 725, and requests additional information only as is necessary.

In addressing the question of delay caused by this FOCI review, one commenter suggested that subcontractors be allowed to provide their information directly to DOE. The DOE agrees that subcontractors should provide any pertinent information directly to DOE and has changed the final rule accordingly.

Several commenters expressed concern with the protection of the information provided to DOE in response to the FOCI questions which often would contain proprietary information. DOE believes that the revised process of including the FOCI information as part of the facility security clearance process will provide a satisfactory control. As with all proposal information, the FOCI information will be treated as business or financial data submitted in confidence. The contractor must clearly indicate by marking which information submitted in response to a solicitation is proprietary.

One commenter requested that "Communist countries" in question 7 be listed or defined. The DOE chooses not to establish its own list of countries identified as "Communist" but has included the citation of the Department of Commerce's export regulations which lists the countries.

Several commenters expressed concern that the provisions were unduly burdensome on universities that have literally thousands of foreign involvements, e.g., students, exchange programs, cooperative research programs, etc. DOE points out that there are very few instances in which this subpart would be applicable to universities. Very few universities have contracts that require access to classified information or special nuclear material. DOE's primary concern is that the classified information or special nuclear material be protected from coming under FOCI. DOE believes that universities, when seeking a DOE contract which requires access to classified information or special nuclear material, can answer the questions as completely as possible listing any qualifications.

DOE will not exempt universities from complying with the provisions of this subpart just as DOE has not, and will not, exempt universities from receiving, when necessary, a facility security clearance and individual security clearances.

One commenter expressed concern that the contracting officer has too much authority to award or terminate contracts based on an FOCI determination. Since the contracting officer is the only person who has authority for awarding or terminating the contract, the contracting officer's authority under this rule has not been changed. It is essential to note, however, that the contracting officer does not operate in a vacuum before making a decision about awarding or terminating a contract based on FOCI considerations. The contracting officer will seek the guidance and recommendations of personnel of the Office of Safeguards and Security.

One commenter expressed a desire to have alternatives offered to mitigate a foreign influence. The DOE believes that each FOCI situation will vary with the type of classified information involved, the degree of FOCI, and the foreign country involved, and, therefore, does not agree that it is appropriate to attempt to list kinds of arrangements that would be appropriate for specific situations. However, language has been added at 9–1.5204 that discusses several types of plans that may be considered.

One commenter requested that (1) information submitted in response to the FOCI questions be exempt from release under the Freedom of Information Act (FOIA) and (2) if third parties attempt to gain access to that information, the organization submitting the information should be notified. Concerning release of any information under the FOIA, the information must be publicly disclosed unless it falls within one of the enumerated exemptions of the FOIA statute.

It is DOE policy, consistent with the FOIA, however, that no information is released until a contract award is made. After an award is made, information which does not fall within a statutory exemption is releasable. To protect information from release, an offeror/bidder or contractor must, as a first step, identify confidential information and explain why it falls within a statutory

exemption. Concerning the request to notify an offeror/bidder or contractor that a third party wants to gain access to its FOCI information, DOE's regulations (10 CFR 1004.11) govern the situation in which DOE must determine whether submitted information, which has been requested under FOIA, falls within a statutory exemption. As a general rule, DOE will notify the submitter of information, which is claimed to be proprietary, seven days before the intended disclosure of the information.

One commenter suggested that a review and appeal procedure be established for a situation in which the contracting officer decides that a contract should be denied or terminated because of FOCI. Since the contracting officer will make this decision after consultation with the Office of Safeguards and Security, DOE believes that no further agency review of appeal procedure is necessary.

Based on staff analysis, DOE has added to the contract clause in § 9–1.5205 a new subsection (j) concerning contract termination. This new subsection discusses when a contracting officer may terminate a contract for default and for convenience.

Finally, several grammatical improvements have been made to improve the rule's clarity.

List of Subjects in 41 CFR Parts 9–1, 9–7, 9–50

Government procurement, Labor, Reporting and Recordkeeping requirements, Small business.

Authority: Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201), and section 644 of the Department of Energy Organization Act (42 U.S.C. 7254).

For the reasons set out in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C. February 23, 1984.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

Title 41, Chapter 9 of the Code of Federal Regulations is amended by adding a new Subpart 9–1.52 and conforming sections in Parts 9–7 and 9–50 to read as set forth below.

Change 11.0. The Table of Contents for Parts 9–1, 9–7, and 9–50 is amended by adding the following:

PART 9–1—GENERAL

* * * * *

Subpart 9–1.52—Foreign ownership, Control, or Influence Over Contractor

9–1.5200 Purpose
9–1.5201 Applicability
9–1.5202 Definitions
9–1.5203 Disclosure of foreign ownership, control, or influence
9–1.5204 Findings, determination, and contract award or termination
9–1.5205 Contract clause

* * * * *

PART 9–7—CONTRACT CLAUSES

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9–7.103–58 Foreign ownership, control, or influence over contractor

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9–7.203–60 Foreign ownership, control, or influence over contractor

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9–7.303–59 Foreign ownership, control, or influence over contractor

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9–7.403–77 Foreign ownership, control, or influence over contractor

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9–7.603–62 Foreign ownership, control, or influence over contractor

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9–7.704–55 Foreign ownership, control, or influence over contractor

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9–7.803–57 Foreign ownership, control, or influence over contractor

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9–7.903–31 Foreign ownership, control, or influence over contractor

* * * * *

PART 9–50—OPERATING AND ON-SITE SERVICE CONTRACTS

9–50.110 Foreign ownership, control, or influence over contractor

* * * * *

Authority: Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) and section 644 of the Department of Energy Organization Act (42 U.S.C. 7254).

Change 11.1. Part 9–1 is amended by adding a new subpart 9–1.52 as follows:

Subpart 9–1.52—Foreign Ownership, Control, or Influence Over Contractor

§ 9–1.5200 Purpose.

This subpart sets forth the Department of Energy policies and procedures regarding foreign ownership, control, or influence (FOCI) over contractors. The procedures are designed to protect against an undue risk to the common defense and security which may result if classified information or special nuclear material is made available to DOE contractors or subconstractors who are owned, controlled, or influenced by foreign governments, individuals, or organizations. The procedures require certain offerors/bidders and contractors/subcontractors to submit information which will help DOE to determine whether award of a contract to a firm, or continued performance of a contract by a firm, may pose an undue risk to the common defense and security because of FOIC over the offeror/bidder or contractor/subcontractor.

§ 9–1.5201 Applicability.

The provisions of this subpart shall apply to all offerors/bidders, contractors, and subcontractors which will have or do have access to classified information or a significant quantity of special nuclear material as defined in 10 CFR Part 710. In this subpart, the term "contractor" will also mean subcontractor at any tier, the term "contract" will also mean subcontract at any tier, and the term "special nuclear material" will also mean significant quantity of special nuclear material as defined in 10 CFR Part 710.

§ 9–1.5202 Definitions.

(a) A foreign interest is any of the following:

(1) Foreign government or foreign government agency or instrumentality thereof;

(2) Any form of business enterprise organized under the laws of any country other than the United States or its possessions;

(3) Any form of business enterprise organized or incorporated under the laws of the U.S., or a State or other jurisdiction within the U.S. which is owned, controlled, or influenced by a foreign government, agency, firm, corporation, or person; or

(4) Any person who is not a U.S. citizen.

(b) Foreign ownership, control, or influence means the situation where the degree of ownership, control, or influence over an offeror/bidder or a contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information or special nuclear material may possibly result.

(c) Contracting Officer means the DOE Contracting Officer.

§ 9–1.5203 Disclosure of foreign ownership, control, or influence.

(a) If a contract requires a contractor to have access to classified information or a significant quantity of special nuclear material, DOE must determine whether access to the information or material by a contractor who is or may be subject to FOIC may pose an undue risk to the common defense and security before a contract can be awarded.

(b) If during the performance of a contract, the contractor comes under FOIC, then the DOE must determine whether any further access to the classified information or special nuclear material may pose an undue risk to the common defense and security through the possible compromise of that information or material. If the DOE determines that such a threat or potential threat exists, the Contracting Officer shall consider the alternatives of negotiating an acceptable method of isolating the foreign interest which owns, controls, or influences the contractor or terminating the contract.

(c) It is essential for DOE to obtain information about FOCI which is sufficient to help DOE determine whether award of a contract to a person or firm, or the continued performance of a contract by a person or firm, may pose an undue risk to the common defense and security. Therefore, the provision specified in (e) below shall be included in solicitations that involve offerors/bidders or contractors that are subject to § 9–1.5201.

(d) The Contracting Officer shall not award or extend any contract subject to this subpart, exercise any options under a contract, modify any contracts subject to this subpart, or approve or consent to a subcontract subject to this subpart unless: (1) The contractor provides the information required by the following solicitation provision; or (2) the contractor certifies that it has previously submitted the information requested in (e) below as part of a facility security clearance and that this information is accurate, complete, and current; and (3) the Contracting Officer has made a positive determination in accordance with § 9–1.5204.

(e) The following provision shall be included in all solicitations for contracts subject to this subpart.

Foreign Ownership, Control, or Influence Over Contractor

(a) For purposes of this provision, a foreign interest is defined as any of the following:

(1) A foreign government or foreign government agency;

(2) Any form of business enterprise organized under the laws of any country other than the United States or its possessions;

(3) Any form of business enterprise organized or incorporated under the laws of the U.S., or a State or other jurisdiction within the U.S., which is owned, controlled, or influenced by a foreign government, agency, firm, corporation, or person; or

(4) Any person who is not a U.S. citizen.

(b) Foreign ownership, control, or influence (FOCI) means the situation where the degree of ownership, control, or influence over a contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information or a significant quantity of special nuclear material as defined in 10 CFR Part 710 may result.

(c) If the offeror/bidder has not previously submitted responses to the following questions to DOE as part of the facility security clearance process, then it shall answer the following questions. Answer each question in either the "yes" or "no" column. If the answer is yes, furnish in detail on a separate sheet of paper all the information requested in parentheses. Copies of information which responds to these questions and which was submitted to other Government agencies may be submitted as responses to these questions if the earlier responses are accurate, complete, and current.

Questions

1. Does a foreign interest own or have beneficial ownership in 5% or more of your organization's voting securities? Yes ☐ No ☐

(Identify the percentage of any class of shares or other securities issued which are owned by foreign interests, listed by country. If you answer "Yes" and have received from an investor a copy of Schedule 13D and/or Schedule 13G filed by the investors with the Securities and Exchange Commission, you are to attach a copy of Schedule 13D and/or Schedule 13G.)

2. Does your organization own 10% or more of any foreign interest? Yes ☐ No ☐

(Furnish the name of the foreign interest, address by country, and the percentage owned. Include name and title of officials of your organization who occupy positions with the foreign interest, if any.)

3. Do any foreign interests have management positions such as directors, officers, or executive personnel in your organization? Yes ☐ No ☐

(Furnish full information concerning the identity of the foreign interest and the position he/she holds in your organization.)

4. Does any foreign interest control or influence, or is any foreign interest in a position to control or influence the election, appointment, or tenure of any of your directors, officers, or executive personnel? Yes ☐ No ☐

(Identify the foreign interest(s) and furnish full details concerning the control or influence.)

5. Does your organization have any contracts, binding agreements, understandings, or arrangements with a foreign interest(s) that cumulatively represent 10% or more of your organization's gross income? Yes ☐ No ☐

(Furnish the name of the foreign interest, country, nature of agreement or involvement. Agreements include licensing, sales, patent exchange, trade secrets, agency, cartel, partnership, joint venture, proxy, etc. Give overall percentage by country as related to total income and type of services or products in general terms. If you answer "Yes" and have received from the foreign interest a copy of Schedule 13D and/or Schedule 13G filed by the foreign interest with the Securities and Exchange Commission, you are to attach a copy of Schedule 13D and/or Schedule 13G.

6. Is your organization indebted to foreign interests? Yes ☐ No ☐

(Furnish the amount of indebtedness as related to the current assets of the organization and identify the creditor. Include specifics as to the type of indebtedness and what, if any, collateral, including voting stock, has been furnished or pledged. If any debentures are convertible, specifics about the indebtedness, collateral, if any, and what will be received after conversion are to be furnished.)

7. Does you organization derive any income from Communist countries included in country groups, P, Q, W, Y, and Z in Supplement No. 1 to 15 CFR Part 370? Yes ☐ No ☐

(Discuss in detail any income derived from Communist countries, including percentage from each such country as related to total income, and the type of services or products involved.)

8. Is 5% or more of any class of your organization's securities held in "nominee shares," in "street names," or in some other method which does not disclose beneficial owner of equitable title? Yes ☐ No ☐

(Identify each foreign insitutional investor holding 5 percent or more of the voting stock. Identification should include the name and address of the investor and percentage of stock held. State whether the investor has attempted to, or has, exerted any management control or influence over the appointment of directors, officers, or other key management personnel, and whether such investors have attempted to influence the policies of the corporation. If you have received from the investor a copy of the Schedule 13D and/or Schedule 13G filed by the investor with the Securities and Exchange Commission, you are to attach a copy of Schedule 13D and/or Schedule 13G.)

9. Does your organization have interlocking directors with foreign interests? Yes ☐ No ☐

(Include identifying data on all such directors. If they have a security clearance, so state. Also indicate the name and address of all other corporations with which they serve in any capacity.)

10. Are there any citizens of foreign countries employed by, or who may visit, your offices or facilities in a capacity which may permit them to have access to classified information or a significant quantity of special nuclear material? Yes ☐ No ☐

(Provide complete information by identifying the individuals and the country of which they are citizens.)

11. Does your organization have foreign involvement not otherwise covered in your answers to the above questions? Yes ☐ No ☐

(Describe the foreign involvement in detail, including why the involvement would not be reportable in the preceding questions.)

Certification

( ) The offeror/bidder certifies that the entries made above are accurate, complete, and current to the best of my knowledge and belief and are made in good faith.

( ) The offeror/bidder certifies that the information requested above has previously been submitted to DOE as required for a facility security clearance and that the previously submitted information is accurate, complete, and current.

Date Certified _____
By _____
Offeror/Bidder _____
Title _____
Address _____
Signature and Date _____

(d) Prior to award of a contract under this solicitation, the DOE must determine that award of the contract to the offeror/bidder will not pose an undue risk to the common defense and security as a result of its access to classified information or a significant quantity of special nuclear material in the performance of the contract. In making the determination, the Contracting Officer may consider a voting trust or other arrangements proposed by the offeror/bidder to mitigate or avoid FOCI. The Contracting Officer may require the offeror/bidder to submit such additional information as deemed pertinent to this determination.

(e) The offeror/bidder shall require any subcontractors having access to classified information or a significant quantity of special nuclear material to submit the certifications in (c) above directly to the DOE Contracting Officer.

(f) Information submitted by the offeror/bidder in response to the questions in (c) above is to be used solely for purposes of evaluating foreign ownership, control, or influence and shall be treated by DOE, to the extent permitted by law, as business or financial information submitted in confidence.

(Approved by the Office of Management and Budget (OMB) under OMB control number 1901–0261).

§ 9–1.5204 Findings, determination, and contract award or termination.

(a) Based on the information disclosed by the offeror/bidder or contractor, and after consulting with the DOE Office of Safeguards and Security, the Contracting Officer must determine that award of a contract to an offeror/bidder or continued performance of a contract by a contractor will not pose an undue risk to the common defense and security. The Contracting Officer need not prepare a separate finding and determination addressing FOCI; however, the memorandum of negotiation should include a discussion of the applicability of this subpart and the resulting determination.

(b) In those cases where FOCI does exist, and the DOE determines that an undue risk to the common defense and security may exist, the offeror/bidder or contractor shall be requested to propose within a prescribed period of time a plan of action to avoid or mitigate the FOCI by isolation of the foreign interest.

(c) The types of plans that a contractor can propose are: measures which provide for physical or organizational separation of the facility or organizational component containing the classified information or special nuclear material; modification or termination of agreements with foreign interests; diversification or reduction of foreign source income; assignment of specific security duties and responsibilities to board members or special executive level committees; or any other actions to negate or reduce FOCI to acceptable levels. The plan of action may vary with the type of foreign interest involved, degree of ownership, and information involved so that each plan must be negotiated on a case-by-case basis. It the offeror/bidder or contractor and the DOE cannot negotiate a plan of action that isolates the offeror/bidder or contractor from FOCI satisfactory to the DOE, then the offeror/bidder shall not be considered for contract award and affected existing contracts with a contractor may be terminated.

§ 9–1.5205 Contract clause.

The following contract article shall be included in all contracts subject to § 9–1.5201 including active contracts awarded prior to the effective date of this subpart.

Foreign Ownership, Control, or Influence Over Contractor

(a) For purposes of this clause, a foreign interest is defined as any of the following:

(1) A foreign government or foreign government agency;

(2) Any form of business enterprise organized under the laws of any country other than the United States or its possessions;

(3) Any form of business enterprise organized or incorporated under the laws of the U.S., or a State or other jurisdiction within the U.S., which is owned, controlled, or influenced by a foreign government, agency, firm, corporation or person; or

(4) Any person who is not a U.S. citizen.

(b) Foreign ownership, control, or influence (FOCI) means the situation where the degree of ownership, control, or influence over a contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information or a significant quantity of special nuclear material as defined in 10 CFR Part 710 may result.

(c) For purposes of this clause, subcontractor means any subcontractor at any tier and the term "Contracting Officer" shall mean the DOE Contracting Officer. When this clause is included in a subcontract, the term "contractor" shall mean subcontractor and the term "contract" shall mean subcontract.

(d) The contractor shall immediately provide the Contracting Officer written notice of any changes in the extent and nature of FOCI over the contractor which would affect the answers to the questions presented in 41 CFR 9–1.5203(e). Further, notices of changes in ownership or control which are required to be reported to the Securities and Exchange Commission, the Federal Trade Commission, or the Department of Justice shall also be furnished concurrently to the Contracting Officer.

(e) In those cases where a contractor has changes involving FOCI, the DOE shall determine whether the changes will pose an undue risk to the common defense and security. In making this determination, the Contracting Officer shall consider proposals made by the contractor to avoid or mitigate foreign influences.

(f) If the Contracting Officer at any time determines that the contractor is, or is potentially, subject to FOCI, the contractor shall comply with such instructions as the Contracting Officer shall provide in writing to safeguard any classified information or significant quantity of special nuclear material.

(g) The contractor agrees to insert terms that conform substantially to the language of this clause including this paragraph (g) in all subcontracts under this contract that will require access to classified information or a significant quantity of special nuclear material. Additionally, the contractor shall require such subcontractors to submit a completed certification required in 41 CFR 9–1.5203(c) prior to award of a subcontract. Information to be provided by a subcontractor pursuant to this clause may be submitted directly to the Contracting Officer.

(h) Information submitted by the contractor or any affected subcontractor as required pursuant to this clause shall be treated by DOE to the extent permitted by law, as business or financial information submitted in confidence to be used solely for purposes of evaluating FOCI.

(i) The requirements of this clause are in addition to the requirement that a contractor obtain and retain the security clearances required by the contract. This clause shall not operate as a limitation on DOE's rights, including its rights to terminate this contract.

(j) The Contracting Officer may terminate this contract for default either if the contractor fails to meet obligations imposed by this clause, e.g. provide the information required by this clause, comply with the Contracting Officer's instructions about safeguarding classified information, or make this clause applicable to subcontractors, or if, in the Contracting Officer's judgment, the contractor creates an FOCI situation in order to avoid performance or a termination for default. The Contracting Officer may terminate this contract for convenience if the contractor becomes subject to FOCI and for reasons other than avoidance of performance of the contract, cannot, or chooses not to, avoid or mitigate the FOCI problem.

(Approved by the Office of Management and Budget (OMB) under OMB control number 1901–0261.)

* * * * *

Change 11.2. Part 9–7 is amended by adding new sections 9–7.103–58, 9–7.203–60, 9–7.303–59, 9–7.403–77, 9–7.603–62, 9–7.704–55 and 9–7.803–57 and 9–7.903–31 as follows:

PART 9–7—CONTRACT CLAUSES

* * * * *

§ 9–7.103–58 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in 9–1.5205 under the conditions set forth in 9–1.5201.

* * * * *

§ 9–7.203–60 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in 9–1.5205 under the conditions set forth in 9–1.5201.

* * * * *

§ 9–7.303–59 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in 9–1.5205 under the conditions set forth in 9–1.5201.

* * * * *

§ 9–7.403–77 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in 9–1.5205 under the conditions set forth in 9–1.5201.

* * * * *

§ 9–7.603–62 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in 9–1.5205 under the conditions set forth in 9–1.5201.

* * * * *

§ 9–7.704–55 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in 9–1.5205 under the conditions set forth in 9–1.5201.

* * * * *

§ 9–7.803–57 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in 9–1.5205 under the conditions set forth in 9–1.5201.

* * * * *

§ 9–7.903–31 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in 9–1.5205 under the conditions set forth in 9–1.5201

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Change 11.3. Part 9–50 is amended by adding a new section 9–50.110 as follows:

PART 9–50—OPERATING AND ON-SITE SERVICE CONTRACTS

* * * * *

§ 9–50.110 Foreign ownership, control, or influence over contractor.

The policies and procedures in Subpart 9–1.52 are applicable to operating and on-site service contractors.

* * * * *

[FR Doc. 84–5368 Filed 2–28–84; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 36

Indian Health Care Improvement Act Programs

AGENCY: Public Health Service, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: These rules establish requirements for a new Indian health pregraduate scholarship program up to four years which is intended to encourage Indians to enter the health professions and to insure the availability of health professionals to serve Indians. The rule also changes the current regulation governing the Preparatory Scholarship Program: (1) To provide for the contingency that the stipend could be reduced if Federal salaries were reduced: and (2) to remove the requirement that an annual list of scholarship recipients be published in the Federal Register.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Pierre Colombel, Indian Health Service, Health Resources and Services Administration, 5600 Fishers Lane, Room 6A–23, Rockville, Maryland 20857, Telephone (301) 443–5441.

SUPPLEMENTARY INFORMATION: On May 17, 1983, a notice of proposed rulemaking (NPRM) was published in the Federal Register (48 FR 22171 et seq.) in which the Indian Health Service (IHS) proposed editorial and technical changes to Subpart J and to add a new Subdivision J–8 to implement the new pregraduate scholarship program authorized by the Indian Health Care Amendments of 1980, section 3(b)(1) of Pub. L. 96–537. Interested persons were given until July 1, 1983, to submit written comments, suggestions, or objections. No comments have been received. No changes have been made from the proposed rule.

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's certification is that this regulation will affect relatively few students at colleges and universities and thus will not have a significant impact on educational institutions.

Of an FY 1983 Appropriation of $5.8 million for both the two-year preparatory and the four-year pregraduate program, about 60 percent is estimated to be allocated for the four-year pregraduate scholarship program. Therefore, the Secretary has determined that this rule does not meet the criteria specified in Executive Order 12291 for a major rule and no regulatory impact analysis is required.

Reporting and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget and assigned number 0915–0080.

List of Subjects in 42 CFR Part 36

Grant programs—education, Health, Indians, Health care, Indians, Indians—education, Scholarships and fellowships, Student aid.

Dated: December 28, 1983.

James F. Dickson III,

Assistant Secretary for Health.

Approved: February 8, 1984.

Margaret M. Heckler,

Secretary.

PART 36—[AMENDED]

42 CFR Part 36, Subpart J is amended as follows:

1. The Table of Contents for Subpart J is amended to add a new subdivision J–8 to read as follows:

* * * * *

Subdivision J–8—Health Professions Pregraduate Scholarship Program for Indians

Sec.

36.370 Pregraduate scholarship grants.
36.371 Eligibility.
36.372 Application and selection.
36.373 Scholarship and tuition.
36.374 Availability and list of recipients.

2. The Authority citation is amended by removing the last period, inserting in its place a semicolon, and adding thereafter "sec. 3(b)(1) of Pub. L. 96–537.

which amended sec. 103(b) of Pub. L. 94-437 (25 U.S.C. 1613(b))."

§ 36.301 [Amended]

3. Paragraphs (b) (2) and (3) of § 36.301 are revised to read as follows:

§ 36.301 Policy and applicability.

* * * * *

(b) * * *

(2) The award of preparatory scholarship grants and pregraduate scholarship grants under section 103 of the Act, as amended, to Indians undertaking compensatory and preprofessional education (Subdivisions J-3 and J-8);

(3) The award of Indian Health Scholarship grants pursuant to section 338G of the Public Health Service Act, initially added by section 104 of the Act, to Indian or other students in health professions schools (Subdivision J-4);

* * * * *

§ 36.302 [Amended]

4. Paragraph (h) of § 36.302 is amended by removing the word "and" after "J-3" and inserting a comma and the words "and J-8" after "J-4".

§ 36.322 [Amended]

6. Paragraph (a)(2) of § 36.322 is amended by removing "36.333" and inserting in its place "36.332."

7. Paragraph (c) of § 36.323 is revised to read as follows:

§ 36.323 Scholarship and tuition.

* * * * *

(c) The amount of the monthly stipend specified in paragraph (a)(1) of this section shall be adjusted by the Secretary for each academic year ending in a fiscal year beginning after September 30, 1978, by an amount (rounded down to the next lowest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5305 of Title 5, United States Code) of the adjustment in the rates of pay under the General Schedule made effective in the fiscal year in which such academic year ends.

8. Section 36.324 is revised to read as follows:

§ 36.324 Availability of list of recipients.

The Indian Health Service will provide to any persons requesting it a list of the recipients of scholarship grants under this subdivision, including the school attended and tribal affiliation of each recipient.

9. Subpart J is amended by adding a new Subdivision J-8 to read as follows:

Subdivision J-8—Health Professions Pregraduate Scholarship Program for Indians

§ 36.370 Pregraduate scholarship grants.

(a) Pregraduate scholarship grants may be awarded under this subdivision and section 103 of the Act for the period (not to exceed four academic years) necessary to complete a recipient's pregraduate education leading to a baccalaureate degree in a premedicine, preoptometry, predentistry, preosteopathy, preveterinary medicine, or prepodiatry curriculum or equivalent.

(b) Students enrolled in accredited health professional or allied health professional programs which lead to eligibility for licensure, certification, registration or other types of credentials required for the practice of a health or allied health profession are ineligible for scholarships under this subdivision. Examples of health professions and allied health professions that will not be considered for funding include but are not limited to: nursing, audiology, medical technology, dental hygiene, dental technicians, engineering, radiologic technology, dietitian, nutritionist, social work, health education, physical therapy, occupational therapy and pharmacy. Scholarships for students in these programs are provided under Subdivision J-4 of this subpart.

§ 36.371 Eligibility.

To be eligible for a pregraduate scholarship grant under this subdivison an applicant must:

(a) Be an Indian;

(b) Have successfully completed high school education or high school equivalency;

(c) Have demonstrated to the satisfaction of the Secretary the desire and capability to successfully complete courses of study in a pregraduate education program meeting the criteria in § 36.370;

(d) Be accepted for enrollment in or be enrolled in any accredited pregraduate education curriculum meeting the criteria in § 36.370 of this subdivision; and

(e) Be a citizen of the United States.

§ 36.372 Application and selection.

(a) An application for a pregraduate scholarship grant under this subdivision shall be submitted in such form and at such time as the Secretary may prescribe. However, an application must indicate:

(1) The pregraduate program in which the applicant is or wishes to enter, and

(2) Whether the applicant intends to provide health services to Indians upon completion of health professions education or training by serving as described in § 36.332 or otherwise as indicated on the application.

(b) Within the limits of available funds, the Director, IHS, shall make pregraduate scholarship grant awards for a period not to exceed four academic years of an individual's pregraduate education to eligible applicants taking into consideration:

(1) Academic performance;

(2) Work experience;

(3) Faculty or employer recommendation;

(4) Stated reasons for asking for the scholarship; and

(5) The relative needs of the IHS and Indian health organizations for persons in specific health professions.

(Approved by the Office of Management and Budget under control number 0915-0080)

§ 36.373 Scholarship and tuition.

(a) Scholarship grant awards under this subdivision shall consist of:

(1) A stipend of $400 per month adjusted in accordance with paragraph (c) of this section; and

(2) An amount determined by the Secretary for transportation, tuition, fees, books, laboratory expenses and other necessary educational expenses.

(b) The portion of the scholarship for the costs of tuition and fees as indicated in the grant award will be paid directly to the school upon receipt of an invoice from the school. The stipend and remainder of the scholarship grant award will be paid monthly to the grantee under the conditions specified in the grant award.

(c) The amount of the monthly stipend specified in paragraph (a)(1) of this section shall be adjusted by the Secretary for each academic year ending in a fiscal year beginning after September 30, 1978, by an amount (rounded down to the next lowest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5305 of Title 5, United States Code) of the adjustment in the rates of pay under the General Schedule made effective in the fiscal year in which such academic year ends.

§ 36.374 Availability of list of recipients.

The IHS will provide to any person requesting it a list of the recipients of scholarship grants under this subdivision, including the school

attended and tribal affiliation of each recipient.

[FR Doc. 84-5445 Filed 2-28-84; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6522

[I-19117]

Idaho; Public Land Order No. 6484; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in the land description of Public Land Order No. 6484 of October 24, 1983.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, 208-334-1735.

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

The land description in Public Land Order No. 6484 of October 14, 1983, in FR Doc. 83-28849, published at page 49022 in the issue of October 24, 1983, is corrected as follows:

On page 49022, under T. 5 N., R. 27 E., the line reading "Sec. 23, W½,NW¼," should read, "Sec. 23, W½NW¼NE¼."

Dated: February 19, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-5384 Filed 2-28-84; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modifications are listed on the following table and amend the Flood Insurance Rate Maps (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed on the following table.

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 modified flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator, has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Maps (FIRM) for each community make it administratively infeasible to publish in this notice all of the changes contained in the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are available for inspection.

The 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.

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

The modified 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 to remain qualified for participation in the National Flood Insurance Program (MFIP).

These modified 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 that the community must change any existing ordinances that are more stringent in their flood plain managment requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in the base flood elevations are in accordance with 44 CFR 65.4.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	Community No.
Arizona: Maricopa	City of Phoenix (FEMA-6575)	*Arizona Business Gazette*, Oct. 31 and Nov. 7, 1983.	Hon. Margaret Hance, Mayor, City of Phoenix, 251 West Washington, Phoenix, Ariz. 85003.	Oct. 13, 1983	040051B
Florida: Broward	Town of Davie (Docket No. FEMA-6531).	*Hollywood Sun-Tattler*, Oct. 29 and Nov. 5, 1982.	Hon. Scott Cowan, Mayor, Town of Davie, 6591 SW. 45th St., Davie, Fla. 33314.	Nov. 5, 1982	120035B
New Jersey: Morris (FEMA Docket No. 6564).	East Hanover Township	*Regional Weekly News*, Apr. 14 and Apr. 21, 1983.	Hon. Vincent Leo, Jr., Mayor of East Hanover, 411 Ridgedale Ave., East Hanover, N.J. 07936.	Apr. 1, 1983	340341B
New York: Onondaga (FEMA Docket No. 6575).	Town of Manlius	*Eagle Bulletin*, Sept. 28 and Oct. 5, 1983.	Hon. Richard L. Lowenberg, Town Supervisor of Manlius, 301 Brooklea Dr., P.O. Box 9, Fayetteville, N.Y. 13066.	Sept. 21, 1983, letter of map revision.	360584B
New York: Onondaga (FEMA Docket No. 6564).	Manlius, Village	*Eagle Bulletin*, Sept. 14 and Sept. 21, 1983.	Hon. Angelo A. Albanese, Mayor of the Village of Manlius, One Elmbrook Dr., West Manlius, N.Y. 13104.	Sept. 7, 1983, letter of map revision.	360977B
New York: Westchester (FEMA Docket No. 6564).	City of Rye	*Rye Chronicle*, Sept. 15 and Sept. 22, 1983.	Hon. Frederick J. Hunziker, Mayor of Rye, City Hall, Boston Post Road, Rye, N.Y. 10508.	Aug. 11, 1983, letter of map revision.	360931D

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	Community No.
Tennessee: Hamilton	City of Chattanooga (Docket No. FEMA-6450).	*The Chattanooga Times*, Dec. 8 and Dec. 15, 1982.	Hon. Charles A. Rose, Mayor, City of Chattanooga, City Hall, East 11th St., Chattanooga, Tenn. 37042.	Oct. 22, 1982	470072B

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.

(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; delegation of authority to Administrator)

Issued: February 15, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-5339 Filed 2-28-84; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 83-1096; FCC 84-35]

Amendment of the Commission's Rules To Allow the Selection From Among Mutually Exclusive Competing Cellular Applications Using Random Selection or Lotteries Instead of Comparative Hearings

AGENCY: Federal Communications Commission.

ACTION: Suspension of filing date and suspension of expiration date for set-aside for cellular applications.

SUMMARY: The Commission has temporarily suspended the opening filing date for cellular applications under the rules in 47 CFR Part 22 for markets beyond the top 90. The Commission is taking this action because the issues raised in a related rulemaking proceeding, will not be resolved early enough to give prospective applicants sufficient time before the filing deadline to conform their applications fully with the rules and policies under consideration. A new filing schedule will be established in the *Report and Order* for this proceeding. The Commission is also temporarily suspending the expiration of the separate allocation for wireline carriers offering cellular service. Presently, the wireline set-aside is scheduled to expire on April 8, 1984. The Commission suspended the expiration date for the set-aside contained in 47 CFR 22.902(6) because it is possible that new cellular rules, if adopted, may not become effective by the expiration of the set-aside. This action merely preserves the present status pending a decision in the *Report and Order* in this proceeding as to whether a separate frequency allocation should govern markets not yet applied for.

EFFECTIVE DATE: February 29, 1984.

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

FOR FURTHER INFORMATION CONTACT: Steven A. Weiss, Mobile Services Division (202) 632–6450.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Rulemaking for this proceeding was published on November 9, 1983 in 48 FR 51493. The Report and Order establishing the set-aside was published in 46 FR 27655 (1981).

Order

In the matter of amendment of the Commission's Rules to Allow the Selection from Among Mutually Exclusive Competing Cellular Applications using Random Selection or Lotteries Instead of Comparative Hearings; CC Docket No. 83–1096.

Adopted February 3, 1984.
Released February 24, 1984.

By the Commission.

1. In the *Notice of Proposed Rulemaking* for this proceeding we proposed the implementation of a lottery system to select cellular licensees from among competing applicants.[1] This rulemaking proceeding also raised several questions which may affect the basic qualification requirements for cellular applications that will be filed in the next round. For example, we proposed to require all applicants to serve at least 75% of the population of the Metropolitan Statistical Areas (MSAs) or New England County Metropolitan Areas (NECMAs). *Id.*, at para. 11. As a result of these proposals, we deferred the open filing date for cellular applications in markets below the top-90 from December 1, 1983 until March 1, 1984. *Id.*, at note 13.

2. There were 136 comments and 46 reply comments filed in this proceeding. These comments disagree on virtually every issue raised. While we intend to resolve this proceeding expeditiously, it is not possible to resolve these complex matters early enough to give prospective applicants sufficient time in advance of the opening filing date to design their applications to conform fully with the changes in rules and policies under consideration in this proceeding.[2] We are also concerned that if we were to make final our proposed rule changes, and if applications were to be filed before the new cellular rules became effective, amendments might be necessary in order to bring these applications into compliance with our new rules. Such additional filings would unnecessarily burden the applicants and the Commission. Accordingly, we conclude that the public interest would best be served by temporarily suspending the March 1 filing date. A new filing date will be established in the *Report and Order*. We anticipate that this new filing date will be 60 days after the effective date of the *Report and Order*, whatever its outcome.

3. We are also temporarily suspending the expiration of the wireline set-aside. Presently the wireline set-aside is scheduled to expire on April 8, 1984. One of the questions in this proceeding, however, is whether applications to be filed for markets below the top 90 will be subject to the set-aside. Numerous parties filed comments expressing an opinion on this controversial issue. Because it is possible that new cellular rules, if adopted, may not become effective by the expiration of the set-

[1] Cellular Lottery Notice, 48 FR 51493, released October 28, 1983.

[2] While March 1 is currently an opening date, rather than a deadline, press reports indicated that many applicants are anxious to begin the licensing process and will file on or shortly after the opening date. In addition, we desire to retain our flexibility to manage the filing process, given that adoption of a lottery could precipitate a significant increase in the number of applications filed.

aside, we are suspending the expiration date.[3] This action merely preserves the present status of the markets not yet applied for,[4] pending a decision in our forthcoming *Report and Order* in this proceeding as to whether a separate frequency allocation should govern those markets.

4. This temporary suspension of the filing date for cellular applications and the expiration of the set-aside for wireline carriers relates to matters of practice and procedure. Therefore, there is no need for publication or service prior to the effective date of this order. *See* section 553(b)(A) of the Administrative Procedure Act, 5 U.S.C. 553(b)(A).

5. Authority for this action is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended. We hereby find that the public interest would be served by making this order effective immediately.

6. Accordingly, it is ordered, that the starting date for filing cellular applications in markets below the top 90, previously set at March 1, 1984, and the April 8, 1984 expiration of the separate frequency allocation ARE SUSPENDED February 29, 1984.

7. The secretary is directed to cause a copy of this *Order* to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-5377 Filed 2-28-84; 8:45 am]

BILLING CODE 6712-01-M]

47 CFR Part 67

Interpretation Letter Regarding the Separations Manual

AGENCY: Federal Communications Commission.

ACTION: Interpretation letter.

SUMMARY: Under delegated authority the Common Carrier Bureau in response to a request by AT&T has provided an interpretation of the *FCC-NARUC Joint Separations Manual,* Part 67 of the FCC Rules and Regulations. The issue concerns studies for updating the Weighting Factor used in separations of Land and Buildings Category 1 and the Wage Differential Factors applied in apportioning Account 624 "Operators' wages."

FOR FURTHER INFORMATION CONTACT: Michael E. Wilson, Audits Branch, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, Telephone No. (202) 634-1965.

William J. Tricarico,

Secretary, Federal Communications Commission.

Federal Communications Commission

Washington, D.C, February 22, 1984

Mr. T. J. Berry, Jr.,

Executive Assistant, American Telephone and Telegraph Company, Room 29-2623, 550 Madison Avenue, New York, New York

Dear Mr. Berry: This is in response to your letter of December 20, 1983, stating AT&T's current position on studies related to two factors used in the separation of plant and expenses between state and interstate operations. The two items involved are the Weighting Factor used in separations of Land and Buildings Category 1 and the Wage Differential Factors applied in apportioning Account 624 "Operators' wages."

Because of the expectation that the use of these factors is to be eliminated in a forthcoming revised *Jurisdictional Separations Manual (Manual),* you express concern over the cost and time involved in updating studies of these factors. Further, you indicate that because of these concerns, new studies on a post-diverstiture basis are not being made for the interim period between January 1, 1984 and the effective date of the revised *Manual.* Instead, your office has directed that for the interim AT&T Communications and Bell Operating Companies utilize the BOC study area factors current at the time of your letter.

Under Section 11.2, Fundamenal Principles Underlying Procedures, in Paragraphs 11.211 and 11.212, the *Manual* provides the general guideline of "actual use" requiring that separations bases give consideration to relative occupancy and time measurements, and the complementary guideline that studies for the development of actual use measurements are to be made during a "representative period." The *Manual,* however, does not in most cases specify the exact duration or timing of study periods required for compliance with these principles—though there has developed a generally accepted and consistently followed schedule for such studies. Considering these fundamental principles and related general practice, we view your stated instructions to AT&T Communications and the Bell Operating Companies to be a departure from the consistency in the timing of tests for the subject factors.

We agree that in this instance, because of the circumstances surrounding divestiture, you have cause for a departure from consistency in timing of tests relative to the Category 1 Weighting Factor and the Wage Differential Factor. We do not, however, approve or disapprove of the factors that you plan to apply in the interim period under consideration. We concede that the relevant BOC study area factors current at the time of your letter are worthy of consideration for your purposes, but it is your responsibility to establish that the factors used conform with the actual use and representative period principles and will continue to so conform throughout the interim period. In this regard, full consideration should be given to the duration of time since the previous studies, to changes in circumstances brought about by divestiture, and to any other relevant changes to assure that the factors to be used still have a proper relevancy for the purposes intended by the current *Manual.*

If you have any questions concerning this response, please contact Michael Wilson, Chief, Audits Branch, on (202) 634-1965.

Sincerely,

Gerald P. Vaughan,

Chief, Accounting and Audits Division.

[FR Doc. 84-5403 Filed 2-28-84; 8:45 am]

BILLING CODE 6712-01-M

[3] This suspension is without prejudice to any action the Commission may take on these matters in this proceeding.

[4] *See* Cellular Communications Systems, 86 FCC 2d 469, 491 (1981), *modified,* 89 FCC 2d 58, 71, 73 (1982), *further modified,* 90 FCC 2d 571 (1982) *appeal dismissed sub nom.* U.S. v. FCC, No. 82-1526 (D.C. Cir. March 3, 1983).

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172, 174, 176, 177

[Docket No. HM-189A; Amdt. Nos. 172-89, 174-45, 176-19, 177-62]

Hazardous Materials; Editorial Corrections and Clarifications

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Hazardous Materials Regulations (HMR) is to republish the segregation and separation charts of hazardous materials so they accurately portray various rules changes promulgated over the past several years. In addition, the format of the tables is changed to make the charts better suited for publication in the Code of Federal Regulations.

EFFECTIVE DATE: March 1, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas G. Allan, Exemptions and Regulations Termination Branch, Materials Transportation Bureau, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 472-2726.

SUPPLEMENTARY INFORMATION: Docket No. HM-189 (48 FR 50444, Nov. 1, 1983) was opened, in part, for the purpose of correcting editorial errors which appear in the HMR and to amend sections which contain inadvertent omissions of information. The Docket schedule calls for a single publication each year; timed to immediately precede the printing date

established for revisions of Title 49, Code of Federal Regulations. The previous amendments adopted in this docket were issued without a republication of the segregation and separation charts of hazardous materials due to technical problems with their layout. Reformatting the charts eliminated those technical problems. Rather than waiting until the next scheduled publication of a final rule in this docket, these amendments are considered sufficiently important to justify their issuance at this time.

These amendments do not impose new requirements. The substantial changes to the charts were adopted under previous rulemaking which gave notice and considered public comments. The most significant of those amendments pertains to blasting agents and was accomplished in Docket No. HM-143 (44 FR 31180, May 31, 1979). Consequently, this final rule is issued without public notice and the amendments are effective immediately.

The MTB determined that this rule, as promulgated, is not a "major rule" under terms of Executive Order 12291 or significant under DOT implementing procedures (44 FR 11034). A final regulatory evaluation and environmental assessment was not prepared as these amendments are not substantive changes to the HMR.

Based on limited information available concerning size and nature of entities likely to be affected by these amendments, I certify that these amendments will not, as promulgated, have a significant economic impact on a substantial number of small entities.

The following is a section-by-section summary of the amendments.

Part 172, Subpart B, Appendix A is amended to correct the prefix to the identification number for 24 materials listed in § 172.101. Also, the description "hydrogen chloride" is added to the entry "UN1050—hydrogen chloride, anhydrous."

Section 174.81 is revised for clarity. Notes 1 through 5 which followed the table now appear as paragraphs preceding the table. The lettered footnotes a through f are changed to the numbers 1 through 6 so they may be more easily distinguished.

"Blasting agents" is added at row 10. The blasting agents entry was originally promulgated in Docket No. HM-143; Amendment No. 174-34 (44 FR 31180, May 31, 1979), but was never incorporated in later editions of Title 49. Rows "10-15" are redesignated "11-16", respectively. References to certain rows in the footnotes are changed accordingly.

Section 176.83 is amended by revising Table I. The X's at the intersection of row 17 and 18 with row 1 (low explosives or black powder) are repositioned to row 3 (initiating or priming explosives).

The heading of row 4 is amended to include detonating primers.

Footnote 2 is revised to remove references to columns which are nonexistent. The heading of row 16 is amended to remove "highway fusees or railway fusees" since they are not materials included in the class C explosives hazard class.

Section 177.848 is revised for clarity. Notes 1 through 5 which followed the table now appear as paragraphs preceding the table. The lettered footnotes a through f are changed to the numbers 1 through 6 so they may be more easily distinguished.

"Blasting agents" is added at row 10. The blasting agents entry was originally promulgated in Docket No. HM-143; Amendment No. 177-45 (44 FR 31180, May 31, 1979); but was never incorporated in later editions of Title 49. Rows "10-15" are redesignated "11-16", respectively. Reference to certain rows in the footnotes are changed accordingly.

The heading of row d is amended to include detonating primers.

List of Subjects

49 CFR Part 172

Hazardous materials transportation.

49 CFR Part 174

Hazardous materials transportation, Railroad safety.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers.

49 CFR Part 177

Hazardous materials transportation, Motor carriers.

In consideration of the foregoing, 49 CFR Parts 172, 174, 176, and 177 are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In Part 172, Subpart B, Appendix A the entry from § 172.101 for "hydrogen chloride, anhydrous" is amended by adding the description "hydrogen chloride"; and the following entries from § 172.101 are amended by removing the identification number prefix "NA" and inserting, in its place, the prefix "UN":

Present	Change	Entry
NA1006	UN1006	Argon *or* Argon, compressed.
NA1035	UN1035	Ethane *or* Ethane, compressed.
NA1038	UN1038	Ethylene, refrigerated liquid.
NA1046	UN1046	Helium *or* Helium, compressed.
NA1049	UN1049	Hydrogen *or* Hydrogen, compressed.
NA1050	UN1050	Hydrogen chloride *or* Hydrogen chloride, anhydrous.
NA1065	UN1065	Neon *or* Neon, compressed.
NA1066	UN1066	Nitrogen *or* Nitrogen, compressed.
NA1070	UN1070	Nitrous oxide *or* Nitrous oxide, compressed.
NA1072	UN1072	Oxygen *or* Oxygen, compressed.
NA1073	UN1073	Oxygen, refrigerated liquid.
NA1913	UN1913	Neon, refrigerated liquid.
NA1951	UN1951	Argon, refrigerated liquid.
NA1961	UN1961	Ethane, refrigerated liquid.
NA1962	UN1962	Ethylene *or* Ethylene, compressed.
NA1963	UN1963	Helium, refrigerated liquid.
NA1966	UN1966	Hydrogen, refrigerated liquid.
NA1971	UN1971	Methane *or* Methane, compressed.
NA1972	UN1972	Methane, refrigerated liquid.
NA1972	UN1972	Natural gas, refrigerated liquid.
NA1977	UN1977	Nitrogen, refrigerated liquid.
NA2186	UN2186	Hydrogen chloride, refrigerated liquid.
NA2187	UN2187	Carbon dioxide, refrigerated liquid.
NA2201	UN2201	Nitrous oxide, refrigerated liquid.

2. Section 174.81 is revised to read as follows:

PART 174—CARRIAGE BY RAIL

§ 174.81 Segregation and separation requirements for hazardous materials in rail cars.

(a) Charged electric storage batteries must not be loaded in the same car nor stored with any class A explosive.

(b) Cyanides or cyanide mixtures must not be loaded or stored with acids or corrosive liquids.

(c) Gas identification sets may be loaded and transported with all articles named in the segregation and separation chart, except those in column c.

(d) Nitric acid, when loaded in the same car with other acids or other corrosive liquids in carboys, must be separated from the other carboys. A 2 by 6 inch plank, set on edge, should be nailed across the floor at least 12 inches from the nitric acid carboys, and the space between the plank and the carboys of nitric acid should be filled with sand, sifted ashes, or other incombustible absorbent material.

(e) Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one car shall be classed as flammable solid for purposes of transportation when examined for this classification by the Bureau of Explosives and approved by the Associate Director for HMR.

(f) Hazardous materials may not be loaded, transported, or stored together, except as provided in the following table:

BILLING CODE 4910-60-M

Segregation and Separation Chart of Hazardous Materials

Footnotes

1. Detonators, class C explosives, may also be loaded and transported with articles named in columns 3, 9, 11, 12, 13, and 14. Loading and transportation of detonators or detonating primers, in any quantity, with articles named in columns b, c, e, or f is prohibited.

2. Unless loaded in opposite ends of car, corrosive liquids must not be loaded with flammable solids, oxidizing materials, ammunition for cannon with or without projectiles, or propellant explosives, except that shippers loading carload shipments of corrosive liquids and flammable solids or oxidizing materials and who have obtained prior approval from the Department may load such materials together when it is known that the mixture of contents will not cause a dangerous evolution of heat or gas.

3. Explosives, class A, and explosives, class B must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges.

4. Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to, or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 11, 12, 13, 14, 15 and 16.

5. Does not include blasting agents, ammonium nitrate-fuel oil mixtures, or ammonium nitrate, fertilizer grade, which may be loaded, transported, or stored with high explosives, or with detonators containing no more than 1 gram of explosive each, excluding ignition and delay charges.

6. Normal uranium, depleted uranium, and thorium metal in solid form may also be loaded and transported with articles named in columns a, b, c, d, e, f, and g.

Instructions

The letter X at an intersection shows that these materials must not be loaded or stored together. Example: Detonating fuzes, class A, with or without radioactive components, (g), must not be loaded or stored with high explosives or propellant explosives, (b).

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
CLASS A EXPLOSIVES	Low explosives or black powder																							
	High explosives or propellant explosives																							
	Initiating or priming explosives, wet. Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate																							
	Detonators, detonating primers																							
	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, ammunition for small arms with explosive projectiles, incendiary projectiles, rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, boosters (explosive), bursters (explosive), and supplementary charges (explosive) without detonators. 3/, 4/																							
	Explosive projectiles, bombs, torpedoes, mines, rifle or hand grenades (explosive) jet thrust units (jato) igniters, jet thrust rocket motors, igniters rocket motor. 3/																							
	Detonating fuzes, class A, with or without radioactive components																							
CLASS B EXPLOSIVES	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles																							
	Propellant explosives, jet thrust units (jato) igniters, jet thrust rocket motors, rocket engines (liquid) igniters, rocket motor starter cartridges																							
	Fireworks, special or railway torpedoes																							
CLASS C EXPLOSIVES	Small arms ammunition, or cartridges, practice ammunition																							
	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps toy caps, explosive cable cutters, explosive rivets																							
	Percussion fuzes, tracer fuzes or tracers																							
	Time, combination or detonating fuzes																							
	Cordeau detonant fuze, safety squibs, fuse lighters fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord																							
	Fireworks, common																							
OTHER HAZARDOUS MATERIALS	Blasting agent, blasting agent label																							
	Flammable liquids or flammable gases, flammable liquid or flammable gas label																							
	Flammable solids, flammable solid label Oxidizer oxidizer label Organic peroxide organic peroxide label																							
	Corrosive liquids, corrosive label																							
	Nonflammable gases N F G label																							
	Poisonous gases or liquids in tank car tanks, cylinders projectiles or bombs, poison gas labels																							
	Radioactive materials, radioactive label																							

3. In § 176.83, Table I is revised to read as follows:

§ 176.83 Segregation requirements for cargo vessels and passenger vessels.

* * * * *

Segregation and Separation Chart of Hazardous Materials — Table I

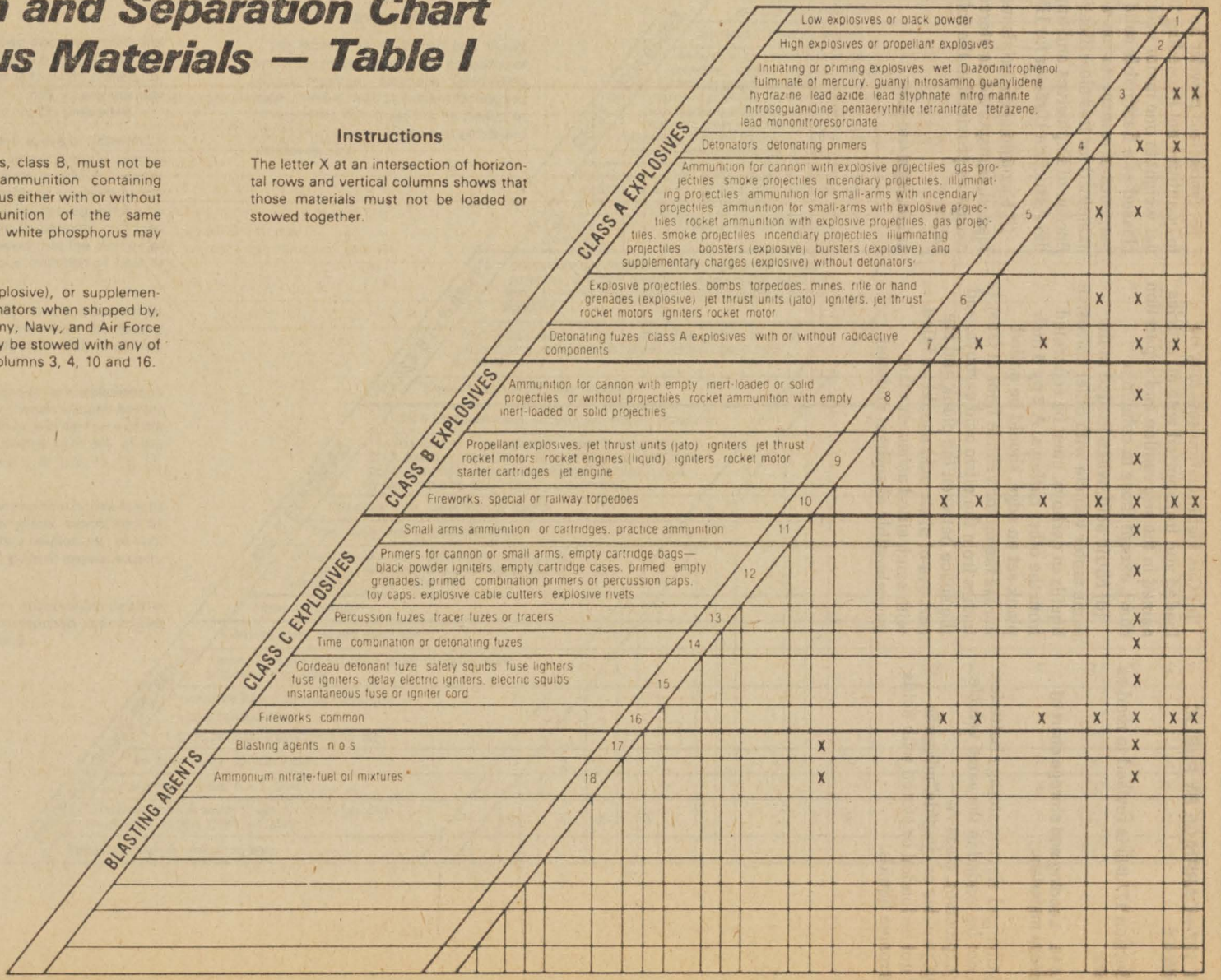
Footnotes

[1] Explosives, class A, and explosives, class B, must not be loaded or stowed with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary of white phosphorus may be loaded and stowed together.

[2] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to, or for the Department's of the Army, Navy, and Air Force of the United States Government may be stowed with any of the articles named, except those in columns 3, 4, 10 and 16.

Instructions

The letter X at an intersection of horizontal rows and vertical columns shows that those materials must not be loaded or stowed together.



BILLING CODE 4910-60-C

PART 177—CARRIAGE BY PUBLIC HIGHWAY

4. Section 177.848 is revised to read as follows:

§ 177.848 Loading and storage chart of hazardous materials.

(a) Charged electric storage batteries must not be loaded in the same vehicle with explosives, class A.

(b) Cyanides or cyanide, mixtures must not be loaded or stored with acids or corrosive liquids.

(c) Gas identification sets may be loaded and transported with all articles named in the segregation and separation chart, except those in column c.

(d) Nitric acid, when loaded in the same motor vehicle with other corrosive liquids in carboys, must be separated from the other carboys. A 2 by 6 inch plank set on edge, should be nailed across the motor vehicle floor at least 12 inches from the nitric acid carboys, and the space between the plank and the carboys of nitric acid should be filled with sand, sifted ashes, or other incombustible absorbent material.

(e) Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one motor vehicle shall be classed as a flammable solid for purposes of transportation when examined for this classification by the Bureau of Explosives and approved by the Associate Director for HMR.

(f) Hazardous materials must not be loaded, transported, or stored together, except as provided in the following table:

BILLING CODE 4910-60-M

Segregation and Separation Chart of Hazardous Materials

Footnotes

1. Detonators, class C explosives, may also be loaded and transported with articles named in columns 3, 9, 11, 12, 13, and 14. Loading and transportation of detonating primers, or detonators, except as prescribed in §177.835, in any quantity with articles named in columns b, c, e, or f is prohibited.

2. Corrosive liquids must not be loaded above or adjacent to flammable solids, oxidizing materials, ammunition for cannon with or without projectiles, or propellant explosives, except that shippers loading truckload shipments of corrosive liquids and flammable solids or oxidizing materials packages and who have obtained prior approval from the Department may load such materials together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

3. Explosives, class A, and explosives, class B must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges.

4. Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to, or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 11, 12, 13, 14, 15 and 16.

5. Does not include blasting agents, ammonium nitrate-fuel oil mixtures, ammonium nitrate, fertilizer grade, which may be loaded, transported, or stored with high explosives, or with detonators containing not more than 1 gram of explosive each, excluding ignition and delay charges.

6. Normal uranium, depleted uranium, and thorium metal in solid form may also be loaded and transported with articles named in columns a, b, c, d, e, f, and g.

Instructions

The letter X at an intersection shows that these materials must not be loaded or stored together. Example: Detonating fuzes, class A, with or without radioactive components, (g), must not be loaded or stored with high explosives or propellant explosives, (b).

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
CLASS A EXPLOSIVES	Low explosives or black powder																							
	High explosives or propellant explosives																							
	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate.			X				X																
	Detonators, detonating primers.				[1] X			X																
	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, ammunition for small arms with explosive projectiles, incendiary projectiles; rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, boosters (explosive); bursters (explosive); and supplementary charges (explosive) without detonators. 3/, 4/			X		X																		
	Explosive projectiles; bombs; torpedoes; mines; rifle or hand grenades (explosive); jet thrust units (jato), igniters, jet thrust, rocket motors, igniters rocket motor. 3/.			X			X																	
	Detonating fuzes, class A, with or without radioactive components.			X		X	X	[9]																
CLASS B EXPLOSIVES	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles; or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles.			X					[1]															
	Propellant explosives, jet thrust units (jato), igniters, jet thrust, rocket motors, rocket engines (liquid), igniters, rocket motor, starter cartridges.			X						[2]														
CLASS C EXPLOSIVES	Fireworks, special or railway torpedoes.			X	[1] X	X	X	X			[3]													
	Small arms ammunition, or cartridges, practice ammunition.			X								[4]												
	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets.			X									[5]											
	Percussion fuzes, tracer fuzes or tracers.			X										[6]										
	Time, combination or detonating fuzes.			X											[7]									
	Cordeau detonant fuze, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord.			X												[8]								
	Fireworks, common.			X	[1] X	X	X	X			[3]							[9]							
OTHER HAZARDOUS MATERIALS	Blasting agent: blasting agent label.			X															[10]						
	Flammable liquids or flammable gases: flammable liquid or flammable gas label.			X	[1] X	X	X	X			[3]									[11]					
	Flammable solids: flammable solid label. Oxidizer: oxidizer label. Organic peroxide: organic peroxide label.			X	[1] [5] X	X	X	X			[3]										[12]				
	Corrosive liquids: corrosive label.			X	[1] X	X	X	X		[2] X							[2] X	[2] X				[13]			
	Nonflammable gases: N.F.G. label.			X	[1] X	X	X	X			[3]												[14]		
	Poisonous gases or liquids in tank car tanks, cylinders, projectiles or bombs; poison gas labels.			X	X	X	X	X			[3] X							[3] X	[3] X	[3] X	[3] X	[3] X	[3] X	[15] X	
	Radioactive materials: radioactive label.			[6] X	[6] X	[6] X	[6] X	[6] X			[3] [6] X							[3] [6] X	[3] [6] X	[3] [6] X	[3] [6] X	[3] [6] X	[3] [6] X	[3] [6] X	[16]

BILLING CODE 4910-60-C

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

Issued in Washington, D.C., on February 22, 1984.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-5283 Filed 2-28-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Population of Woodland Caribou Found in Washington, Idaho, and Southern British Columbia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines as endangered the population of woodland caribou (*Rangifer tarandus caribou*), sometimes known as the southern Selkirk Mountain herd, found in extreme northeastern Washington, northern Idaho, and southern British Columbia. This isolated herd is the only population of caribou that still regularly occurs in the conterminous United States. The population has fallen to only about 30 individuals, a level that probably cannot sustain the herd much longer. At least one or two adults and subadults are being lost each year, calf survival is apparently low, and there is evidently no immigration from other herds in Canada. The population is jeopardized by such factors as poaching, habitat loss to timber harvesting and wildfires, collision with motor vehicles, and genetic problems through inbreeding. The population has already been listed as endangered on an emergency basis, but that coverage will expire shortly, and permanent protection of the Endangered Species Act is now required.

DATES: The effective date of this rule is March 30, 1984.

ADDRESSES: The complete file for this rule is available for inspection during normal business hours, by appointment, at the Service's Regional Office, Lloyd 500 Building, Suite 1692, 500 NE., Multnomah Street, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur at the above address (503/231-6131 or FTS 429-6131), or Mr. John L. Spinks, Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

According to the most recent taxonomic work (Banfield, 1961; Hall, 1981), the reindeer of Eurasia and the caribou of North America belongs to a single species, *Rangifer tarandus*. This species is divided into a number of subspecies, among which is the woodland caribou (*Rangifer tarandus caribou*). This subspecies once occupied nearly the entire forested region from southeastern Alaska and British Columbia to Newfoundland and Nova Scotia. In the 48 conterminous States of the United States, the subspecies is known to have occurred in Washington, Idaho, North Dakota, Montana, Minnesota, Wisconsin, Michigan, Vermont, New Hampshire, and Maine. Largely because of killing and habitat alteration by people, indigenous caribou disappeared from New England by about 1908 and from the Great Lakes States by 1940. A few individuals, probably wanderers from Canada, were observed in northeastern Minnesota in 1980-81 (Mech, Nelson, and Darbik, 1982). There have been scattered reports from northwestern Montana during the last decade (Carlton, 1983), but the animals involved are probably not members of the herd that is the subject of this rule. There are still substantial numbers of woodland caribou in Canada, though populations there have been generally declining.

The only caribou population that is still known to regularly occupy the conterminous United States is found in northern Idaho and northeastern Washington. This population, sometimes called the southern Selkirk Mountain herd, also occurs in southern British Columbia. The total approximate area of normal utilization is bounded as follows: starting at the point where the Columbia River crosses the Washington-British Columbia border; thence northward along the Columbia River to its confluence with the Kootenay River in British Columbia; thence northeastward along the Kootenay River to its confluence with Kootenay Lake; thence southward along Kootenay Lake and the Kootenay River, and across the Idaho-British Columbia border, to the town of Bonners Ferry, Idaho; thence southward along U.S. Highway 95 to the Pend Oreille River; thence westward and northward along the Pend Oreille River, and across the Idaho-Washington State line, to the Washington-British Columbia border; thence westward along the Washington-British Columbia border to the point of beginning.

Early records suggest that in the 19th century, caribou were plentiful in the mountains of northeastern Washington, northern Idaho, northwestern Montana, and adjacent parts of southwestern Canada. As in the case of other big game animals of North America, unrestricted shooting probably led to a major reduction of caribou numbers in this region by 1900. Subsequently, the numerical status of the southern Selkirk herd has not been completely clear. Various estimates, including some of those published by the Service in earlier **Federal Register** notices on this herd, now appear to have been incorrect. Only since January 1983, after initiation of radio-tracking studies and other survey work funded through the Federal Pittman-Robertson Program and Section 6 of the Endangered Species Act, has a definitive picture begun to emerge. The estimtates by Flinn (1956) and Evans (1960), that there were still about 100 individuals in the population during the 1950's, do seem reasonable. It also is apparent that numbers then continued to decline, but not to as few as 13-20 individuals, as had been previously suggested. In the spring of 1983, an actual count of 26 caribou was obtained, and several other animals were thought to exist. Therefore, it is likely that the herd currently contains about 30 individuals.

Although the southern Selkirk Mountain population of woodland caribou is somewhat larger than once estimated, it can still be ranked as one of the most critically endangerd mammals in the United States. Additional losses could be disastrous, and yet the potential for such losses is great and increasing. Habitat disruption is continuing without full consideration of the needs of the caribou. Poaching occurs regularly; in the most recent known case, one of the newly radio-collared animals was shot on the Canadian side of the border in October 1983. Existing regulations have not been effective in either stopping poaching or preventing serious habitat disturbance. Roads continue to be constructed in caribou range, allowing greater access for poachers and setting up possible collisions between vehicles and caribou. Any of these problems could at any time result in losses that would be irreversible and reduce the herd to a point at which is recovery is no longer feasible.

In the **Federal Register** of February 9, 1981 (46 FR 11567-11568), the Service published a notice accepting two petitions to add the southern Selkirk

Mountain population of woodland caribou to the U.S. List of Endangered and Threatened Wildlife, and announced its intention to issue a proposal to this effect. As further evidence accumulated relative to the precarious status of the population, the Service came to consider it necessary to immediately implement all available protective measures and to begin full-sale recovery planning. Therefore, an emergency determination of endangered status for the population was issued in the **Federal Register** of January 14, 1983 (48 FR 1722–1726). A proposed rule to determine permanant endangered status followed in the **Federal Register** of June 22, 1983 (48 FR 28500–28504). The public comment period on the proposal was reopened for 30 days by a notice in the **Federal Register** of October 6, 1983 (48 FR 45574–45575). Because the original emergency rule expired on September 12, 1983, and a final permanent rule could not take effect by that date, a new emergency determination was issued in the **Federal Register** of October 25, 1983 (48 FR 49245–49249). The emergency rule will expire on July 23, 1984.

Summary of Comments and Recommendations

In the proposed rule of June 22, 1983, and associated notifications, all interested parties were requested to submit information that might contribute to development of a final rule. Appropriate State and Federal agencies, county governments, scientific organizations, and other concerned parties were contacted and requested to comment. A newspaper notice, inviting public comment, was published in the Sandpoint (Idaho) *Daily Bee and News Bulletin* on September 7, 1983. The Service received 39 comments, and these are discussed below.

The Canadan Wildlife Service, the Governor of Idaho, the Washington Department of Game, the Colville Valley Environmental Council, the Idaho Environmental Council, the Rocky Mountain Regional Office of the National Audubon Society, and nine private individuals wrote either to simply support the proposal or to offer support and point out how endangered status could benefit the caribou. The Idaho Department of Fish and Game, the International Caribou Technical Committee (a group of bioligists, land managers, and other persons in the United States and Canada, interested in the conservation of the southern Selkirk Mountain caribou), and the Regional Forester, Northern Region, U.S. Forest Service also provided supporting comments, but explained that recent investigations show that the herd is somewhat larger than suggested in the proposed rule. The same information was offered, though without indication of support or opposition for the proposal, by the District Ranger, Priest Lake Ranger District, U.S. Forest Service. This information is taken into account in the discussion in the above "Background."

Mr. Alan H. Shoemaker of the Riverbanks Zoological Park, Columbia, South Carolina, supported the proposal and provided data contributing to the suggestion therein that inbreeding is a threat to the southern Selkirk Mountain caribou. Professor James M. Peek, Department of Wildlife Resources, University of Idaho, supported the proposal, but stated that more information is needed to determine the precise problems jeopardizing the herd and what can be done about them. The Service is hopeful that ongoing and planned field studies will help to obtain such information.

The Defenders of Wildlife organization, the Lower Columbia Basin Audubon Society, the Northern Rockies Chapter of the Sierra Club, and 12 private individuals wrote in basic support of the proposal, but added that they also favored determination of critical habitat for the southern Selkirk Mountain caribou population. As explained below under "Critical Habitat," however, the Service considers that such a determination is not prudent, because of the risk of facilitating poaching.

The Washington Department of Natural Resources supported the proposal, but was concerned that the "approximate area of normal utilization," as repeated in the second paragraph of the above "Background," was excessively large, that it might be equivalent to critical habitat, and that it indicated an area in which legal restrictions on activity would apply. Actually, however, the "approximate area of normal utilization" was described only for general information purposes and is definitely not equivalent to critical habitat for purposes of section 7(a)(2) of the Endangered Species Act. Geographically, the only aspects of this rule that are regulatory in nature are found below under "Regulation Promulgation," where it is specified that the woodland caribou is endangered in the States of Idaho and Washington, and in a certain part of Canada.

The Regional Forester, Pacific Northwest Region, U.S. Forest Service, indicated support for the proposal, but suggested that determination as endangered could interfere with some land management options. The Service agrees that certain Forest Service actions could be affected by this rule, but such effects should not be major, since the Forest Service is already attempting to manage its lands with consideration of the welfare of the caribou (see below under "Available Conservation Measures").

The Northwest Pine Association opposed the proposed rule on the grounds that the southern Selkirk Mountain caribou population is larger than indicated therein, that indeed its size has not changed for about 70 years, and that it is already adequately protected. As pointed out in the "Background," above, the Service has incorporated new data on the size of the population into this rule, but does still consider that a serous decline has occurred during the twentieth century and that existing regulations have not been effective in arresting this decline.

Summary of Factors Affecting the Species

After a thorough review and consideration of all available information, the Service has determined that the southern Selkirk Mountain population of woodland caribou should be classified as an endangered species. Procedures found at Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the southern Selkirk Mountain population of woodland caribou (*Rangifer tarandus caribou*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* As indicated above, the number of caribou in the southern Selkirk Mountain herd is thought to have declined from about 100 in the 1950's to about 30 today. The downward trend was caused, in part, by past logging practices (including road construction) in the herd's range.

Timber cutting can potentially affect caribou habitat by eliminating escape cover, migration corridors, and lichen production. Food availability is probably not now limiting this caribou population. However, if the population is to be restored to a viable level, estimated by the Forest Service to be about 100 animals, the production of lichens, the primary winter food, would probably have to increase. Timber

management strategies would have to be developed which provide timber stands that optimize lichen production.

Currently, the U.S. Forest Service is utilizing caribou management guidelines to design timber sales in caribou habitat. These guidelines are intended to minimize the effects of logging on caribou and also to develop silvicultural prescriptions which may enhance habitat over the long run. Disease and insects, especially spruce bark beetles, are presently impacting timber stands within historic caribou habitat, thereby further complicating management. Salvage sales have taken place and others are planned to remove much of the diseased timber and reduce the spread of bark beetles. Although these sales are being designed utilizing the caribou guidelines, studies and monitoring are necessary to evaluate the actual response of the caribou. Timber harvesting may prove helpful in portions of caribou habitat by providing food and cover necessary for the survival of this population. For example, if caribou numbers eventually are limited by lack of food, and if selective tree removal could improve lichen production and availability, then moderate timber harvesting could be benefical. However, at this time more information is necessary on the response of caribou to timber harvesting and managed timber stands. Current studies may indicate the need for a modification of the guidelines to provide for conservation and recovery. Timber harvesting, if not properly designed, can significantly impact caribou, especially in conjunction with the effects of poaching, highways, and forest roads. Listing of the caribou will place a higher priority on research regarding caribou-timber management relationships.

Wildfire is a natural phenomenon in the range of the caribou. In the past, wildfire sometimes destroyed caribou cover and winter food. The caribou historically tolerated this natural adverse impact by itself. However, the cumulative effects of logging and wildfire have eliminated a great deal of the southern Selkirk herd's habitat.

B. *Overutilization for commerical, recreational, scientific, or educational purposes.* An important cause of the decline of the southern Selkirk caribou herd is human killing, both legal hunting (prior to 1957) and poaching (now and in the past). Caribou are relatively easy for poachers to approach and shoot. Poachers killed at least one animal from this population in 1980, 1981, 1982, and 1983. Such losses also occurred in previous years. The problem is greatest where the caribou frequent areas with good road access for poachers, near Trans-Canada Highway No. 3, for example. There are even more roads in the portion of the herd's range in the United States, and the potential for poaching is thus greater there. Fortunately, in the past decade, the herd has spent less time in the United States than in Canada. Had the reverse been true, U.S. caribou poachers might have already eliminated the herd. Finally, there is the possibility that licensed deer and elk hunters could accidentally shoot a caribou.

C. *Disease or predation.* Disease is not known to significantly impact this caribou population. Certain predators, such as the coyote and black bear, occur in moderate numbers in the range of the herd. They are capable of killing caribou calves and may occasionally do so. Other predators, including the gray wolf, grizzly bear, and mountain lion, are at such low numbers as to have no significant effect on the caribou. Recovery of wolf and grizzly populations (both on the U.S. List of Endangered and Threatened Wildlife) would probably not jeopardize the caribou population, if caribou habitat is preserved and restored.

D. *The inadequacy of existing regulatory mechanisms.* Although hunting of the southern Selkirk caribou is prohibited under the laws of Idaho, Washington, and British Columbia, poaching has continued. Such laws, however, can do little to prevent habitat disruption.

E. *Other natural or manmade factors affecting its continued existence.* Occasionally caribou are killed in collisions with vehicles along Trans-Canada Highway No. 3 at Kootenay Pass, about 5 miles north of the international boundary. Although no highways exist in the U.S. portion of the population's primary habitat, there is a potential for caribou-vehicle collisions in caribou habitat on U.S. Forest Service roads used by loggers, miners, and recreationists. Vehicle collisions with deer are known to occur on these roads, so there is a small possibility that caribou collisions could occur too. As the number of forest roads and subsequent traffic increases, the threat to caribou of such collisions will increase. Johnson (1976) suggested that a single accident along an icy winter road, where the caribou have gathered to feed on salt, could wipe out a significant part of the herd.

In addition to the factors listed above, the decline and continued low numbers of the southern Selkirk herd apparently result from low calf survival and absence of immigration from other herds. The only source for immigrants is British Columbia, but there has been a general decline in woodland caribou in that province (British Columbia Ministry of Environment, 1981). Moreover, the southern Selkirk herd is separated from other herds by barriers, such as Kootenay Lake and the human settlements in Kootenay Valley, and by substantial distance. The nearest herd is about 30 miles away, on the east side of Kootenay Lake in southeastern British Columbia; it contains about 40 animals (Guy Woods, British Columbia Fish and Wildlife Branch, Ministry of Environment, Nelson, British Columbia, pers. comm.).

The reduced population size of the southern Selkirk herd is far below the minimum necessary to insure survival in the face of natural contingencies, even disregarding the host of human-caused problems described above. Moreover, small population size, along with lack of genetic exchange with other populations, leads to inbreeding. This factor reduces adaptiveness, viability, and fecundity, and may result in extinction. Recent studies suggest that the minimum genetically effective size of a population of large mammals is 50 individuals (Franklin, 1980; Soule, 1980). Other studies have shown that inbreeding in populations of various species of hoofed mammals, including *Rangifer tarandus,* is associated with a significant increase in juvenile mortality (Rall, Brugger, and Ballou, 1979). Such a condition could be responsible for low calf survival in the southern Selkirk population.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act requires the Service to designate the critical habitat of a species, concurrent with listing, "to the maximum extent prudent and determinable." In the case of the southern Selkirk Mountain herd of woodland caribou, the Service considers that the designation of critical habitat is not prudent. Such a designation would require publication and extensive publicity of the precise areas occupied by the herd and the kind of habitat utilized. There would be a serious risk of facilitating poaching, which, as indicated in factor "B" in the above "Summary of Factors Affecting the Species," is an important cause of the decline of the herd.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened pursuant to the Act include recognition, recovery actions,

requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups and individuals. The Act provides for land acquisition and cooperation with the States and requires recovery actions. Further details on conservation measures are discussed below.

Endangered species regulations already published in Title 50, § 17.21, of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all endangered wildlife. These prohibitions, in part, will make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale any member of the southern Selkirk population of woodland caribou in interstate or foreign commerce. It also will be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions will apply to agents of the U.S. Fish and Wildlife Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing such permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes or to enhance the propagation or survival of the species or population. Permits may also be available in limited circumstances for incidental taking. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Section 7(a) of the Endangered Species Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this Interagency Cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal in **Federal Register** of June 29, 1983, 48 FR 29989). This rule requires Federal agencies to satisfy their section 7 obligations relative to the southern Selkirk Mountain population of caribou. Federal agencies are required to insure that the actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of the population. The Section 7 requirements are already in effect through the previously issued emergency rule. If an action may affect the species, the involved Federal agency must enter into consultation with the Service.

Listing the southern Selkirk caribou as endangered will increase the management emphasis that agencies place on the population. Listing will further emphasize the national significance of this population. The combination of legal requirements and increased national awareness will produce a number of advantages for the caribou.

First, as indicated above, all Federal actions that may affect the caribou population will come under the purview of the Endangered Species Act. Since most of the range of the population in the United States is within national forests, and since logging activities therein are having impacts on caribou habitat, it is anticipated that some actions authorized, funded, and carried out by the U.S. Forest Service will be affected by this rule. Such effects should not be major, however, since the Forest Service is already attempting to manage its lands with consideration of the caribou's welfare. The emphasis of timber harvesting may have to be shifted from caribou habitat to other areas, and some inconvenience could result, but there should be no substantial effect on timber production. Moreover, this rule will direct the actions of other agencies on national forests towards caribou preservation, and give the Forest Service a greater capability than it now has to manage habitat for the benefit of the caribou. For example, the Forest Service has limited regulatory authority over its own lands with respect to construction of power lines by the Bonneville Power Administration, and the issuance of permits and leases for mineral development by the Bureau of Land Management. Henceforth, such actions will require consultation with the Fish and Wildlife Service to insure that they are not likely to jeopardize the caribou population.

Second, listing the caribou as endangered will bring Section 6 of the Endangered Species Act into effect with respect for the species. Therefore, the Fish and Wildlife Service will be able to grant funds to the States of Idaho and Washington for management actions aiding the protection and recovery of the caribou. Since the original emergency listing of the caribou on January 14, 1983, such funds have been provided to both States, and, as noted above, resulting studies have contributed substantially to our knowledge of the herd.

Third, the agents of the Service's Law Enforcement Program can be assigned to enforce the Act's prohibitions against taking. A law enforcement strategy plan can be developed. Without such protection, these agents could be used only in limited circumstances, such as if any illegally taken carcass or its parts were transferred in interstate or foreign commerce.

Fourth, listing of the population will provide for the continued development of the caribou recovery plan that was begun after the original emergency listing of January 14, 1983. Such a plan will draw together agencies (U.S. and Canadian) having responsibility for caribou conservation. The plan will establish an administrative framework, sanctioned by the Act, for agencies to coordinate activities and cooperate with each other in conservation efforts. The plan will set recovery priorities and estimate the cost of various tasks necessary to accomplish them. It will assign appropriate functions to each agency and a timeframe within which to complete them. The plan will establish a formal blueprint for periodic task review. Each agency may now have its own program for caribou management. These programs could be consolidated and modified into one overall recovery plan that would give consideration to all factors needed for caribou conservation.

Fifth, the U.S. State Department could become involved on behalf of the Fish and Wildlife Service. For example, the State Department could encourage Canadian law enforcement agencies to improve surveillance for poachers seeking caribou in the southern Selkirk population. In addition, the State Department could help to encourage Canadian and provincial government agencies to give special consideration to this caribou population when they propose dams, highways, timber sales, etc. in the Canadian part of the range of the population.

The Service will now review the southern Selkirk Mountain population of woodland caribou to determine whether it should be placed upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through Section 8(A)(e) of the Act, and whether it should be considered for other appropriate international agreements.

National Environmental Policy Act

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service does not prepare Environmental Assessments for actions under Section 4(a) of the

Endangered Species Act. The recommendation from CEQ was based, in part, upon a decision in the Sixth Circuit Court of Appeals that held that the preparation of NEPA documentation was not required as a matter of law for Section 4(a) actions. *Pacific Legal Foundation* v. *Andrus*, 657 F.2d 829 (6th Cir. 1981).

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Author

The primary author of this rule is Ronald M. Nowak, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975 or FTS 235–1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, fish, marine mammals, plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

§ 17.11 [Amended]

2. Section 17.11(h) is amended by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife under Mammals:

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
•	• •	•	•	•	•		
Caribou woodland	*Rangifer tarandus caribou*	Canada, U.S.A. (AK, ID, ME, MI, MN, MT, NH, VT, WA, WI).	Canada (that part of southeastern British Columbia bounded by the Canada-U.S.A. border, Columbia River, Kootenay River, Kootenay Lake, and Kootenai River), U.S.A. (ID, WA).	E	143	NA	NA
•	• •	•	•	•	•		

Dated: February 10, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84–5294 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing of Two Spanish Reptiles and the Delisting of the Indian Flap-Shelled Turtle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines that the Hierro giant lizard (*Gallotia simonyi simonyi*) is an endangered species and the Ibiza wall lizard (*Podarcis pityusensis*) is a threatened species under provisions of the Endangered Species Act of 1973, as amended. The threats believed to affect these lizards involve habitat destruction, predation by domestic and feral animals, and overcollection. Both species live on islands under Spanish jurisidiction and there is no commercial trade in them into the United States. This rule implements the protection of the Endangered Species Act of 1973, as amended, with regard to these species. In addition, the Service delists the Indian flap-shelled turtle (*Lissemys punctata punctata*) from provisions of the Act. This turtle is neither endangered nor threatened; indeed, it may be one of the most abundant turtles in India and Sri Lanka.

DATE: This rule becomes effective on March 30, 1984.

ADDRESSES: Questions concerning this action should be addressed to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:
Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

On August 15, 1980, the Service published a notice of review in the Federal Register (45 FR 54685-54686) to the effect that a review of the status of 18 species of foreign reptiles would be conducted to determine whether enough information existed to list them as endangered or threatened species under provision of the Endangered Species Act of 1973, as amended. The Heirro giant lizard was included on that notice, and based on information received that the lizard was extinct, the Service initially decided no further action was warranted. When the Service subsequently proposed 17 foreign reptiles to be added to the list of endangered and threatened species (January 20, 1983; 48 FR 2562-2566), comments were received concerning *Gallotia simonyi simonyi*. Subsequently, on September 7, 1983, (48 FR 40404), the Service proposed that the Hierro giant lizard be listed as endangered, the Ibiza wall lizard be listed as threatened, and the Indian flap-shelled turtle be delisted entirely.

On February 7, 1983, Dr. Brian Groombridge of the International Union for the Conservation of Nature (IUCN), Cambridge, England, noted that *Gallotia simonyi simonyi* was not considered extinct. Included was a copy of an article by Martinez (1982). The information presented below is based on that contained in Martinez (1982); additional information may be found in Honegger (1978).

The Hierro giant lizard is a large species (up to 70 cm from snout to tip of tail) found only in the Canary Islands. It is nearly black with gray patches on the sides of the adults, and is entirely herbivorous. Although believed extinct until 1975, the lizard survives on a steep rocky arid cliff. Reproduction is occurring on this refugium, as about half of the estimated total population of 200 lizards in 1975 were juveniles. Martinez (1982) considered the lizard's status is "critical and the danger of extinction is strong." A stone-breaking plant was proposed to be built on the cliff which would directly impact the lizard and adversely affect its plant food sources. In addition, goats which graze the area could be competing with the lizard for the young plant leaves on which it depends. Honegger (1978) cites two scientists (A. Salvador and J. Mellado) as stating that collection of specimens has contributed to the decline of this species. Much of the data contained in the above references was collected in the mid 1970's, and it is unlikely the status of the species has improved. In 1980, R. Honegger told personnel of the Service that he believed the lizard to be extinct although he did not include it in his worldwide list of extinct reptiles and amphibians (Honegger, 1980-81). Until such time as it can be proved otherwise, the lizard should be considered endangered. Dr. Groombridge states: "You now quote a communication from R. Honegger (48 FR 2563) to the effect that the lizard is extinct. This appears to be incorrect." He continues: "Since the estimated population is around 200 individuals, and there is a threat of habitat disturbance, I would strongly suggest the taxon requires endangered listing. It is considered a top priority for action and reserach by the Conservation Committee of the Societas Europaea Herpetologica. We are at present hoping to delay the construction of a planned road near the hillside where *G. S. Simonyi* lives until an impact report can be prepared." Thus, concerns about the species' extinction appear to have been, fortunately, premature.

The Ibiza wall lizard *(Podarcis pityusensis)* is a small lizard found in the Balearic Islands, mainly around Ibiza and Formentera, and in some parts of Mallorca, in the Mediterranean Sea. Because of the large number of small islands, considerable evolutionary divergence has occurred, and there are 35 described subspecies. Martinez and Costa (1982) estimated that only 12 would remain valid after a thorough taxonomic study.

Martinez and Costa (1982) have assessed the status of the Ibiza wall lizard on some 70 small islands around Ibiza and Formentera. Lizards were found on 43, and only 10 sites had substantial populations. The vast majority of the lizard populations have been impacted due to one or a combination of the following reasons: predation by gulls (a minor problem), collection for scientific and commercial purposes, the human-mediated hybridization of various subspecies (lizards were transported by fishermen between islands and released), habitat alteration and destruction, and direct killing by poisoning. Martinez and Costa (1982) provide a review of 32 of the subspecies and their status on their often small island habitats. These authors stress the need for adequate protective measures for the conservation of remaining populations.

Neither of the above two species is involved in commerical trade to the United States.

The Indian flap-shelled turtle, *Lissemys punctata punctata*, is one of the softshell turtles, males usually less than 6 inches and females less than 11 inches. It has a somewhat domed shell and is mostly a uniform brown color but may have scattered dark markings. Observations on the population of one particular drying lake in India are provided by Auffenberg (1981).

Following the taxonomic arrangement of Webb (1982), two subspecies are recognized in India: *L. p. punctata* from southern and central India and Sri Lanka and *L. p. andersoni* from northern India, Pakistan, Nepal, Bangladesh, and Burma. While *L. p. punctata* is listed under provisions of the Endangered Species Act of 1973, the range under "Known distribution" includes areas where this subspecies is not known to occur. It is unclear from reviewing the administrative record which subspecies (or both?) was included in the original listing; the taxonomic history provided by Webb (1982) gives background information on the complexities of previous arrangements.

The Indian flap-shelled turtle was listed as endangered on June 14, 1976 (41 FR 24062-24067), and this document should be consulted for the circumstances surrounding the listing. The listing was apparently based on successful recommendations by Bangladesh that the species be included on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As a result of its inclusion on Appendix I of CITES, the Service subsequently listed the species as endangered.

As part of the Service's continual efforts to ensure that the biological status is reflected in the status of species protected by the Act, a literature review was recently conducted to determine if supporting evidence justified its current endangered status. No such supporting data could be found. The Service then contacted a number of scientists to determine what field data might support the listing. The unanimous consensus was that there is no justification for listing under the Act. For instance, Dr. E. O. Moll, chairman of the IUCN Freshwater Turtle Specialist Group, who is presently conducting turtle studies in India, stated:

> The species is seemingly the most common and widespread turtle in India. As for the subspecies, it is frequently seen in the Calcutta markets suggesting that it is still

easily attainable. How it ever made Appendix I is a big mystery.

Dr. Brain Groombridge of the IUCN stated:

Certainly *Lissemys p. punctata* (correctly named *L. p. andersoni*) is generally considered the commonest aquatic turtle in India, and it should not be listed on CITES nor on the U.S. list.

After carefully considering the status of *L. p. punctata*, the Service concluded that this species is neither endangered nor threatened as defined by the Act, and that there is no justification for retaining it on the U.S. List of Endangered and Threatened Wildlife.

Summary of Comments and Recommendations

In the September 7, 1983, **Federal Register** (48 FR 40404–40407), the Service proposed to list the Ibiza wall lizard as a threatened species, the Hierro giant lizard as an endangered species, and to delist the Indian flap-shelled turtle, under provisions of the Act. A total of three comments were received during the public comment period.

Dr. Robert Webb concurred that *Lissemys punctata* is "abundant and widespread," and is neither biologically endangered nor threatened. Dr. Webb also noted the taxonomic confusion mentioned in the proposed rule and suggested that only *Lissemys punctata* actually be mentioned in the final rule. The Service is cognizant of nomenclatural problems surounding this taxon (see discussion in "Background"). However, this final rule can only address the delisting of a species as it appears on the list and as codified in § 17.11; as such, this final rule will result in delisting *Lissemys p. punctata* as the name was used in 1976. This effectively removes *Lissemys punctata* from the Federal list without getting involved in the nomenclatural background of the flap-shelled turtles of the Indian subcontinent.

Stephen Busack reviewed the protection given to the Spanish lizards and noted that non-citizens may be granted research permits. He also noted that importation into the U.S. would be prohibited under provisions of the Lacey Act without proper Spanish permits and that listing would not grant the habitat protection which these species need to survive. Mr. Busack therefore believes that listing should not be pursued since it is "an intellectual exercise with no practical application."

The Service notes that whether a species will immediately benefit from Federal listing is not a criterion of listing. To be listed under provisions of the Act, only the biological basis for status determinations may be considered, as specified in Section 4(a)(1). Mr. Busack does not question the biological basis for listing nor offer data contrary to that in the proposal. Hence, the Service believes that listing the Hierro giant lizard and Ibiza wall lizard is indeed justified.

Sections 8 (a), (b), and (c) of the Act authorize the Secretary of the Interior, in part, to provide financial assistance, to encourage foreign programs, and to provide assistance in the form of personnel or training of personnel, in order to promote the conservation of listed species that are not native to the United States. Under this provision, the Service has assisted cooperative research activities on listed species in a number of localities, including Mexico and Ecuador. Without listing, such activities would be much less likely to occur. It should not therefore be automatically assumed that simply because a species is foreign and not in trade that the U.S. cannot promote its conservation. With listing, it is possible that a conservation program for the Spanish lizards, featuring habitat protection, could be developed in cooperation with authorities in Spain. The Service believes that the biological data warrant listing as proposed.

The last comment was from Juan-Pablo Martinez Rica who authored two of the articles on the status of the two Spanish lizards, and who fully agreed with the proposed listing. He also noted that there are other Spanish reptiles which deserve protected status, but did not supply additional information.

The Service thanks the three individuals who responded to the proposed rule.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; presently under revision to accommodate the 1982 amendments) state that the Secretary of the Interior shall determine whether any species is an endangered or a threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. This authority has been delegated to the Assistant Secretary for Fish and Wildlife and Parks. These factors are as follows:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

The reptiles listed as endangered and threatend species relate to these factors as follows (letters refer to factors above):

Hierro giant lizard: (A) While the Hierro giant lizard is found on a rather steep cliff, there is a threat from a stone-breaking operation that could destroy or otherwise adversely modify the only known habitat of this species. In addition to direct habitat alteration, Martinez (1982) believes that dust from such a stone-working operation could adversely impact the plants on which this herbivorous lizard depends. (B) Several European scientists have indicated that overcollection has contributed to the precarious status of this species. Certainly, removal of any animal except for strict conservation purposes could adversely affect the species. (C) Gulls may prey on this lizard, but the overall effect to its status remains unknown. (D) Royal Decree 3181/1980 protects nearly all Spanish reptiles and amphibians from hunting, capturing, trafficking, or exportation. The efficacy of this law has yet to be determined. In any case, there is no habitat protection, nor is the lizard covered under the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. (E) Goats may be competing with the lizard for food, especially young shoots and leaves.

Ibiza wall lizard: (A) On numerous islands inhabited by this species, humans are altering the environment during the course of building and development for the tourist industry. Some islands have been modified by dynamiting to ease perceived navigation problems whereas others have served as targets for military bombardment. The threats of habitat alteration and destruction are serious, depending on the particular island, and have been documented by Martinez and Costa (1982). The problems of habitat alteration are particularly apparent on Espalmador, Ratas, and Torretas. (B) This appears to have been a major factor in the status of this species. Collecting by local fishermen for scientists occurred as early as the 1950's when specimens from remote islands brought premium price (see below). In the 1960's, Martinez and Costa (1982) noted that large numbers of lizards were removed for commercial pet shops, especially in Holland and Germany. They state that "captures made for commercial purposes were very large,

sometimes several hundred animals being taken from one locality." As late as 1979, more than 100 *P. p. maluquerorum* were exported from Ibiza. Such trade is detrimental to the survival of the lizard. (C) Predation by gulls, rats, and feral cats may be affecting the survival of this species, depending on population involved. (D) Royal Decree 3181/1980 protects nearly all Spanish reptiles and amphibians from hunting, capturing, trafficking, or exportation. The efficacy of this law has yet to be determined. In any case, there is no habitat protection, nor is the lizard covered under the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. (E) Hybridization has been a threat to many individual subspecies of *Podarcis pityusensis*. For instance, Martinez and Costa (1982) indicate that the subspecies *miguelensis, subformenterae, algae, sabinae,* and *grueni* may now be extinct due to hybridization. Various lizards were introduced onto islands where they did not naturally occur by fishermen who hoped to obtain money from collectors by producing lizards from remote areas; in some cases this resulted in the colonization of uninhabited islands whereas in others, the new lizards hydridized with a resident population.

With regard to the Indian flap-shelled turtle, the same factors used to list a species are discussed in terms of the species' delisting. These factors are:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* There is a large amount of available habitat for this species on the Indian subcontinent and Sri Lanka. There is no evidence of the destruction, modification, or curtailment of this species' habitat or range such as to justify a listing of endangered under provisions of the Act. Indeed, herpetologists familiar with the turtles of this region believe that *Lissemys punctata* may be the most abundant freshwater turtle in India.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* This species is widely used as food in India and is still abundant in local markets. There is no evidence of overexploitation.

C. *Disease or predation.* Not known to be a problem with this species.

D. *The inadequacy of existing regulatory mechanisms.* This species is listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The lack of regulations regarding this species is not a factor in its present status.

E. *Other natural or manmade factors affecting its continued existence.* Not applicable.

Available Conservation Measures

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all endangered and threatened species. These regulations are found at §§ 17.21 and 17.31 of Title 50, and are summarized below.

With respect to Hierro giant lizard and Ibiza wall lizard, all prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR 17.21 and 17.31, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale these species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, the enhancement of propagation or survival of the species, and economic hardship.

With regard to the Indian flap-shelled turtle, all such prohibitions as described above, which are presently in effect for this species, would be terminated. This proposal does not affect its Appendix I listing under CITES, however, and all restrictions regarding trade into and from the United States with reference to Appendix I species will remain in effect.

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Martinez Rica, J.P., and A.M.C. Costa. 1982. Notes on some endangered species of Spanish herpetofauna: I. *Podarcis pityusensis* Bosca. Biol. Conserv. 22:295–314.

Webb, R.G. 1982. Taxonomic notes concerning the trionychid turtle *Lissemys punctata* (Lacepede). Amphibia-Reptilia 3:179–184.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Author

The primary author of this rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235–1975).

List of Subjects in 50 CFR Part 17

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

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Section 17.11(h) is hereby amended by adding, in alphabetical order, the following to the list of reptiles:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	* *	*	*	*	*		
Lizard, Hierro giant	*Gallotia simonyi simonyi*	Spain (Canary Islands).	Entire	E	142	NA	NA
Lizard, Ibiza wall	*Podarcis pityusensis*	Spain (Balearic Islands).	Entire	T	142	NA	NA
*	* *	*	*	*	*		

3. Section 17.11(h) is further amended by removing the entry for the Indian flap-shelled turtle, under "Reptiles," from the List of Endangered and Threatened Wildlife.

Dated: February 10, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-5293 Filed 2-28-84, 8:45 am]

BILLING CODE 4310-07-M

Proposed Rules

Federal Register
Vol. 49, No. 41
Wednesday, February 29, 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

Commodity Credit Corporation

7 CFR Part 1476

Compensation for Certain Losses Resulting From 1980 Soviet Embargo

AGENCY: Commodity Credit Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule establishes the procedures under which the Secretary of Agriculture will pay outstanding claims for losses sustained by businesses dealing in pork and frozen hog carcasses, edible fresh or frozen poultry meat, perishable poultry meat food products, fresh eggs, and perishable egg products as a result of the 1980 embargo on the exportation of certain commodities to the Soviet Union, in accordance with the provisions of Section 2002 of Pub. L. 98–181 (97 Stat. 1153).

DATE: Comments must be received on or before March 30, 1984.

ADDRESS: Mail comments to Director, Fiscal Division, ASCS, Room 6096-South, U.S. Department of Agriculture, 14th & Independence Avenue, SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Emery J. Polser, Fiscal Division, ASCS, Room 6088-South, U.S. Department of Agriculture, 14th & Independence Avenue, SW., Washington, D.C. 20250 (Telephone (202) 447–4311).

SUPPLEMENTARY INFORMATION: Section 2002 of Pub. L. 98–181 (97 Stat. 1153) (the "Act") directs the Secretary of Agriculture, out of funds available to the Commodity Credit Corporation and upon proper proof of loss, to pay outstanding claims for losses resulting from the 1980 embargo on the exportation of certain commodities to the Soviet Union sustained by businesses dealing in pork and frozen hog carcasses, edible fresh or frozen poultry meat, perishable poultry meat food products, fresh eggs and perishable egg products.

This proposed rule sets out the procedures under which the Commodity Credit Corporation (CCC) will pay outstanding claims covered by the Act. Under the proposed rule, any business which has sustained losses compensable under this proposed rule and which has filed a claim with the U.S. Department of Agriculture (USDA) on or before November 29, 1983, should so notify the Controller, CCC by June 30, 1984.

Only losses sustained under a contract between an eligible business and the Union of Soviet Socialist Republics or any of its instrumentalities (USSR) for the sale of articles covered by the Act to the USSR which was entered into prior to 9:00 p.m. E.S.T., January 4, 1980, and could not be completed due to the implementation of the 1980 embargo on the exportation of certain commodities to the USSR will be compensated.

The public is invited to submit comments and suggestions regarding the proposed rule to the above address. Each person submitting comments and suggestions regarding the proposed rule should include his or her name and address and should give reasons for suggested changes. Copies of all communications received will be available for examination by interested persons in Room 6088-South, USDA, during regular business hours.

This proposed rule has been reviewed under USDA procedures required by Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major" since the proposed rule, if made final, would not have any of the effects specified in those documents.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this proposed rule.

An Environmental Evaluation with respect to this proposed rule has been completed. It has been determined that this action is not expected to have any significant impact on the quality of the human environment. In addition, it has been determined that this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement are needed.

List of Subjects in 7 CFR Part 1476

Embargo, Export controls, Exports, Foreign trade.

In accordance with the above, it is proposed to amend 7 CFR Chapter XIV by adding the following new Part 1476—Special Indemnity Programs.

PART 1476—SPECIAL INDEMNITY PROGRAMS

Subpart—Compensation for Certain Losses Resulting From the 1980 Soviet Embargo

Sec.

Authority: Sec. 2002, Pub. L. 98–181 (97 Stat. 1153); 15 U.S.C. 714b, 714c.

Subpart—Compensation for Certain Losses Resulting From the 1980 Soviet Embargo

§ 1476.1 General statement.

This subpart implements Section 2002 of Pub. L. 98–181 (97 Stat. 1153) (the "Act") by setting out the terms and conditions under which certain businesses may receive compensation from the Secretary of Agriculture for certain monetary losses sustained as a result of the imposition of the 1980 embargo on the exportation of certain commodities to the Union of Soviet Socialist Republics. Section 2002 of the Act provides that the Secretary of Agriculture, out of funds available to the Commodity Credit Corporation and upon proper proof of loss, shall pay outstanding claims for losses resulting from the 1980 embargo sustained by businesses dealing in pork and frozen hog carcasses, edible fresh or frozen poultry meat, perishable poultry meat food products, fresh eggs and perishable egg products.

§ 1476.2 Definitions.

As used in this subpart:

(a) "CCC" means the Commodity Credit Corporation, an agency and instrumentality of the United States within the United States Department of Agriculture.

(b) "Claimant" means any individual, firm, corporation, partnership, association or other legal entity that was in the business of dealing with covered articles at the time of the 1980 embargo and is seeking payment for an outstanding claim from the Department in accordance with the provisions of this subpart.

(c) "Covered articles" means pork and frozen hog carcasses, edible fresh or frozen poultry meat, perishable poultry meat food products, fresh eggs and perishable egg products.

(d) "Department" means the United States Department of Agriculture including CCC.

(e) "Eligible contract" means a contract between a claimant and the Union of Soviet Socialist Republics or any instrumentality thereof (USSR) for the sale of covered articles to the USSR which—

(1) Was entered into prior to 9:00 p.m. E.S.T., January 4, 1980; and

(2) Could not be completed due to the imposition of restrictions on the exportation of certain commodities to the USSR under the 1980 embargo.

(f) "Outstanding claim" means a written claim presented to the Department (i) for monetary losses caused by inability to perform an eligible contract; (ii) which was received by the Department on on before November 29, 1983; and (iii) for which compensation has not been received.

(g) "1980 embargo" means the restrictions on exportation of certain commodities to the USSR announced by the President on January 4, 1980, and imposed under regulations issued by the U.S. Department of Commerce and published at 15 CFR 376.5, 386.7, and 399.1 (45 FR 1883, January 6, 1980) and effective as of 11:59 p.m. E.S.T., January 7, 1980.

§ 1476.3 Payment for monetary losses.

(a) The CCC shall pay, in accordance with the provisions of this subpart, outstanding claims for monetary losses sustained by any claimant due to the claimant's inabilty to fully perform an eligible contract.

(b) Monetary losses compensated under this subpart shall be limited to the claimant's actual losses arising from the claimant's inability to perform an eligible contract as determined in accordance with this section.

(1) Actual include the following items:

(i) Expenses incurred by the claimant after the eligible contract was entered into and before January 4, 1980, either in preparation for performance or in performance of the eligible contract, including expenses arising in connection with contracts with suppliers, service contracts, or other subordinate agreements entered into in order to facilitate performance of the eligible contract;

(ii) Expenses incurred by the claimant after January 4, 1980, which were necessary for the claimant to mitigate its losses caused by the claimant's inability to perform the eligible contract; and

(iii) Other amounts determined by the Controller, CCC, to constitute a compensable monetary loss in accordance with this subpart.

(2) Actual loss does not include:

(i) The claimant's lost or anticipated profits from performance of the eligible contract;

(ii) Any cost that the claimant avoided by not having to perform the eligible contract or which the claimant otherwise recovered;

(iii) Any interest; and

(iv) Other amounts determined by the Controller, CCC, not to constitute a compensable monetary loss in accordance with this subpart.

(c) The claimant has the burden of proving his or her monetary losses and must submit documentation acceptable to the Controller, CCC, supporting the monetary loss claimed.

§ 1476.4 Procedure for claiming compensation.

In order for a claimant to receive compensation under this subpart, the claimant must notify the Controller, CCC, Room 6096-South, U.S. Department of Agriculture, 14th & Independence Avenue, SW., Washingon, D.C. 20250, of the claimant's outstanding claim after November 30, 1983, but no later than June 30, 1984. Each claimant must prove, with documentation acceptable to the Controller, CCC, (a) that the claimant has an outstanding claim with the Department, and (b) that such claim is based on an eligible contract.

§ 1476.5 Determination and payment of compensation.

(a) The Controller, CCC, will determine the amount of compensation for monetary losses to be paid to a claimant in accordance with this subpart. A determination rendered by the Controller, CCC, may be appealed to the Executive Vice President, CCC, withing 30 days after the determination.

(b) As a condition of payment by CCC, each claimant must sign a release which states that the payment received from the CCC is in complete satisfaction of all compensation due the claimant from the Department under these regulations and the Act.

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

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-5361 Filed 2-28-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 83-AWA.26]

Proposed Department of Energy Prohibited Areas

Correction

In the issue of Friday, February 17, 1984, on page 6103, in the third column, a correction to an FAA document appeared. The headings were inaccurate and should have appeared as set forth above.

In addition, in the last line of the correction, "there entirely" should have read "their entirety".

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802 3002]

Carter Hawley Hale Stores, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a San Francisco, Calif. retailer to comply with the billing error resolution procedures of the Fair Credit Billing Act (Act) and its implementing Regulation Z. This would require the company to acknowledge a customer's written billing error notice within 30 days; resolve the dispute or mail an explanation as to why a statement is believed correct within 2 billing cycles; and maintain for at least two years, records evidencing compliance with the Act's billing error resolution procedures. The order would prohibit the company from attempting to collect any amount of a bill in dispute, including any finance charge computed on such amount; and would require the company to forfeit the

right to collect the amount in dispute up to $50, should it fail to comply with any of the Act's requirements.

DATE: Comments must be received on or before April 30, 1984.

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

FOR FURTHER INFORMATION CONTACT: Ralph E. Stone, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, CA 94102. (415) 556–1270.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Consumer credit, Trade practices.

Before Federal Trade Commission

In the Matter of Carter Hawley Hale Stores, Inc., a corporation, d. b. a. The Emporium and Emporium-Capwell; File No. 802 3002; Agreement Containing Consent Order To Cease and Desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Carter Hawley Hale Stores, Inc., a corporation, doing business as Emporium-Capwell, and it now appearing that said corporation, hereinafter sometimes referred to as respondent, or proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of tha acts and practices being investigated.

It is hereby agreed by and between respondent, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Carter Hawley Hale Stores, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with its office and principal place of business located at 550 South Flower Street, Los Angeles, California 90071. Respondent does business presently through a division under the name "Emporium-Capwell" and has done business in the past through that same division under the name "The Emporium" with the division's principal office located at 835 Market Street, San Francisco, California 94103.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

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

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

(d) Any claim under the Equal Access to Justice Act, 5 U.S.C. § 50 *et seq.*

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist ("Order") in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the Agreed to Order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or in this agreement may be used to vary or contradict the terms of the Order.

7. Proposed respondent has read the proposed complaint and Order. It understands that once the Order has been issued (1) it will be required to file one or more compliance reports showing it has fully complied with the Order and (2) it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

A. For the purposes of this Order, the terms "billing error," "billing-error notice," "cardholder," "consumer credit," and "credit card" shall be defined as these terms are defined in Regulation Z (12 CFR Part 226), the implementing regulation of the Truth in Lending Act (15 U.S.C. 1601 *et seq.*).[1]

B. This Order shall apply only to the Emporium-Capwell division of Carter Hawley Hale Stores, Inc.

I

It is ordered that respondent Carter Hawley Hale Stores, Inc., a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connectionwith any extension by or on behalf of Emporium-Capwell, or any organization continuing the business of Emporium-Capwell, of "open end credit," including "consumer credit" extended through use of a "credit card," as those terms are defined in Regulation Z, the implementing regulation of the Truth in Lending Act, do forthwith cease and desist from:

A. Failing, within 30 days after receipt of any billing-error notice, to mail or deliver a written acknowledgment thereof to the customer's current designated address as required by § 226.13(c)(1) of Regulation Z, unless:

1. The customer has agreed, within such 30–day period, that the periodic statement is correct; or

[1] All reference to the Truth in Lending Act and Regulation Z contained in this Order shall refer to the Truth in Lending Act as amended to March 31, 1980 and Regulation Z as amended to April 1, 1981.

2. Respondent has taken, within such 30–day period, the applicable action specified in Paragraph I.B.1.–3 of this Order.

B. Failing, not later than two complete billing cycles (and in no event more than 90 days) from the date of receipt of any billing-error notice, to resolve the dispute by:

1. Correcting the billing error and crediting the customer's account in the full amount indicated by the customer to have been erroneously billed and related finance or other charges, as applicable, and mailing or delivering to the customer a written notification of the correction(s) as required by § 226.13(e) of Regulation Z; or

2. Correcting the billing error and crediting the customer's account by an amount different from that indicated by the customer as being erroneously billed and related finance or other charges, as applicable, and mailing or delivering to the customer a written explanation setting forth the reasons for respondent's belief that the billing error alleged by the customer is incorrect in part, accompanied by copies of documentary evidence of the customer's indebtedness if such evidence has been requested by the customer, as required by § 226.13(f) of Regulation Z; or

3. Mailing or delivering to the customer, after conducting a reasonable investigation, a written explanation that sets forth the reason(s) why respondent believes the periodic statement is correct and, if the customer has requested, furnishing copies of documentary evidence of the customer's indebtedness, as required by § 226.13(f) of Regulation Z;

Provided, however, that respondent need not perform the actions specified in this Paragraph I.B. if the customer has agreed, not later than two complete billing cycles (and in no event more than 90 days) from the date of respondent's receipt of the billing-error notice, that the periodic statement is correct.

C. Taking any action or causing any action to be taken, prior to the time the dispute has been resolved, as provided in Paragraph I.B. of this Order, to collect any portion of any required payment that the consumer believes is related to the disputed amount, including related finance or other charges.

D. Failing, in each instance where respondent does not comply with all applicable requirements of § 226.13 of Regulation Z, to forfeit the right to collect from the customer the amount indicated to be a billing error, including corresponding finance and other charges imposed thereon, up to $50.00, as required by section 161(e) of the Truth in Lending Act, 15 U.S.C. 1666(e).

E. Failing to comply with any other requirement of § 226.13 of Regulation Z.

F. Failing to keep evidence of compliance with Regulation Z for a period of two (2) years as required by § 226.25(a) of Regulation Z, and to make the records available for inspection as required § 226.25(b) of Regulation Z.

II

A. It is further ordered that respondent distribute a copy of this Order to each of Emporium-Capwell's supervisory personnel having procedural or policy responsibilities with respect to the subject matter of this Order, and that respondent secure a signed statement acknowledging receipt of said Order.

B. It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution of subsidiaries or divisions or any other change in the corporation which may affect compliance obligations arising out of the order.

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

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Emporium-Capwell, a department store division of Carter Hawley Hale Stores, Inc.

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

The proposed complaint alleges that Emporium-Capwell violated the Fair Credit Billing Act (FCBA), a part of the Truth in Lending Act, by:

Attempting to collect and collecting from its customers amounts alleged by customers to be in error prior to resolving the disputes;

Failing to acknowledge alleged billing-error complaints in a timely manner;

Failing to resolve alleged billing errors within the lesser of two billing cycles or 90 days after receiving the billing-error notification;

Failing to honor the forfeiture penalty as required by the FCBA in instances in which it failed to follow the billing-error resolution procedures of the FCBA; and

Collecting finance charges on billing errors resolved in its customers' favor.

The proposed order prohibits Emporium-Capwell from:

Attempting to collect from customers amounts alleged as billing errors prior to resolving the disputes;

Failing to acknowledge alleged billing-error complaints in a timely manner;

Failing to resolve alleged billing errors within the prescribed time period;

Failing to honor the forfeiture penalty in instances in which it fails to follow the billing-error resolution procedures of the FCBA; and

Collecting finance charges on billing errors resolved in its customers' favor.

The proposed order effectively precludes Emporium-Capwell in the future from engaging in the practices alleged in the complaint.

Regulation Z was amended on April 1, 1981, to implement the Truth in Lending Simplification Act. The proposed complaint refers to Regulation Z as amended prior to that date. The proposed order is prospective and, therefore, refers to the revised sections of the Regulation Z, amended as of April 1, 1981.

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

Emily H. Rock,

Secretary.

[FR Doc. 84–5365 Filed 2–28–84; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket Nos. RM79–76–206 (Pennsylvania—2), RM79–76–207 (Pennsylvania—3), RM79–76–208 (Pennsylvania—4)]

High-Cost Gas Produced From Tight Formations; Notice of Informal Conference

February 24, 1984.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of informal conference.

SUMMARY: Pennsylvania Natural Gas Associates request an informal conference to discuss the status of recommendations to be designated tight

formations under § 271.703 of our regulations.

The Notice of Proposed Rulemaking in Docket No. RM79–76–206 (Pennsylvania—2) was published at 48 FR 53572 (November 28, 1983); the Notice of Proposed Rulemaking in Docket No. RM79–76–207 (Pennsylvania—3) was published at 48 FR 53574 (November 28, 1983); the Notice of Proposed Rulemaking in Docket No. RM79–76–208 (Pennsylvania–4) was published at 48 FR 53570 (November 28, 1983).

DATE: The conference will be held on March 13, 1984 at 1:00 p.m.

ADDRESS: The conference will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The room number will be announced.

FOR FURTHER INFORMATION CONTACT: Elisabeth Pendley (202) 357–8476, or Michael Dees (202) 357–8680.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–5317 Filed 2–28–84; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old Age, Survivors, and Disability Insurance Benefits; Deductions; Reductions; and Nonpayments of Benefits

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed regulation reflects two statutory changes in the rules on reducing the Social Security spouse's benefits of a person who is eligible for a Government pension based on employment not covered under Social Security. The first change is a new exception which provides that the wife's, husband's, widow's, widower's, mother's, or father's benefits of a spouse ("spouse's benefits") will not be reduced if he or she was eligible for a Government pension before July 1983 and was receiving at least one-half support from the insured worker at a specified time. If a spouse meets this exception, his or her benefits after November 1982 will not be reduced because of eligibility for a Government pension. This new exception is a provision of Pub. L. 97–455 which was enacted January 12, 1983. Any spouse who meets the first exception (i.e., who was eligible for a Government pension at any time after November 1977 and before December 1982 and who met the requirements for Social Security benefits as they existed in January 1977) is not affected by this new exception.

The second change is a provision of Pub. L. 98–21, enacted April 20, 1983, that Social Security spouse's benefits will be reduced, where applicable, by only two-thirds (instead of all) the amount of the Government pension received by the spouse. This provision is effective for persons who become eligible for a Government pension after June 1983.

DATES: Comments must be submitted on or before April 30, 1984.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P. O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3–A–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Jack Shanberger, Room 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–6785.

SUPPLEMENTARY INFORMATION: Section 7 of Pub. L. 97–455 provides a second exception to the requirement that we must reduce Social Security spouse's benefits by the amount of a pension the spouse is receiving based on noncovered employment for a Federal, State, or local goverment agency. The reduction provision and an exception were included as Sec. 334 of Pub. L. 95–216 (the "Social Security Amendments of 1977").

The exception in the 1977 Amendments requires that the spouse be eligible for the Government pension anytime during the period December 1977 through November 1982 and meet the Social Security entitlement requirements that were in effect in January 1977. Under those January 1977 requirements, a man had to meet a one-half support test and a woman claiming benefits as a divorced spouse must have been married to the insured worker for at least 20 years (instead of the current 10 years requirement).

The new exception likewise requires that a spouse meet only two tests in order to avoid the benefit reduction. The first test is that the spouse must be eligible for a pension before July 1983 based on noncovered employment for a Federal, State, or local government.

The second test is the one-half support test which had to be met by a male applicant for spouse's benefits prior to the 1977 Amendments. Under that test, the male spouse had to have been receiving one-half support for his wife when she began a period of disability, became entitled to disability or retirement benefits, or died. Only at one of those times would it have been reasonable to expect him to claim that he was dependent on his wife when she stopped working, and therefore that he should be entitled to benefits based on her past work.

This one-half support test was in effect for only men before it was deleted by the 1977 Amendments as a result of a 1977 Supreme Court decision (*Califano v. Goldfarb*, 430 U.S. 199, 97 S. Ct. 1021).

Divorced women who did not meet the 20-year duration-of-marriage requirement under the 1977 Amendments are excepted from the benefit reduction under the new exception, beginning as early as December 1982, if they meet the one-half support test.

Medicare coverage of Federal employees pursuant to section 278 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248) does not constitute Social Security covered employment for purposes of the pension offset provisions and exceptions. We are clarifying this in § 404.408a(a).

Pub. L. 98–21 further amended the pension offset provision of the 1977 Amendments by providing that Social Security spouse's benefits will be reduced by only two-thirds (instead of all) of the amount of a governmental pension received by the spouse if the spouse becomes eligible for the pension after June 1983.

Regulatory Procedures

Executive Order 12291—This proposed regulation has been reviewed under E.O. 12291 and does not meet any of the criteria for a major regulation. We estimate that the additional exception provided by Pub. L. 97–455 will cost the Social Security trust funds $2 million in FY 1983, $4 million in FY 1984, $11 million in FY 1985, $15 million in FY 1986, and $22 million in FY 1987. We estimate that the revised offset amount provided by Pub. L. 98–21 will cost the trust funds $1 million in FY 1984, $2 million in FY 1985, $3 million in FY 1986, and $6 million in FY 1987. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act —Although this proposed regulation does not contain a new reporting requirement, we expect to ask approximately 30,000 additional individuals to furnish information regarding one-half support. The information will be collected by using a revised version of the form SSA-3885, Government Pension Questionnaire (OMB No. 0960-0160). Form SSA-3885 has been approved by OMB for use under section 3507, Pub. L. 96-511, the Paperwork Reduction Act of 1980.

Regulatory Flexibility Act —We certify that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities because it affects only benefit amounts payable to individuals. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security—Disability Insurance, 13.803 Social Security Retirement Insurance, 13.805 Social Security—Survivors Insurance)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disabled, Old-age, survivors, and disability insurance.

Dated: September 27, 1983.

Louis D. Enoff,

Acting Commissioner of Social Security.

Approved: January 10, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 404—[AMENDED]

Subpart E of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart E is amended to read as follows:

Authority: Secs. 202, 205, 207, and 1102 of the Social Security Act; 49 Stat. 623, 53 Stat. 1368, as amended, 79 Stat. 379, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 402, 405, 427, 1302, unless otherwise noted.

2. Section 404.408a is amended in paragraph (a) by revising the first and last sentence and adding a new sentence after the first sentence, by redesignating paragraphs (b)(1) as (b)(2) and (b)(2) as (b)(1), by adding a new paragraph (b)(3), by adding a new paragraph (c), and by redesignating the materials now in paragraph (c) as (d)(3) and adding new paragraphs (d)(1), (d)(2), and (d)(4) to read as follows:

§ 404.408a Reduction where spouse is receiving a Government pension.

(a) *When reduction is required.* Unless you meet one of the exceptions in paragraph (b) of this section, your monthly Social Security benefits as a wife, husband, widow, widower, mother, or father will be reduced each month you are receiving a monthly pension from a Federal, State, or local government agency (Government pension) for which you were employed in work not covered by Social Security on the last day of such employment. Your monthly Social Security benefit as a spouse will always be reduced because of your Government pension even if you afterwards return to work for a government agency and that work is covered by Social Security. For purposes of this section, Federal Government employees are not considered to be covered by Social Security if they are covered for Medicare but are not otherwise covered by Social Security. If the government pension is not paid monthly or is paid in a lump-sum, we will determine how much the pension would be if it were paid monthly and then reduce the monthly Social Security benefit accordingly. The number of years covered by a lump-sum payment, and thus the period when the Social Security benefit will be reduced, will generally be clear from the pension plan. If one of the alternatives to a lump-sum payment is a life annuity, and the amount of the monthly benefit for the life annuity can be determined, the reduction will be based on that monthly benefit amount. Where the period or the equivalent monthly pension benefit is not clear it may be necessary for us to determine the reduction period on an individual basis.

(b) *Exceptions.* The reduction does not apply:

(1) If you are receiving a Government pension based on employment for an interstate instrumentality.

(2) If you received or are eligible to receive a Government pension for one or more months in the period December 1977 through November 1982 and you meet the requirements for Social Security benefits that were applied in January 1977, even though you don't claim benefits, and you don't actually meet the requirements for receiving benefits until a later month. The January 1977 requirements are, for a man, a one-half support test (see paragraph (c) of this section), and, for a woman claiming benefits as a divorced spouse, marriage for at least 20 years to the insured worker. You are considered eligible for a Government pension for any month in which you meet all the requirements for payment except that you are working or have not applied.

(3) If you were receiving or were eligible (as defined in paragraph (b)(2) of this section) to receive a Government pension for one or more months before July 1983, and you meet the dependency test of one-half support that was applied to claimants for husband's and widower's benefits in 1977, even though you don't claim benefits, and you don't actually meet the requirements for receiving benefits until a later month. If you meet the exception in this paragraph but you do not meet the exception in paragraph (b)(2), December 1982 is the earliest month for which the reduction will not affect your benefits.

(c) *The one-half support test.* For a man to meet the January 1977 requirement as provided in the exception in paragraph (b)(2) and for a man or a woman to meet the exception in paragraph (b)(3) of this section, he or she must meet a one-half support test. One-half support is defined in § 404.366 of this part. One-half support must be met at one of the following times:

(1) If the insured person had a period of disability which did not end before he or she became entitled to old-age or disability insurance benefits, or died, you must have been receiving at least one-half support from the insured either—

(A) At the beginning of his or her period of disability;

(B) At the time he or she became entitled to old-age or disability insurance benefits; or

(C) If deceased, at the time of his or her death.

(2) If the insured did not have a period of disability at the time of his or her entitlement or death, you must have been receiving at least one-half support from the insured either—

(A) At the time he or she became entitled to old-age insurance benefits; or

(B) If deceased, at the time of his or her death.

(d) *Amount and priority of reduction.* (1) If you became eligible for a Government pension after June 1983, we will reduce (to zero, if necessary) your monthly Social Security benefits as a spouse by two-thirds the amount of your monthly pension. If the reduction is not a multiple of 10 cents, we will round it to the next higher multiple of 10 cents.

(2) If you became eligible for a Government pension before July 1983 and do not meet one of the exceptions in paragraph (b) of this section, we will reduce (to zero, if necessary) your monthly Social Security benefits as a spouse by the full amount of your pension.

(3) Your benefit as a spouse will be reduced, if necessary, for age and for simultaneous entitlement to other Social Security benefits before it is reduced because you are receiving a Government pension. In addition, this reduction follows the order of priority as stated in § 404.402(b).

(4) If the monthly benefit payable to you after the required reduction(s) is not a multiple of $1.00, we will reduce it to the next lower multiple of $1.00, as required by § 404.304(f).

* * * * *

(Editorial Note: § 404.304(f) was added by the NPRM on Rounding which was published at 48 FR 10694 on March 14, 1983.)

[FR Doc. 84-5376 Filed 2-28-84; 8:45 am]
BILLING CODE 4190-11-M

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20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Evidence Provision for Inferring a Person is Dead

AGENCY: Social Security Administration, HHS.

ACTION: Proposed Rules.

SUMMARY: In these proposed regulations, we clarify our existing regulations to explain that a claimant, in order to collect the lump-sum death payment or survivors benefits, is at all times responsible for furnishing evidence proving the insured person's death. We also change the regulations to clarify that we do not presume that a missing insured person is dead if there are known circumstances that could reasonably explain the absence, even without direct evidence that such circumstances actually were the reasons for absence.

The same change would be made for Black Lung death claims since the Black Lung regulations adopt by cross-reference the rule in the OASDI regulations.

DATES: Your comments will be considered if we receive them no later than April 30, 1984.

ADDRESSES: Comments should be submitted in writing to the commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3-B-3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Philip Berge, Legal Assistant, 3-A-3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7519.

SUPPLEMENTARY INFORMATION:

Background

Under title II of the Social Security Act, lump-sum death payments and suvivor benefits are payable based on the earnings of a deceased insured worker. To establish eligibility for such benefits, the claimant must establish that the worker is dead. If proof of death (as described in 20 CFR 404.720 (b) and (c)) is unavailable, we will presume an insured person is dead if certain evidence is presented. Under the present 20 CFR 404.721(b) such evidence includes:

> Signed statements by those in a position to know and other records which show that the person has been absent from his or her residence *for no apparent reason*, and has not been heard from, for at least 7 years (Enphasis Added).

This evidentiary requirement has yielded two very different interpretations, as explained below.

It has long been our position that the burden is on the claimant to present the evidence necessary to establish that he or she qualifies for benefits. Accordingly, for us to presume that the insured person is dead, the claimant must establish that the insured person not only has not been heard from for at least 7 years, but also that he or she has been absent for no apparent reason. If the insured person's disappearance can be attributed to known domestic or financial difficulties or to some other rational reason for leaving home, death cannot be presumed and we do not have to establish that the insured person is still alive or prove facts that rationally explain the disappearance. In short, our long held position, as set forth in Social Security Ruling 80-10C, is to apply the presumption of death only if all of the conditions described in the regulations are proven by the claimant to exist.

In recent years, courts have presumed that an insured person has died solely because he or she was absent from home for 7 years and put the burden on us to prove the insured person was alive or had disappeared for a reason other than death. To eliminate such interpretations in the future, we believe a clarifying change in 20 CFR 404.721(b) is needed.

Regulatory Provisions

Our proposed regulations revise section 404.721 to emphasize that the claimant at all times bears the burden of proving the insured person's death and to clarify that we do not presume a missing insured person is dead if there are known circumstances that could reasonably explain the absence, even without direct evidence that such circumstances actually were the reason for the absence.

The same change would be made for Black Lung death claims since the Black Lung regulations in section 410.240(g)(2) adopt by cross-reference the OASDI regulations in section 404.721.

Regulatory Procedures

Executive Order 12291—These regulations have been reviewed under E.O. 12291 and do not meet any of the criteria for a major regulation. Only a small number of the cases reviewed in recent years would be affected by the proposed rule. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act—These regulations impose no reporting/recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act—We certify that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities because these rules will affect only individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

The proposed amendments are to be issued under the authority contained in sections 205 and 1102 of the Social Security Act, as amended; 53 Stat. 1368 and 49 Stat. 647; 42 U.S.C. 405 and 1302.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.804 Social Security—Survivors Insurance.)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disabled, Old-Age, Survivors and Disability Insurance, Social Security Administration.

Dated: December 6, 1983.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: February 8, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 404—[AMENDED]

Part 404 of 20 CFR is amended as follows:

1. Section 404.721 is revised to read as follows:

§ 404.721 Evidence to presume or infer a person is dead.

(a) *Presumption of death.* If you cannot prove the insured person is dead but evidence of death is needed, we will presume he or she died at a certain time if you give us a certified copy of, or extract from an official report or finding by an agency or department of the United States that a missing person is "presumed to be" dead as set out in Federal law (5 U.S.C. 5565). Unless we have other evidence showing an actual date of death, we will use the date he or she was reported missing as the date of death.

(b) *Inference of death.* If you cannot prove the insured person is dead under any of the rules in section 404.720 and 404.721(a), we will infer the fact of death if signed statements (by those in a position to know) and other records show that all of the following requirements are met:

(1) For at least seven years, the insured person has had no contact of any kind with any of his or her relatives, dependents, employers, or friends;

(2) A diligent search, conducted with the aid of appropriate authorities (e.g., law enforcement agencies, Coast Guard, etc.) reasonably soon after the insured person's disappearance, failed to locate the insured person or explain his or her absence; and

(3) The insured person disappeared from his or her residence or place of employment under circumstances allowing no reasonable explanation other than death. Facts that may prevent the inference from being applied include, but are not limited to, the following:

(i) Legal action against the insured person existing or imminent at the time of his or her disappearance;

(ii) Domestic (including marital) discord occurring near the time of the disappearance and resulting in separation or in domestic violence;

(iii) A pattern of disregard of family ties prior to the disappearance;

(iv) The existence, prior to the insured person's disappearance, of substantial financial burdens;

(v) The contemporaneous disappearance with the insured person of his or her personal funds or assets;

(vi) A past history of desertion, or overt evidence of the avoidance of important obligations by the insured person; and

(vii) Such factors of age and health as would make continued life more likely than death.

(4) If an inference of death is made, we will use as the person's date of death either the date he or she left home, the date ending the 7 year period, or some other date depending upon what the evidence shows is the most likely date of death.

(5) If you are applying for benefits as the insured person's grandchild or stepgrandchild but the evidence does not identify a parent, we will infer the parent died in the first month in which the insured person became entitled to benefits.

[FR Doc. 84-5375 Filed 2-28-84; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-194-82]

Possessions Tax Credit: Definition of Product, Significant Business Presence Test, and Cost Sharing and Profit Split Elections

Correction

In FR Doc. 84-370, beginning on page 1227, in the issue of Tuesday, January 10, 1984, on page 1243, in § 1.936-7(c), *Answer 1*, in the eighth line from the bottom of the paragraph, "agrees to re-elect" should read "agrees not to re-elect".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Public Comment and Opportunity for Public Hearing on Modified Portions of the North Dakota Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the adequacy of proposed amendments to the North Dakota permanent regulatory program which was approved by the Secretary of the Interior pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments submitted by North Dokata for the Director's approval include modifications to the State statute and regulations concerning the following: (1) Permit fees; (2) auger mining; (3) reclamation research; and (4) water quality performance standards.

DATE: Written comments not received on or before 4:00 p.m. March 30, 1984, will not necessarily be considered in the Director's decision to approve or disapprove the proposed amendments.

A public hearing on the proposed modifications has been scheduled for March 26, 1984, at the address listed below under **"ADDRESSES."** Any person interested in making an oral or written presentation at the hearing should contact Mr. William Thomas at the address listed below by March 20, 1984. If no person has contacted Mr. Thomas by this date to express an interest in the hearing, the hearing will be cancelled. If only one person requests to comment, a public meeting rather than a public hearing may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing will be held at the OSM Casper Field Office, Freden Building, 935 Pendell Boulevard, Mills, Wyoming.

Written comments should be mailed or hand-delivered to Mr. William Thomas, Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644.

Copies of the proposed modifications to the North Dakota program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Casper Field Office, and the Office of the State Regulatory Authority, all listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, 1100 "L" Street, NW., Washington, D.C. 20240.

Office of Surface Mining Reclamation and Enforcement, Freden Building, 935

Pendell Boulevard, Mills, Wyoming 82644.

North Dakota Public Service Commission, Reclamation Division, Capitol Building, Bismarck, North Dakota 58505.

FOR FURTHER INFORMATION CONTACT: Mr. William Thomas, Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644; Telephone (307) 261–5824.

SUPPLEMENTARY INFORMATION:

Background

The North Dakota program was approved by the Secretary of the Interior on December 15, 1980, conditioned on the correction of 13 minor deficiencies. Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the North Dakota program can be found in the December 15, 1980 **Federal Register** (45 FR 82214), February 9, 1983 **Federal Register** (48 FR 8902), and the November 9, 1983 **Federal Register** (48 FR 51458).

Proposed Amendments

On February 2, 1984, the State of North Dakota submitted to OSM amendments to its permanent regulatory program. The majority of the proposed amendment package addresses auger mining. The State has proposed a statutory amendment that includes auger mining as an acceptable method of mining in North Dakota. The State has also proposed rules addressing permit application requirements for auger mining operations.

The State also submitted two other statutory amendments. The first proposes a revised permit filing fee of five hundred dollars plus ten dollars for each acre included in the permit application. The second proposes the creation of a reclamation research advisory committee and outlines the responsibilities and objectives of the proposed committee.

North Dakota has also submitted to OSM a proposed program amendment addressing effluent limitations. The proposed amendment consists of a regulation revision in which North Dakota deletes language citing specific limitations for iron, total suspended solids and pH. In its place, North Dakota proposes to substitute language that requires discharges of water to comply with all applicable State laws and rules adopted by the North Dakota Department of Health.

OSM is seeking comments on whether North Dakota's proposed statutory and regulatory revisions are no less stringent than SMCRA and no less effective than the requirements of the Federal regulations.

The full text of the proposed program modifications submitted by North Dakota for OSM's consideration is available for public review at the addresses listed under **"ADDRESSES."**

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 934

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

Dated: February 24, 1984.

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

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 84–5436 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 938

Permanent State Regulatory Program of Pennsylvania

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is considering modifying the deadline for Pennsylvania to meet conditions (d) and (k) of its approved State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Condition (d) relates to prime farmland requirements for a permit applicant who proposes to mine coal in the anthracite region. Condition (k) pertains to Pennsylvania's hearings provision for bond release.

DATE: Comments must be received by March 30, 1984, at the address below, no later than 4:00 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101, (717) 782–4036.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiences are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The curing of each deficiency is a condition of the approval. Steps to terminate the conditional approval must be taken if the conditions are not met according to the schedule. The dates are established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and SMCRA and the time required for changes to be adopted under State procedures or legislative schedules.

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of that proposed program as outlined in 30 CFR Part 732,

the Secretary of the Interior disapproved the program. The State resubmitted its program on January 25, 1982, and, subsequently the Secretary approved the program conditioned on the correction of minor deficiencies. Information pertinent to the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** (47 FR 33050). Additionally, On April 20, 1983, The United States District Court for the Middle District of Pennsylvania in *Pennsylvania Coal Mining Association v. Watt*, Civil No. 82–1129, remanded to the Secretary with instructions to rectify the corresponding provision in the Pennsylvania program concerning the timing of the bond release hearing and the decision. Pursuant to 30 CFR 732.17(e), the Secretary notified Pennsylvania by a letter dated June 7, 1983, that a State program amendment was required to rectify the matter. In the **Federal Register** (48 FR 27102) dated June 13, 1983, OSM announced its intention to impose a new condition (k) on the approval of the Pennsylvania program to comply with the District court decision. The State responded to OSM's June 7, 1983 letter on July 27, 1983 and advised OSM that it would amend its regulations (PA 86.171) to rectify the matter. In the **Federal Register** dated September 6, 1983 (48 FR 40223) OSM imposed condition (k) and required that Pennsylvania correct its program by August 1, 1984.

Pennsylvania agreed at the time of conditional approval to correct condition (d) by August 1, 1983. However, in a letter dated April 25, 1983, it requested an extension of time to correct conditon (d) until February 1, 1984. In the **Federal Register** dated September 12, 1983 (48 FR 40888), OSM granted Pennsylvania the extension.

In a letter dated February 3, 1984, Pennsylvania asked to extend the time until August 31, 1984 to satisfy conditions (d) and (k). Pennsylvania attached a copy of its proposed regulations intended to satisfy conditions (d) and (k), but cannot formally submit these regulations until its rulemaking process can be completed. The Environmental Quality Board adopted the regulations on December 20, 1983, and Pennsylvania anticipates completion of the process by August 31, 1984.

Therefore, the Secretary proposes to allow the State until August 31, 1984, to meet condition (d) pertaining to certain coal mine permit requirements with respect to prime farmland in the anthracite region and condition (k) pertaining to bond release procedures.

The Secretary is continuing to review with the State all of the outstanding program conditions. A final rule implementing this proposed extension may, in response to public comment, be different than the one proposed in this notice.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d)), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 6601 *et seq.)*. This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

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

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

Dated: February 24, 1984.

James R. Harris,

Director, Office of Surface Mining.

The following are proposed amendments to 30 CFR, Chapter VII, Subchapter T, Part 938:

PART 938—PENNSYLVANIA

§ 938.11 [Amended]

30 CFR 938.11(d) (1), (2), and (3) are proposed to be amended by substituting "August 31, 1984", for February 1, 1984 each time it appears.

30 CFR 938.11(k) is proposed to be amended by substituting "August 31, 1984", for "August 1, 1984" each time it appears.

[FR Doc. 84–5433 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 946

Public Comment Period and Opportunity for Public Hearing on a Proposed Modification to the Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of a program amendment submitted by Virginia to satisfy a condition of the Secretary of the Interior's approval of the Virginia Permanent Regulatory Program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of a proposed change to the Virginia regulations concerning the authority of the State to deny an application for a permit unless the applicant submits proof that all required Federal reclamation fees have been paid. The amendment is intended to satisfy condition (t).

This notice sets forth the times and locations that the Virginia program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed action, and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information relating to the amendment to the Virginia program not received on or before 4:00 p.m. on March 30, 1984, will not necessarily be considered.

A public hearing on the proposed amendment has been scheduled for March 26, 1984, at the address listed under **"ADDRESSES."**

Any person interested in making an oral or written presentation at the hearing should contact Mr. Ralph Cox at the address or telephone number listed below by March 20, 1984. If no one has contacted Mr. Cox to express an interest in participating in the hearing by the above date, the hearing will not be held.

If only one person requests a public hearing, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Ralph Cox, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap, Virginia 24219.

The public hearing will be held in the Conference Room of the Lebanon Area Office, Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266.

Copies of the Virginia program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM and State regulatory authority offices listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street, NW., Room 5315, Washington, D.C. 20240.

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219.

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266.

Virginia Division of Mined Land Reclamation, 622 Powell Avenue, Drawer U, Big Stone Gap, Virginia 24219.

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Director, Big Stone Gap Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303.

SUPPLEMENTARY INFORMATION: The Virginia program was conditionally approved by the Secretary of the Interior on December 15, 1981 (46 FR 61088–61115). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 Federal Register.

I. Background

Sections 510(b) and 510(c) of SMCRA limit the issuance of new permits and permit renewals to those applicants who are in compliance with the requirements of SMCRA. As specified in section 402 of SMCRA and Subchapter R of 30 CFR, the operators of coal surface mines are to pay reclamation fees to the Secretary of the Interior. Further, section 402(f) of SMCRA specifically mandates full cooperation with the Secretary by all Federal and State agencies in the enforcement of this provision.

It was brought to the Secretary's attention that the Virginia program does not contain regulatory language consistent with 30 CFR 786.19(h) which requires the State to deny permit applications and permit revision applications unless the applicant has submitted proof that all Federal reclamation fees required under 30 CFR Subchapter R have been paid. To resolve this issue, on January 4, 1983, the Director, OSM, sent a letter to Virginia to request that Virginia either voluntarily amend its program to add a regulation consistent with 30 CFR 786.19(h), or revise its permitting procedures to ascertain such information prior to approving a permit application. Virginia did not formally responed to the January 4 letter. Therefore, on June 9, 1983, the Secretary proposed to add a new condition to the Virginia program requiring the State to amend its program by a specified date to incorporate requirements no less effective than 30 CFR 786.19(h). See 48 FR 26624.

Pursuant to 30 CFR 732.17(e), the Secretary notified Virginia by letter of June 1, 1983, that a State program amendment was required because conditions or events indicate that the approved State program no longer meets the requirements of SMCRA and the Federal regulations. Therefore, pursuant to 30 CFR 732.17(f)(1), Virginia was required to submit to the Secretary within 60 days of receipt of notification either a proposed written amendment or a description of an amendment to be proposed that meets the requirements of SMCRA and the Federal regulations, and a timetable for enactment which is consistent with established administrative or legislative procedures.

On August 1, 1983, Virginia responded to OSM's June 1, 1983 letter. The State's letter indicated that it would propose to amend the Virginia permanent program regulations at V786.19 to add a new Subsection (o) stating "the applicant has submitted proof that all reclamation fees lawfully required under Title IV of the Federal Act have been paid." The letter indicated that the amendment would be subject to the State's administrative procedures, thus a completion date of March 1, 1984, to satisfy the condition was requested. Inasmuch as Virginia agreed to submit such an amendment within the State's established administrative procedures, the Secretary granted a date of March 1, 1984, to Virginia to submit an amendment to the State's regulations to satisfy the condition (48 FR 39223, August 30, 1983).

II. Submission of Amendment To Satisfy Condition

On February 10, 1984, Virginia formally submitted a State program amendment to satisfy condition (t). The amendment consists of a proposed revision to the State's regulations which adds to section V786.19, Criteria for Permit Approval or Denial, a new part (o) Stating that "the applicant has submitted proof that all reclamation fees lawfully required under Title IV of the Federal Act have been paid." Virginia indicated that the amendment would become effective upon approval by the Secretary.

Therefore, pursuant to 30 CFR 732.17 and 732.15, the Director seeks public comment on whether Virginia's regulation revision is no less effective than the Federal regulations. If it is determined that the amendment is no less effective than the Federal requirements, the amendment will be approved and incorporated as part of the approved Virginia permanent regulatory program, and condition (t) will be removed.

Additional Determinations

1. *Compliance with the National Environmental Policy Act*: The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act*: On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act*. This rule does not contain information collection requirements which require approval by

the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 946

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

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

Dated: February 23, 1984.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 84–5437 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 264

Property Management; Mount St. Helens National Volcanic Monument Symbol

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish an official symbol for the Mount St. Helens National Volcanic Monument and restrict use of the symbol to the Forest Service, U.S. Department of Agriculture. The rule is needed to protect the symbol from inappropriate commercial use. Under the rule, any unauthorized use could be subject to criminal penalty.

DATE: Comments must be received on or before April 30, 1984.

ADDRESS: Comments and inquiries should be addressed to R. Max Peterson, Chief (1600), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: E. Delmar Jaquish, Deputy Director, Public Information and Involvement, (202) 447–3760.

SUPPLEMENTARY INFORMATION: The Gifford Pinchot National Forest has developed a symbol for the Mount St. Helens National Volcanic Monument to identify the visitor center, publications and other public services provided by the Forest Service in the area.

Based on its day-to-day management experience in the Monument area, the Forest Service has concluded that it is in the public interest to reserve the Mount St. Helens symbol for official Government use only. Intense commercialization has followed the Mount St. Helens volcanic eruption, and there is strong likelihood that, unless use of the Government's official symbol is protected, it will be displayed on souvenirs of all types and quality and offered for sale by commercial vendors. Reserving the symbol of official Government use will avert those commercial uses of the symbol that would be inappropriate to the monument's status as a significant national area and will assist the visiting public in clearly identifying the Government's role in managing the monument and offering public services in the area.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and it has been determined that this proposed rule is not a major rule and does not require a regulatory impact analysis. The proposed rule will have little or no effect on the Nation's economy or substantial numbers of individuals or businesses because its application is limited to one relatively small geographical area.

Small Entity Impact

The Assistant Secretary of Agriculture for Natural Resources and Environment has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore a regulatory flexibility impact analysis is not required.

Environmental Impact

The proposed rule does not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Burden

The proposed rule does not contain an information collection or recordkeeping requirement as defined in the Paperwork Reduction Act of 1980.

List of Subjects in 36 CFR Part 264

Seals and insignia and Signs and symbols.

PART 264—PROPERTY MANAGEMENT

For the reasons set forth above, Part 264 of Title 36, Chapter II, is proposed to be amended by adding a new Subpart B to read as follows:

Subpart B—Mount St. Helens National Volcanic Monument Symbol

Sec.

Authority: 5 U.S.C. 301.

Subpart B—Mount St. Helens National Volcanic Monument Symbol

§ 264.10 Establishment.

There is hereby established an official symbol, as depicted herein, to designate and represent the Mount St. Helens National Volcanic Monument located in the Gifford Pinchot National Forest in the State of Washington.

§ 264.11 Use of symbol.

Except as provided in § 264.12 use of the Mount St. Helens National Volcanic Monument official symbol, including a facsimile thereof, in total or in part, is restricted to official signs, publications, and other materials of the Forest Service, U.S. Department of Agriculture.

§ 264.12 Use without permission.

Business or calling cards commercially prepared at employee expense for employees assigned to the Volcanic Monument may depict the official Monument symbol without special permission from Forest Service officials.

§ 264.13 Unauthorized use.

Except as provided in §§ 264.11 and 264.12, whoever manufactures, sells, or possesses the official symbol of the Mount St. Helens National Volcanic Monument may be subject to criminal penalty under 18 U.S.C. 701.

Dated: February 14, 1984.

John R. Block,

Secretary.

[FR Doc. 84–5364 Filed 2–28–84; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3E2892/3E2911/P323; PH–FRL 2530–6]

Permethrin; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for the combined residues of the insecticide permethrin and its metabolites in or on the raw agricultural commodities eggplant, bell peppers and range

grasses. The proposed regulation to establish maximum permissible levels for residues of the insecticide in or on the commodities was requested, pursuant to petitions submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before March 30, 1984.

ADDRESS: Send written comments by mail to: Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida, Massachusetts, New Jersey, Puerto Rico, Texas and the U.S. Department of Agriculture (PP 3E2892) and New Mexico (PP 3E2911).

These petitions request that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the insecticide permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] and its metabolites 3-(-2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA) calculted as parent in or on the raw agricultural commodities eggplant and peppers (PP 3E2892) at 1.0 part per million (ppm) and range grass (PP 3E2911) at 15.0 ppm. Subsequently, petition 3E2892 was amended to propose a tolerance for eggplant and bell peppers.

The data submitted in the petitions and other relevant material have been evaluated. The pesticide is considered useful for the purposes for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances were discussed in a final rule document [8F2099, 9F2196, 9F2243, 9F2192, OF2425, OF2307, 9F2207, 1F2562, 1F2564/R422] published in the **Federal Register** of October 13, 1982 (47 FR 45008). Tolerances for residues of the insecticide on various raw agricultural commodities have been previously established ranging from 0.05 to 20.0 ppm.

The acceptable daily intake (ADI), based on the 2-year rat chronic feeding/oncogenicity study (NOEL of 5.0 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.05 mg/kg/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 3.0 mg/day. The theoretical maximum residue contribution (TRMC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.9907 mg/day. The current action for eggplant and bell peppers (3E2892) will increase the TMRC by 0.0023 mg/day (0.23 percent) and will utilize an additional 0.08 percent of the ADI. This current action will raise the percent ADI used up to 33.10 percent.

The nature of the residues is adequately understood and an adequate analytical method, gas-liquid chromatography with an electron capture detector, is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical. Neither eggplant nor bell peppers are animal feed items and, therefore, there is no reasonable expectation of residues in eggs, meat, milk or poultry from these tolerances. Existing tolerances are adequate to cover secondary residues resulting from grazing of livestock on treated range grasses (3E2911); harvesting or feeding of treated hay is prohibited.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.378(b) would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 3E2892/3E2911/P323]. All written comments filed in response to this petition will be available in the Program Management and Support Division, at the address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: February 10, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.378(b) be amended by adding and alphabetically inserting the raw agricultural commodities eggplant, bell peppers, and range grass to read as follows:

§ 180.378 Permethrin; tolerances for residues.

* * * * *

(b) * * *

Commodities	Parts per million
* * * * *	
Eggplant	1.0
* * * * *	
Grasses, range	15.0
* * * * *	
Peppers, bell	1.0
* * * * *	

[FR Doc. 84-4828 Filed 2-28-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300086; PH-FRL 2530-7]

Alpha-Alkyl (C_9-C_{18})-Omega-Hydroxypoly(Oxyethylene); Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes to expand the exemption from the requirement of a tolerance for alpha-alkyl (C_9-C_{18})-omega-hydroxypoly (oxyethylene) when used as a surfactant in pesticide formulations. This proposed regulation was requested by BASF Wyandotte Corp.

DATE: Written comments must be received on or before March 30, 1984.

ADDRESS: By mail, submit comments to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Environmental Protection Agency, Rm. 724A, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: By mail, N. Bhushan Mandava, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Registration Support and Emergency Response Branch, Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-7700).

SUPPLEMENTARY INFORMATION: At the request of BASF Wyandotte Corp., the Administrator proposes amending 40 CFR 180.1001(c) by expanding the existing exemption from the requirement of a tolerance for alpha-alkyl (C_9-C_{18})-omega-hydroxypoly(oxyethylene) as a surfactant in pesticide formulations by increasing the poly(oxyethylene) content from 2-20 moles to 2-30 moles. A separate entry is not necessary in order to reflect this change.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own) solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient: Alpha-alkyl(C_9-C_{18})-omega-hydroxypoly(oxyethylene).

Name and address of requestor: BASF Wyandotte Corp., Wyandotte, MI 48192.

Bases for approval:

1. The parent surfactant is cleared in 40 CFR 180.1001(c) under the general heading "*Alpha*-alkyl(C_9-C_{18})-*omega*-hydroxypoly (oxyethylene)"; the poly(oxyethylene) content averages 2-20 moles. The present clearance can be amended to reflect this modest increase in the moles of polyoxyethylene.

2. The Agency does not consider this modest increase in the poly(oxyethylene) content to be of toxicological significance. Accordingly, the present entry in 40 CFR 180.1001(c) should be amended to reflect an increase in poly(oxyethylene) content from 2-20 moles to 2-30 moles.

Based on the above the information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains this inert ingredient, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number, [OPP-300086]. All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Registration Support and Emergency Response Branch at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: February 13, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.1001(c) be amended by revising the listing for *Alpha*-alkyl (C_9-C_{18})-*omega*-hydroxypoly(oxyethlene), to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * *		
Alpha-alkyl(C_9-C_{18})-omega-hydroxypoly(oxyethylene) with poly(oxyethylene) content of 2-30 moles.	.....	Solvent, cosolvent, surfactant, and related adjuvants of surfactants.
* * * * *		

* * * * *

[FR Doc. 84-4827 Filed 2-28-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3E2814/P322 PH-FRL 2533-3]

Ethephon; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the plant regulator ethephon in or on the raw agricultural commodity pumpkins. The proposed regulation to establish a maximum permissible level for residues of ethephon in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments, identified by the document number [PP 3E2814/P322].

must be received on or before March 30, 1984.

ADDRESS: Written comments by mail to: Information Services Section (TS–757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 3E2814 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Illinois.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the plant growth regulator ethephon [(2-chloroethyl) phosphonic acid] in or on the raw agricultural commodity pumpkins at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance were a 2-year dog chronic feeding study with no-observed-effect levels (NOEL) less than, or equal to, 30 ppm [0.75 milligram (mg)/kilogram (kg)] for cholinesterase inhibition (ChE) and 300 ppm (7.5 mg/kg) for systemic effects; a 90-day dog-feeding study with a NOEL of less than 200 ppm (5 mg/kg) for ChE and a NOEL of 1,000 ppm (25 mg/kg) for systemic effects; a 90-day rat feeding study with a NOEL for ChE of 200 ppm (10 mg/kg); a 3-generation rat reproduction study with a NOEL of greater than 1,500 ppm (75 mg/kg, highest level tested) for reproductive effects; a neurotoxicity study (hens) negative at 1,000 mg/kg/day; a 2-year rat chronic feeding study with a NOEL 100 ppm (5 mg/kg) for ChE effects (supplementary); a 2-year rat chronic feeding/oncogenic study with NOEL's of 30 ppm (1.5 mg/kg) for ChE and 3,000 ppm (150 mg/kg) for systemic effects with no oncogenic effects observed under the conditions of the study at all levels tested (0, 30, 300, and 3,000 ppm). The chemical was found to be mutagenic in a mitotic gene conversion test using *Sacchromyces cervisiae* strain D7; and in a reverse mutation test, without metabolic activation, in the same organism. Conversely, the test chemical was found to be negative for mutagenicity in a DNA polymerase deficiency assay in *Escherichia coli*, with and without metabolic activation; in mitotic crossing over in *Saccharomyces cervisiae* without metabolic activation; in a reverse mutation assay in *Salmonella typhimurium*, with and without metabolic activation, and also in a micronucleus test in mice. Studies considered desirable but lacking are more mutagenicity tests in mammalian cells and teratogenicity studies in two species.

Ethephon products contain small quantities (less than 0.03 percent) of ethylene dichloride, a chemical that at high dose resulted in increased incidences of tumors in both rats and mice (NCI studies). Ethylene dichloride is not considered to pose a dietary exposure hazard due to the presence of only trace amounts of the contaminant in ethephon products.

The acceptable daily intake (ADI), based on the 2-year dog feeding study with a NOEL for systemic effects at 7.5 mg/kg/day and using a 100-fold safety factor, is calculated to be 0.075 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 4.5 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.4317 mg/day; the current action will increase the TMRC by 0.00017 mg/day (0.04 percent). Published tolerances utilize 9.6 percent of the ADI; the current action will utilize an additional 0.0038 percent.

The nature of the residues is adequately understood and an adequate analytical methodology, gas-liquid chromatography, is available for enforcement purposes. Residue data to support the proposed tolerance are from the state of Illinois. Since there are no animal feed items involved, there should be no problem with secondary residues. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency the tolerance established by amending 40 CFR 180.300 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request by March 30, 1984, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 3E2814/P322]. All written comments filed in response to this petition will be available in the Program Management and Support Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 17, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.300 be amended by adding and alphabetically inserting the raw agricultural commodity pumpkins to read as follows:

§ 180.300 Ethephon; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Pumpkins	0.1
* * * * *	

[FR Doc. 84–5380 Filed 2–28–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-111; RM-4557]

Major Television Markets in Orlando-Beach and Melbourne, Florida; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to amend the Table of Major Television Markets by including Melbourne, Florida, in the Orlando-Daytona Beach, Florida, hyphenated market in response to a Petition for Rule Making filed by Southern Broadcasting Corporation.

DATE: Comments must be filed on or before April 16, 1984, and reply comments must be filed on or before May 1, 1984.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 76.51 major television markets. (Orlando-Daytona Beach and Melbourne, Florida), (MM Docket No. 84-111; RM-4557).

Adopted: February 3, 1984.
Released: February 22, 1984.
By the Chief, Policy and Rules Division.

Introduction

1. Before the Commission is a petition for reconsideration, filed by Southern Broadcasting Corporation ("Southern"), of the action by the Mass Media Bureau, denying Southern's request that the Commission revise its list of the top 100 television markets set forth in § 76.51 of its cable television rules. Southern, licensee of television Station WMOD-TV, Melbourne, had proposed that Melbourne be added to the existing Orlando-Daytona Beach, Florida (55), designation to create an Orlando-Daytona Beach-Melbourne, Florida, hyphenated market. The Bureau's action is set forth in a *Memorandum Opinion and Order* released October 27, 1983.

2. Southern argues that the Bureau relied on "a fundamental mistake in fact and misconstrued the rationale underlying" the Commission's decision in *Television Muscle Shoals.*[1] According to Southern, that case determined that the term "market" describes the area in which stations can actually or logically expect economic support. Southern asserts that the Bureau erroneously held that all Orlando and Daytona Beach stations fail to place at least a Grade B signal over Melbourne. In this regard, Southern claims that those stations rely on Melbourne for economic support. Southern refers to the supporting comments of Channel 9 of Orlando that all the Orlando, Daytona Beach, and Melbourne stations serve the entire market encompassing these communities and that those communities are merely separate population centers within a single market. Further, Southern notes that it derives "significant revenue" from cities other than Melbourne, that the major networks have but one affiliate each in the "Orlando-Daytona Beach-Melbourne" market, that Arbitron has designated these communities as a single market, that program distributors treat Melbourne as part of the Orlando-Daytona Beach market, and that Congressmen from the "tri-cities" area recognize it as an "integrally connected social, political and economic unit."

3. Southern argues that the Bureau failed to recognize the factual distinction between *Television Muscle Shoals* and the instant situation. According to Southern, in rejecting the request of the licensee of a Florence, Alabama, television station to amend the Huntsville-Decatur, Alabama, market designation to include Florence, the Commission noted that the Florence station did not place a Grade B signal over either Huntsville or Decatur, whereas Southern provides "not only Grade B coverage to most of the market," it also provides a city grade signal over almost 97% of Orlando's population and a Grade A signal over all of Orlando. Southern further asserts that, although petitioner's lack of off-air audience in Huntsville and Decatur resulted from its failure to place a Grade B signal over either community and had nothing to do with the cable television rules, the Bureau, nevertheless, "inexplicably" indicated that this failure was due to the operation of those rules.

4. Southern claims that, although it places a Grade A signal over all of Orlando and Melbourne as well as a Grade B signal over the "bulk of the tri-city area," it is "precluded" from effectively competing with the Orlando and Daytona Beach stations whose signals, according to the Rules, must be carried on the Daytona Beach cable systems. According to Southern, this is the situation which concerned the Commission when it adopted the hyphenated market rule, citing *Cable Television Report and Order*, 36 F.C.C. 2d 143 at 176 (1972).

5. Southern argues that it has demonstrated the requisite need for the proposed designation. According to Southern, program distributors charge stations according to market size, and, since Arbitron includes Melbourne in the Orlando-Daytona Beach market, Southern has to pay significantly higher charges, despite being unable to charge its advertisers at rates comparable to those charged by its competition, whose signals, unlike Southern's, must be carried on the cable systems. Southern asserts that this situation threatens the survival of its station.

6. Southern asserts that, contrary to the Bureau's statement set forth in the *Memorandum Opinion and Order*, the public would benefit from the proposed change in market designation. Southern argues that the primary purpose of the mandatory carriage and hyphenated market cable rules is to equalize competition among stations sharing a market and to assure them access to cable subscribers and vice-versa. According to Southern, the public is served by promoting healthy competition among television stations, and this is the "very purpose" of the hyphenated market rule. Southern asserts that approximately 65,000 cable subscribers in the Orlando-Daytona Beach market cannot receive WMOD, and approximately 23,000 subscribers within WMOD's Grade B contour cannot receive its signal, because WMOD is not carried on cable. Further, Southern claims that the public will benefit from a grant of its request by being able to receive WMOD's independent programming in response to the concerns and interests of the tri-city market. Southern argues that the public, by way of the Arbitron ratings, has demonstrated its desire to receive programming from the tri-city market stations.

Discussion

7. The major market list set forth in § 76.51, the mandatory carriage provisions of §§ 76.61 and 76.63 and the Commission policy regarding hyphenated market designations are intended to provide all stations licensed to particular markets with the opportunity to compete by providing them and their audiences access to each other. As noted by the Bureau in its *Memorandum Opinion and Order*, the Commission added § 76.51 to its Rules in order to list the 100 major television markets whose stations are entitled to certain benefits. See *Television Muscle*

[1] 48 R.R. 2d 1191 (1980), *Recon. denied*, 87 F.C.C. 2d 507 (1981).

Shoals, supra at 1192. In establishing this list, the Commission recognized that certain markets are characterized by more than one population center supporting all stations in the market but with different stations licensed to different cities within the market. Sections 76.61 and 76.63 were adopted to help equalize competition among stations in such hyphenated markets where portions are occasionally located beyond the Grade B contours of some stations licensed in that market. *Cable Television Report and Order, supra,* at 176.

8. Southern correctly asserts that "market" refers to the area in which stations can actually or logically expect economic support, citing *Television Muscle Shoals.* In this regard, Southern is also correct that the Bureau should have noted that Melbourne lies within the Grade B contours of the Orlando and Daytona Beach stations. In fact, although not specifically set forth in the text of the petition for rule making, the map, which is a part of Exhibit 3 thereto, does show the Grade B contours of those stations encompassing Melbourne. Thus, it appears that Southern's claim that it derives "significant revenue" from other cities, including Orlando, is credible. This along with the other indicia of a single market set forth by Southern, justifies proposing the hyphenated market designation, as requested.

9. Accordingly, the Commission proposes to amend the Table of Major Television Markets, § 76.51 of the Commission's Rules, as follows:

Present	Proposed
(55) Orlando-Daytona Beach, Florida.	Orlando-Daytona Beach-Melbourne, Florida.

10. It is further ordered, That the petition for reconsideration filed by Southern Broadcasting Corporation, is granted.

11. Regulatory Flexibility Act Initial Analysis.

I Reason for Action

This action derives from a request for a rule making filed with the Commission. In this proceeding, we seek to develop a record and to elicit comments on a proposed rule. The proposed rule is part of the Commission's ongoing review and evaluation of its rules and policies.

II. (a) Objective

This proceeding will elicit comments on the public interest benefits of the proposed rule change in accordance with fulfilling the mandate of § 309(a) of the Communications Act of 1934, as amended.

(b) *Legal Basis.* The legal basis for eliciting comments on this proposed rule is found in §§ 4(i) and 303(r) of the Communications Act.

III. Description, Potential Impact and Number of Small Entities Affected

The proposed rule change would have no significant impact on small entities.

IV. Recording, Record Keeping and Other Compliance Requirements

There is no additional impact.

V. Federal Rules Which Overlap, Duplicate or Conflict With the Proposed Rule Change

There is no overlap, duplication, or conflict.

VI. Any Significant Alternative Minimizing Impact on Small Entities and Consistent With Stated Objectives

There is no significant alternative.

Filing Responses to This Notice

12. Interested parties may file comments on or before April 16, 1984, and reply comments on or before May 1, 1984.

13. The action herein is taken pursuant to authority found in §§ 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1943, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules.

14. *Showings Required*—Comments are invited on the proposal discussed in this *Notice of Proposed Rule Making.* Proponent will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed amendment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings.

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

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

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

18. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of the proposed rule on small entities. Written public comments are requested on the IRFA. The comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice,* but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this *Notice,* including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. 601, *et seq.* (1981).

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

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 305)

Federal Communications Commission
Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-5404 Filed 2-28-84; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Finding on a Petition To List the Alligator Snapping Turtle as a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of finding on a petition to list the alligator snapping turtle as a threatened species.

SUMMARY: The Service announces its findings on a petition by Dr. Peter C. H. Pritchard to list the alligator snapping turtle (*Macroclemys temmincki*) under provisions of the Endangered Species Act to 1973, as amended (the Act). This petition was received by the Service on February 23, 1983. Provisions of the Endangered Species Act Amendments of 1982. (Amendments) require that a finding be made within one year of the receipt of a petition; as a result of the review by the Service of the biological information available on this species, it was concluded that listing as an endangered or threatened species is not justified at present.

DATE: The finding described in this notice was made on February 10, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Alex Montgomery, Endangered Species Specialist, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring St. SW., Atlanta, Georgia 30303 (404/221-3583), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

The 1982 amendments to the Endangered Species Act require a finding to be made within 12 months of petition receipt for any petition accepted for review in accordance with paragraph A or D(i) of Section 4(b)(3) as amended. Pursuant to paragraph B or D(ii) of Section 4(b)(3), this determines whether or not the requested action is warranted. The finding and any further procedures to be undertaken (for example species listing or delisting, critical habitat revision, or necessary postponement of such actions) are to be announced promptly in the **Federal Register.**

The alligator snapping turtle (*Macroclemys temmincki*) was included in the Review of Vertebrate Wildlife for Listing as Endangered or Threatened Species, published in the **Federal Register** on December 30, 1982. It was placed in category 2, "* * * information now in possession of the Service indicates that proposing to list the species as endangered or threatened is possibly appropriate, but for which substantial data are not currently available to biologically support a proposed rule." These data consisted primarily of the species' occurrence on approximately half of the official and unofficial protected species lists compiled in various States throughout its range. No specific population status data were available at that time.

On February 23, 1983, the Fish and Wildlife Service (Service) was petitioned by Dr. Peter C. H. Pritchard to list the alligator snapping turtle. The petition included a report prepared by Dr. Pritchard and was accepted as providing substantial information "* * * that the petitioned action may be warranted." The report consisted of a review of available literature on the species' taxonomic and evolutionary relationships, morphology, life history, distribution, exploitation, and population status. Researchers and commercial trappers familiar with the species were interviewed for the report; little or no field work was done.

According to Dr. Prichard's report, alligator snapping turtles have been reported in over 67 rivers, creeks, lakes, and other systems in 14 States. Anecdotal information was reported from about 37 populations. Reduced populations were reported in nine (eight in Louisiana) and good populations were reported in 16. Although the other 12 were reported to have low populations, nine of those were in marginal habitat.

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, requires that the Service make a finding whether a petition to list, reclassify, or delist a species presents substantial scientific or commercial information that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of receipt of the petition, and the finding is to be published promptly in the **Federal Register.** Similarly, Section 4(b)(D)(i) of the Act requires a finding within 90 days on a petition to revise critical habitat, with prompt publication of the finding. When a positive finding is made on a petition to list, reclassify, or delist a species, the Service is required to promptly commence a review of the status of the species.

On June 14, 1983, the Service published a notice in the **Federal Register** (48 FR 27273-4) to the effect that this petition did contain a substantial amount of data to indicate that an action "may be warranted." Although the species was already included in the December 30, 1982 review of vertebrate species, an additional effort was made to contact States, other Federal agencies, interested scientists, and private individuals concerning the status of this species.

Finding

During the review of status, which was coordinated by the Service's Atlanta Regional Office, knowledgeable herpetologists and responsible State agencies were contacted for their comments and recommendations. The Service's Albuquerque, New Mexico, and Twin Cities, Minnesota, Regional Offices also participated in the review, as did the Asheville, North Carolina, and Jacksonville, Florida, Endangered Species Field Stations. All comments were eventually collected and reviewed by the Jackson, Mississippi, Endangered Species Field Station.

Over 10 new collection records were received, and the species' range was extended into at least nine more counties than were documented in Dr. Pritchard's report. However, over half of the commenters did not address the turtle's status, and no significant new information was received on its specific population trends or threats to its existence.

Furthermore, among the comments expressing an opinion about the species' status, there are many contradictions. For example, Dr. Pritchard indicated that the species is in severe trouble in Louisiana, but two comments from the Louisiana Department of Wildlife and Fisheries indicate that the species is still common throughout the State, that it needs no management, and that they are strongly opposed to Federal listing. Similarly, from Alabama, two State agency officials and a zoo herpetologist indicated that listing is not necessary,

while two Auburn University researchers favored it. In Florida, where Dr. Pritchard cited previous reports from State herpetologist Paul Moler and the late Service herpetologist Dr. Howard Campbell indicating at least localized population declines, there is no State support for listing at this time, although they are receptive to further study. A researcher in Arkansas stated that the species is not rare in that State; no official State comment was received. On the other hand, two States—Oklahoma and Texas—indicated they see a possible benefit from Federal listing. None of these opinions were supported by significant new data.

Eight comments generally indicated that additional field work should be conducted. In regard to the importance of a monitoring program, three comments indicated it would be beneficial, one considered it a low priority, and one said it was necessary. Other management recommendations received included a Savannah River Ecology Laboratory ecologist's suggestion for a moratorium on commercial exploitation and for a captive breeding program to enhance recruitment.

The alligator snapping turtle is classified as "rare" in Missouri, "in need of management" in Tennessee, and is under review for State listing in Texas. The Tennessee designation provides some protection to the species and its habitat. Although the turtle is not included in the very extensive State of Florida list, that State does effectively prohibit commercial exploitation of the species. It is not included on the State lists, and receives no State protection, in Georgia or Arkansas. No other States within its range have official lists. Louisiana law prohibits collection of its eggs, and Mississippi requires nonresident commercial trappers to obtain a permit.

No significant additional research or field data were documented in this review beyond that already presented by Dr. Pritchard with his petition. Existing data indicate that of the 67 aquatic systems inhabited by the species, nine have reduced populations, eight of which are in Louisiana. Although there has been some excessive harvest causing local population declines in Florida and Louisiana, the former State now prohibits commercial take, while the latter believes that the species is in no trouble. There is no consensus about the status of the species.

Habitat alterations such as dam building and dredge spoil disposal have been cited as potential threats, but such activities could also potentially increase nesting sites. The specific effects of water pollution, dredging, salt water intrusion, and land use changes on the turtle have not been documented. As a result of the review of the biological and commercial information as discussed above, the Service, in a decision dated February 10, 1984, concluded that there were still not sufficient data to determine that the alligator snapping turtle should be listed under provisions of the Act.

The discussion of "Category 2" species in the December 30, 1982, **Federal Register**, which first announced a status review of the alligator snapping turtle, stated that "Further biological research and field study will usually be necessary to ascertain the status of the taxa in this category * * *." This is still the case for the alligator snapping turtle. Although some local populations may have been depleted, available data do not show that the species is in danger of extinction throughout all or a significant portion of its range, nor that it is likely to become so within the foreseeable future. The status review will be continued through correspondence with agencies and experts, and positive management actions will be encouraged where possible. A population status survey is desirable for future monitoring of the population trends of the species.

Author

This notice was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975) based on information supplied by the Atlanta Regional Office.

List of Subjects in 50 CFR Part 17

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

(Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*)

Dated: February 23, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-5443 Filed 2-28-84; 8:45 am]

BILLING CODE 4310-07-M

Notices

Federal Register
Vol. 49, No. 41
Wednesday, February 29, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement for Leasing Automated Historic Lighthouses

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: This notice announces the availability of, provides information about, and invites comment on a proposed Programmatic Memorandum of Agreement (PMOA) for leasing automated historic lighthouses under the Lighthouse Automation and Maintenance Program (LAMP) of the United States Coast Guard, Department of Transportation.

DATE: COMMENTS DUE: Comments must be submitted on or before.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, The Old Post Office Building, 1100 Pennsylvania Avenue NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Copies of the Agreement and additional information are available from Dr. Janet Friedman, Advisory Council on Historic Preservation, The Old Post Office Building, Suite 803, 1100 Pennsylvania Avenue NW., Washington, DC 20004, (202) 786–0505.

Additional Information

Coast Guard has established a Lighthouse Automation and Modernization Program (LAMP). Under this program, many lighthouses which are still needed as aids to navigation and which may be listed on or eligible for the National Register will no longer have permanent operation and maintenance staff on site. The Coast Guard has determined that this may have an adverse effect on properties which have played a significant role in the history of transportation and navigation in our Nation.

The Coast Guard and the Advisory Council on Historic Preservation have developed a Programmatic Memorandum of Agreement per the Council's regulations 36 CFR Part 800.8. This Agreement provides a mechanism for the Coast Guard to inventory historic lighthouses, notify a wide range of potentially interested public groups about their availability, and lease them under terms which will insure that the lighthouses are maintained and renovated in an historically sensitive manner. Lessees will be non-profit groups, individuals, or profit organizations which agree to apply profits from the use of the lighthouse to its maintenance, to preserve its historic character, and to make the structure available to the public.

Dated: February 22, 1984.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 84–5302 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 24, 1984.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 108–W Admin. Bldg., Washington, D.C. 20250, (202) 447–4414.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

New

• Human Nutrition Information Service
Puerto Rican Household Food Consumption Survey, 1984
One-Time
Individuals or Households: 2,600 responses; 4,316 hours; not applicable under 3504(h)
Robert Reese (301) 436–8484

Larry K. Roberson,

Acting Department Clearance Officer.

[FR Doc. 84–5448 Filed 2–28–84; 8:45 am]

BILLING CODE 3410–01–M

Commodity Credit Corporation

1984 Upland Cotton Program; Determinations Regarding the Proclamation of 1984-Crop Program Provisions for Upland Cotton

AGENCY: Commodity Credit Corporation.

ACTION: Notice of Determinations of the 1984 upland cotton loan rate, established (target) price, acreage reduction program, and related program provisions.

SUMMARY: The purpose of this notice is to affirm the following determinations made by the Secretary of Agriculture on October 28, 1983 with respect to the 1984 crop of upland cotton: (1) A loan rate for Strict Low Middling one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) of 55.00 cents per pound; (2) an established (target) price of 81.00 cents per pound; (3) an acreage reduction program with a uniform required reduction of 25 percent; (4) a seed cotton loan rate comparable to the loan rate for lint cotton; and (5) related program provisions. These

determinations are required to be made in accordance with section 103(g) of the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act").

EFFECTIVE DATE: October 28, 1983.

ADDRESS: Dr. Howard C. Williams, Director, Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Deputy Director, Analysis Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447–7954. The Final Regulatory Impact Analysis describing the options considered in developing this Notice of Determination is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been designated as "major". It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The titles and numbers of the federal assistance programs that this notice applies to are: TITLE—Cotton Production Stabilization, Number 10.052 and TITLE—Commodity Loans and Purchases, Number 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that a notice of proposed rulemaking be published in accordance with 5 U.S.C. 553 or any other provision of law with respect to the subject matter of these determinations.

A supplemental environmental impact statement has been completed and it has been determined this action will have no significant adverse environmental impacts.

This notice sets forth determinations with respect to the following issues which are briefly described:

1. *The Loan Level.* Section 103(g)(1) of the Act provides that the loan level for 1984-crop upland cotton must reflect for Strict Low Middling one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States, the smaller of: (1) 85 percent of the average price (weighted by market and month) of Strict Low Middling one-and-one-sixteenth-inch cotton as quoted in the designed United States spot markets during three years of the five-year period ending July 31, 1983, excluding the years of the highest and lowest average prices, or (2) 90 percent of the average, for the fifteen week period beginning July 1, 1983 of the five lowest priced growths of the growths quoted for Middling one-and-three-thirty-seconds-inch cotton, C.I.F. northern Europe (adjusted downward by the average difference during the period April 15, 1983 through October 15, 1983 between such average northern European price quotations and the market quotations in the designated United States spot markets for Strict Low Middling one-and-one-sixteenth-inch cotton (micronaire 3.5 through 4.9)). The loan level cannot be less than 55 cents per pound. If the northern European calculation is less than the United States spot market calculation, the Secretary may increase the loan level, but not in excess of the United States spot market calculation.

2. *Establish (Target) Price.* Section 103(g)(3)(B) of the Act provides that the established price for 1984-crop upland cotton shall not be less than the higher of (a) 81 cents per pound plus any adjustments for changes in production costs or (b) 120 percent of the loan level determined in accordance with section 103(g)(1). Section 103(g)(3)(C) provides that the established price may be adjusted as the Secretary determines to be appropriate to reflect any change in (a) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the determination is made (1982 and 1983) from (b) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made (1981 and 1982). The adjusted cost of production for each of such years may be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate and may include variable costs, machinery ownership costs, and general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

3. *Advance Deficiency Payments.* Section 107C(b)(1)(B) of the Act provides that if the Secretary establishes an acreage limitation (reduction) program for upland cotton and determines that deficiency payments will likely be made for such crop, the Secretary may make available advance deficiency payments to producers who agree to participate in such program.

4. *The National Program Acreage (NPA).* Section 103(g)(5) of the Act provides that the Secretary shall proclaim a national program acreage (NPA) for the 1984 crop by November 1, 1983. Such NPA may, however, be revised for the purpose of determining the allocation factor if the Secretary determines it necessary based upon the latest information. Any revision shall be announced as soon as it has been made. The NPA shall be the number of harvested acres the Secretary determines necessary, based on the estimated weighted national average of the farm program yields for the 1984 crop, to produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the 1984–85 marketing year. The Secretary may make such adjustments in the NPA as he determines necessary, taking into consideration the estimated carryover supply, so as to provide for an adequate but not excessive total supply of cotton for the 1984–85 marketing year. In no event shall the national program acreage be less than 10 million acres. If an acreage reduction program is implemented for the 1984 crop of upland cotton, the NPA determination is not applicable.

5. *Voluntary Reduction Percentage.* Section 103(g)(7) of the Act provides that the individual farm program acreage for the 1984 crop of upland cotton that is eligible for payments shall not be further reduced by application of an allocation factor if the producer reduces the acreage of upland cotton planted for harvest on the farm from the acreage base established for the farm for the 1984 crop of upland cotton by at least the percentage recommended by the Secretary in the proclamation of the national program acreage for the 1984 crop. If an acreage reduction program is implemented for the 1984 crop of upland cotton, the voluntary reduction percentage shall not be applicable to such crop.

6. *Acreage Reduction Program.* Section 103(g)(9)(A) of the Act provides that the Secretary may establish a limitation on the acreage planted to upland cotton if the Secretary determines that the total supply of upland cotton, in the absence of such limitation, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each cotton producing farm. Producers who knowingly produce cotton in excess of the permitted cotton acreage for the farm shall be ineligible for cotton loans and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of an

acreage limitation shall be the acreage planted on the farm to upland cotton for harvest in the crop year immediately preceding the year for which the determination is made or, at the discretion of the Secretary, the average acreage planted to upland cotton for harvest in the two crop years immediately preceding the year for which determination is made. For the purpose of determining the acreage base, the acreage planted to upland cotton for harvest shall include any acreage which producers were prevented from planting to cotton or other nonconserving crop because of a drought, flood, or other natural disaster or other condition beyond the control of producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines necessary to establish a fair and equitable base. A number of acres on the farm determined by dividing: (a) The product obtained by multiplying the number of acres required to be withdrawn from the production of upland cotton times the number of acres actually planted to upland cotton, by (b) the number of acres authorized to be planted to upland cotton in accordance with the acreage limitation established by the Secretary, shall be devoted to approved conservation uses in accordance with regulation issued by the Secretary.

7. *Land Diversion Program.* Section 103(g)(9)(B) of the Act provides that the Secretary may make land diversion payments to producers of upland cotton, whether or not an acreage limitation (reduction) program is in effect, if the Secretary determines that such payments are necessary to assist in adjusting the total national acreage of upland cotton to desirable goals.

8. *Payment-In-Kind (PIK) Program.* The Payment-In-Kind Program for upland cotton is authorized by the Agricultural Act of 1949 and the Commodity Credit Corporation Charter Act. Section 107 (g)(9)(B) of the Act authorizes the Secretary to make land diversion payments to producers of upland cotton if the Secretary determines that the payments are necessary to assist in adjusting the total national acreage of upland cotton to desirable goals. The Commodity Credit Corporation Charter Act (15 U.S.C. 714 *et seq.)* gives the Corporation broad authority to support the price of agricultural commodities, stabilize agricultural commodity markets and remove and dispose of agricultural surpluses.

9. *Offsetting Compliance.* Section 103(g)(14) of the Act provides that the Secretary may issue such regulations as the Secretary determines to be necessary to carry out the upland cotton program. In some prior crop years, the Secretary has promulgated regulations providing for offsetting compliance requirements. If offsetting compliance is required, operators and owners of farms, in order to be eligible for program benefits, would have to ensure that all of the farms in which they had an interest were either in compliance with program requirements or that the acreages of upland cotton planted for harvest on each of such farms did not exceed the upland cotton acreage bases which were established for such farms.

10. *Loan Level for Seed Cotton.* Section 103(g)(18) of the Act provides that, in order to assist cotton producers in the orderly ginning and marketing of their cotton production, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act.

A notice that the Secretary was preparing to make determinations with respect to the 1984 crop of upland cotton was published in the **Federal Register** on August 5, 1983. A total of 42 responses was received. A majority of the comments are grouped and summarized into the following 12 categories: (1) The loan rate; (2) the target price; (3) advance deficiency payments; (4) the national program acreage; (5) the voluntary reduction percentage; (6) the acreage reduction program (ARP); (7) the acreage base; (8) the payment-in-Kind program (PIK); (9) the cash land diversion program (LDP); (10) combinations of ARP/LDP/PIK; (11) the loan rate for upland seed cotton; and (12) off setting compliance.

1. *Loan Rate:* A total of 25 comments was received with respect to the loan rate with 13 favoring a 55 cent loan rate and 2 favoring a higher loan rate. Four respondents favored a loan rate based on the world supply and demand situation while one favored a loan rate based on the domestic supply and demand situation. Four respondents favored quality and staple length adjustments to the loan rate based on actual marketings. The remaining respondent favored a loan rate adjusted by the inflation rate.

2. *Established (Target) Price:* A total of 26 comments was received with 13 opposed to a target price freeze and 6 favoring a target price freeze. Two respondents favored a target price based on the cost of production, and two favored a target price based on a percent of the loan rate. One respondent supported a reduction in the increase in the target price if determined efforts were made to expand export markets. One respondent favored a target price which would keep efficient producers solvent. Another respondent favored elimination of target prices.

3. *Advance Deficiency Payments:* All eight comments received favored the use of advance deficiency payments.

4. *National Program Acreage (NPA):* Two of the three comments received favored a ten million acre minimum NPA, while the other comment favored an NPA established to achieve a 3.5 to 4.0 million bale carryover.

5. *Voluntary Reduction Percentage (VRP):* Three comments were received with two respondents indicating there was no need for a VRP, and another respondent favoring a 20 percent VRP.

6. *Acreage Reduction Program (ARP):* A total of 22 comments was received with 15 favoring a voluntary ARP, 3 favoring a mandatory ARP, 1 opposing an ARP unless carryout is more that 5 million bales, and 1 opposing an ARP. Of those comments favoring an ARP, most recommended an acreage reduction ranging from 20 to 30 percent. Two of the respondents favored requiring ARP participants to execute binding contracts at the time of enrollment.

7. *Acreage Base:* A total of 14 comments was received regarding the acreage base. Five respondents were in favor of an acreage base at no less than the 1983 level, while one respondent favored the elimination of acreage bases. One respondent supported establishing or increasing acreage bases at 50 percent of the previous year's planting, while another favored a proposal that new land brought into production not be eligible for government programs for 5 years. Another respondent favored calculating the acreage base by averaging acreage planted during the previous 2 years preceding the year the determination is made. One respondent favored taking into account the planting of alfalfa during the past three years, while another favored taking into account row width. One respondent supported making cross-tabulations of acreage bases, and one indicated that current methods of establishing acreage bases overstated actual national acreage bases. One other respondent suggested that for non-participating 1983 farms, the acreage base in 1984 should be the average of 1982 and 1983 planted acreage plus considered planted acreage, while for participating 1983

farms, the acreage base in 1984 should be the higher of 1982 or 1983 planted plus considered planted acreage.

8. *Payment-In-Kind (PIK) Program:* A total of 21 comments was received on the PIK program with 14 favoring and 7 opposing its use in 1984.

9. *Cash Land Diversion Program (LDP):* A total of 12 comments was received regarding the LDP with 6 favoring and 6 opposing a LDP. Of the comments favoring a LDP, the recommended acreage reduction ranged from 20 to 50 percent with most recommending a 25 percent reduction.

10. *Combinations of ARP/LDP/PIK:* A total of seven comments was received favoring an ARP with a PIK or LDP. All favored at least a 15 percent ARP. Three respondents suggested a plant-for-PIK or special PIK in addition to an ARP.

11. *Loan Rate for Upland Seed Cotton:* A total of 12 comments was received. Nine respondents favored retention of the present program under which the Secretary is required to make recourse loans available to producers for upland seed cotton. Two respondents commented that a loan program for upland seed cotton was not necessary, and one suggested a 55 cent per pound loan rate for upland seed cotton.

2. *Offsetting Compliance:* Seventeen of the 18 comments received opposed requiring offsetting compliance. Once respondent favored requiring offsetting compliance.

A number of the determinations with respect to the upland cotton program are require by section 103(g) of the Act of be made not later than November 1 of the calendar year preceding the year for which the determinations are made. On October 28, 1983, the Secretary announced by press release the program provisions for the 1984 crop of upland cotton. Since the only purpose of this notice is to affirm the program determinations previously announced, it has been determined that no further public rulemaking is required with respect to the following determinations:

Determinations

1. *Local Level.* Based on the formula prescribed in section 103(g)(1) of the Act, the loan rate for Strict Low Middling one-and-one-sixteeth-inch upland cotton (micronaire 3.5 through 4.5) at average location in the United States has been determined to be 55.0 cents per pound. This loan rate is the minimum level allowed under section 103(g)(1).

The United States spot market calculation is as follows: (1) Weighted average spot market prices for Strict Low Middling one-and-one-sixteenth-inch upland cotton, micronaire 3.5 through 4.9:

August 1978 through July 1979—61.01 cents
August 1979 through July 1980—68.87 cents
August 1980 through July 1981—83.77 cents
August 1981 through July 1982—57.66 cents
August 1982 through July 1983—61.79 cents

(2) Average spot market price of the five years, excluding the highest and lowest years—63.89 cents.

(3) Loan rate based on U.S. spot market calculation—54.31 cents.

The northern European calculation is as follows:

(1) Average northern European quotation for Middling one-and-three-thirty-seconds-inch cotton, July 1 through October 13, 1983—89.35 cents.

(2) Average difference between average northern European quotation and the U.S. spot market average for Strict Low Middling one-and-one-sixteenth-inch cotton (micronaire 3.5 through 4.9), April 15 through October 15, 1983—16.73 cents.

(3) Adjusted northern European average—72.62 cents.

(4) 90 percent of adjusted average—65.36 cents.

The smaller of the two calculations is the U.S. spot market calculation. Since the loan rate based on the spot market calculation is less than the statutory minimum of 55 cents per pound, the 1984 loan rate is 55 cents per pound.

2. *Established (Target) Price.* In accordance with the provisions of section 103(g)(3) of the Act, the 1984 established (target) price has been determined to be the statutory minimum level of 81 cents per pound. The minimum target price of 81 cents per pound is five cents above the 1983 target price of 76 cents per pound and will attract adequate participation in the acreage reduction program. It is felt that any further increases in the target price would encourage excessive upland cotton production.

3. *Advance Deficiency Payments.* In accordance with the provisions of section 107C(b) of the Act, it has been determined that there will be no advance deficiency payments for the 1984 crop of upland cotton. Advance deficiency payments are not necessary as an incentive for participation with respect to the 1984 Upland Cotton Program because sufficient producer participation is anticipated without the use of such payments.

4. *National Program Acreage.* In accordance with section 103(g)(9)(A) of the Act, it has been determined that the NPA will not be applicable to the 1984 crop of upland cotton since an acreage reduction program has been announced.

5. *Voluntary Reduction Percentage.* In accordance with section 103(g)(9)(A) of the Act, it has been determined that the voluntary reduction percentage will not be applicable to the 1984 crop of upland cotton since an acreage reduction program has been announced.

6. *Acreage Reduction Program.* In accordance with the provisions of section 103(g)(9)(A) of the Act, it has been determined that a 25 percent reduction shall be applicable to the acreage planted to upland cotton in 1984. Producers will be required to limit their production of upland cotton to the permitted cotton acreage for the farm in order to be eligible for price support loans and deficiency payments for the 1984 crop of upland cotton. The Secretary has determined that the total supply of upland cotton, in the absence of such limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The 25 percent reduction requirement was selected because it achieves the best balance among the multiple objectives of providing an adequate supply of upland cotton for domestic and foreign utilization, maintaining adequate carryover stocks, supporting farm income, combating inflation, holding down Treasury costs, and conserving natural resources.

Acreage designated for conservation use must be cropland that was devoted to row crops or small grains in two of the last three years, except for a summer fallow rotation. In order for acreage which is in a summer fallow rotation to be designated as conservation use acreage, such land must be acreage that was devoted to row crops or small grains in one of the last two years.

The 1984 acreage base for upland cotton farms, other than those farms where there is an established crop rotation, shall be the average of the acreage planted and considered planted to upland cotton for harvest in 1982 and 1983. With respect to upland cotton farms where there is an established crop rotation, the acreage base shall be the acreage planted and considered planted to upland cotton for harvest in immediately prior years that correspond to the farm's rotation.

Contracts signed by program participants for the acreage reduction program will be considered to be binding contracts and will provide for liquidated damages for the participant's

failure to comply with the terms and conditions of such contracts.

Eligible land on which permanent conservation practices were established in 1982 or a subsequent year will be eligible for designation as conservation use acreage under any acreage reduction, set-aside, or diversion program authorized by the Act as long as the practice is maintained. These conservation practices will be eligible for cost-sharing assistance under the Agricultural Conservation Program.

7. *Land Diversion Program.* In accordance with section 103(g)(9)(B) of the Act, it has been determined that there will be no cash land diversion payments for the 1984 crop of upland cotton. It has been determined that there will be sufficient producer participation in the acreage reduction program without such an incentive.

8. *Payment-In-Kind (PIK) Program.* It has been determined that no payment-in-kind program will be established for the 1984 crop of upland cotton. A PIK program will not be needed for the 1984 crop because sufficient producer participation in the acreage reduction program is anticipated without such incentive.

9. *Offsetting Compliance.* It has been determined that offsetting compliance is not necessary to assist in adjusting the production of upland cotton to desirable goals. Therefore, offsetting compliance will not be required as a condition of eligibility for participation in the 1984 upland cotton acreage reduction program.

10. *Loan Level for Seed Cotton.* In accordance with section 103(g)(18) of the Act, recourse loans will be made available for the 1984 crop of upland seed cotton. Seed cotton shall be converted to a lint basis for loan-making purposes, and loan levels with respect to such cotton will be the same as those applicable to lint cotton.

Authority: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 103(g)(1), 107C and 401, 66 Stat. 758, as amended, 95 Stat. 1234, as amended, 96 Stat. 766, 63 Stat. 1054, as amended (7 U.S.C. 1441, 1444, 1445b–2, 1421).

Signed at Washington, D.C., February 24, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84–5441 Filed 2–28–84; 8:45 am]

BILLING CODE 3410–05–M

Packers and Stockyards Administration

Proposed Posting of Stockyards

The Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

MO–260—Ozark Regional Stockyard, West Plains, Missouri

UT–117—Cal Loe, St. George, Utah

Notice is hereby given that pursuant to authority under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), it is proposed to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by March 15, 1984.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protection Branch during normal business hours.

Done at Washington, D.C., this 23rd day of *February, 1984.*

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 84–5359 Filed 2–28–84; 8:45 am]

BILLING CODE 3410–02–M

COMMISSION ON CIVIL RIGHTS

Nebraska Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will convene at 10:30 a.m. and will end at 1:30 p.m., on March 30, 1984, at the InterNorth East Annex Building, 2027 Dodge Street, Omaha, Nebraska 68102. The purpose of the meeting is to update an Omaha Police-Community Relations Study and to discuss project plans for fiscal year 1984.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Mrs. Shirley M. Marsh, at (402) 471–2734 or the Central States Regional Office at (816) 374–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 23, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–5337 Filed 2–28–84; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 5–84]

Foreign-Trade Zone 78, Nashville, Tennessee; Proposed Foreign-Trade Subzones at TVA Facilities in the Hartsville and Phipps Bend, Tennessee, Areas

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Metropolitan Nashville-Davidson County Port Authority, Grantee of FTZ 78, on behalf of the Tennessee Valley Authority (TVA) requesting authority to establish special-purpose foreign-trade subzones at the TVA Hartsville Nuclear Plant Site, near Hartsville, Tennessee on State Highway 25, in Trousdale and Smith Counties, adjacent to the Nashville Customs port of entry, and at the TVA Phipps Bend Nuclear Plant Site, U.S. Route 11, near Surgoinsville, Tennessee, in Hawkins County, some 85 miles northeast of the Knoxville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 23, 1984. The applicant is authorized to make this proposal under Section 7–5–107, Tennessee Code Annotated, as amended by Public Chapter 295, Public Acts of 1981.

Subzone status is being requested for storage facilities at the two plant sites in which certain imported turbine generator parts for three nuclear plants are stored. Some $12.8 million in Customs duties was paid on parts imported up to May 1980. From then on, items subject to some $9 million in Customs duties was stored in bonded warehouses. The purpose of subzone status is to extend the duty-free storage on items subject to $9 million in duties and to assist TVA in obtaining drawback payments on items which are

still eligible for drawback of up to some $700,000 in duties paid. The costs involved, if not avoided, would be passed on to TVA ratepayers.

The TVA power system is totally self-financed through electric rates and the sale of revenue bonds. The system is the nation's largest, serving some 7 million persons and businesses through local distributors. TVA is required by law to sell power at rates as low as feasible.

The situation that led to this proposal arose because of the cancellation of the Phipps Bend Nuclear Plant Project and an indefinite deferral of the Hartsville project. Other remedies have been considered in consultation with Customs officials, but it appears that none are available except foreign-trade zone procedures.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Douglas D. Angle, Acting District Director, U.S. Customs Service, South Central Region, 423 Canal Street, New Orleans, LA 70130; and Colonel William T. Kirkpatrick, District Engineer, U.S. Army Engineer District Nashville, P.O. Box 1070, Nashville, TN 37202.

Comments concerning the proposed subzones are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before March 21, 1984.

A copy of the application is available for public inspection at each of the following locations:

Metropolitan Nashville-Davidson County Port Authority Offices, Room 926, Stahlman Building, Nashville, TN 37201.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: February 24, 1984.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-5473 Filed 2-28-84; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATS: Comments on this application must be submitted on or before March 20, 1984.

ADDRESS: 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 this application as "Export Trade Certificate of Review, application number 84-00008."

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 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 48 FR 10596-10604 (Mar. 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export trade, export trade activities and methods of operation 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 unreasonable enhance, stablize, 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 General concurs, that the proposed conduct meet 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 15937-10 (April 13, 1984).

Request for Public Comments

The Office of Export Trading Company Affairs (OETCA) is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register** identifying the persons submitting the application and summarizing the conduct proposed for certification. The OETCA and the applicant have agreed that this notice fairly represents the conduct proposed for certification. Through this notice, OETCA seeks written comments from interested persons who have information relevant to the Secretary's determination to grant or deny the application below. Information submitted by any person in connection with the application(s) is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

The OETCA will consider the information received in determining whether the proposed conduct is "export trade," "export trade activities," or a "method of operation" as defined in the Act, regulations and guidelines and whether it meets the four certification standards. Based upon the public comments and other information gathered during the analysis period, the Secretary may deny the application or issue the certificate with any terms or conditions necessary to assure compliance with the four standards.

The OETCA has received the following application for an Export Trade Certificate of Review.

Applicant: United Export Trading Company, Inc. (UNEXTRA), 1605 West Olympic Boulevard, Suite 1057, Los Angeles, California 90015, Telephone: (213) 380-1612.

Application #: 84-00008.

Date Received: February 10, 1984.

Date Deemed Submitted: February 16, 1984.

Members in Addition to Applicant: None.

Controlling Entity: United ExtraCorp; Los Angeles, California.

Summary of Application: The United Export Trading Company, Inc. (UNEXTRA) has submitted an application seeking certification for the following export-related activities:

A. *Export Markets and Export Trade*

The Applicant intends to export, on a worldwide basis, agricultural produce and processed food products; floor coverings; apparel; industrial inorganic chemicals; drugs; paints and allied products; agricultural chemicals; adhesives and sealants; farm machinery and equipment; food products machinery; office and computing machines; communications equipment; electronic components; industrial process controls; instruments to measure electricity; X-ray equipment, medical instruments and supplies; sporting goods; and toys. The Applicant intends to facilitate Export Trade by providing directly or arranging for the following Export Trade Services; consulting; international market research; advertising and sales promotion; marketing; insurance; product research and design; legal assistance; transportation, including trade documentation and freight forwarding, communication and processing of foreign orders to and for exporters and foreign purchasers; warehousing; foreign exchange; financing; and taking title to goods for ultimate exportation.

B. *Export Trade Activities and Methods of Operation*

The Applicant seeks to establish Export Trade by: (1) Entering into non-exclusive and exclusive agreements with U.S. manufacturers and suppliers to act as an export sales agent and as a purchaser of U.S. goods for ultimate exportation; (2) entering into exclusive and non-exclusive export sales agreements with agents, brokers, representatives and distributors in the Export Market; these arrangements may include sales territorial and price maintence restrictions; (3) entering into non-exclusive and exclusive agreements with U.S. suppliers of Export Trade Services to provide such services necessary on behalf of its client exporters and to facilitate the exportation of its own purchased products; and (4) entering into non-exclusive and exclusive agreements with U.S. clients to provide such clients with Export Trade Services.

The OETCA is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register** indentifying the persons submitting the application and summarizing the conduct proposed for certification. Interested parties have twenty (20) days from the publication of this notice in which to submit written information relevant to the determination of whether a certificate should be issued. Information submitted by any person in connection with this application will be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

Dated: February 24, 1984.

Irving P. Margulies,

Acting General Counsel.

[FR Doc. 84-5358 Filed 2-28-84; 8:45 am]

BILLING CODE 3510-DR-M

[A-588-019]

Final Determinations of Sales at Less Than Fair Value; Cyanuric Acid and its Chlorinated Derivaties From Japan Used in the Swimming Pool Trade

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final determinations.

SUMMARY: We have determined that cyanuric acid and its chlorinated derivatives from Japan used in the swimming pool trade are being sold in the United States at less than fair value. We have notified the United States International Trade Commission (ITC) of our determinations, and the ITC will determine, within 45 days of the publication of this notice, whether these imports are materially injuring, or are threatening to materially injure, a U.S. industry. We have directed the United States Customs Service to continue to suspend the liquidation of certain entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after November 18, 1983, in accordance with our preliminary determinations, and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Mary A. Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-1778.

SUPPLEMENTARY INFORMATION:

Final Determinations

We have determined that cyanuric acid and its chlorinated derivatives (CA&CD) from Japan used in the swimming pool trade are being 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). We have also determined that critical circumstances do not exist because there have not been massive imports of CA&CD over a relatively short period.

We have found that the foreign market value of CA&CD exceeded the United States price on 21.42 percent of the sales of cyanuric acid, 100 percent of the sales of dichloro iscyanurates, and 98 percent of the sales of trichloro isocyanuric acid. These margins ranged from 0.0 to 42.48 percent for cyanuric acid, 7.29 to 43.52 percent for dichloro isocyanurates, and 0.45 to 34.84 percent for trichloro isocyanuric acid. The overall weighted-average margins of all sales compared are 3.00 percent for cyanuric acid, 32.20 percent for dichloro isocyanurates, and 16.58 percent for trichloro isocyanuric acid.

Case History

On June 3, 1983, we received a petition filed by Monsanto Industrial Chemicals Co. In accordance with the filing requirements of section 353.36 of the Commerce Department Regulations, petitioner alleged that CA&CD from Japan for use in the swimming pool trade 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 United States industry. Critical circumstances were also alleged under section 733(e) of the Act.

After reviewing the petition, we determined that it contained sufficient grounds to initiate antidumping investigations. We notified the ITC of our action and initiated investigations on June 20, 1983 (48 FR 29037). On July 18, 1983, the ITC found that there is a reasonable indication that imports of CA&CD are materially injuring a United States industry.

The petition alleged that Shikoku Chemicals Corp. (Shikoku), Nissan Chemical Industries, Ltd. (Nissan), and Nippon Soda Co., Ltd. produce CA&CD for export to the United States. We determined that Shikoku and Nissan are manufacturers or producers accounting for 100 percent of the merchandise under

investigation exported to the United States during the period of investigation. We are not examining sales by Nippon Soda Co., Ltd. because it appears that it never exported the merchandise under investigation to the United States either prior to or during the period of investigation.

On July 8, 1983, we sent questionnaires to Shikoku and Nissan, and to Mitsubishi Corp. (Mitsubishi), Toyo Menka Kaisha (Toyo Menka), and Sumitomo Shoji Kaisha Ltd. (Sumitomo), trading companies which export the merchandise under investigation to the United States. We received responses from Shikoku and Nissan on August 25 and September 6, 1983, respectively. We received responses from Sumitomo, Mitsubishi, and Toyo Menka on August 19, August 25, and September 2, 1983, respectively.

On October 20, 1983, petitioner alleged that home market sales of CA&CD are being made at less than the cost of production in Japan. We did not receive this allegation in time for consideration in our preliminary determinations.

On October 24, 1984, petitioner submitted various comments regarding the adequancy of the questionnaire response received in these proceedings and various claims for adjustments made by Nissan. Our prelimiary determinations incorrectly stated that this submission had not yet been served. In fact, it was properly filed on the same day these determinations were made, but received too late for consideration in those determinations.

On October 31, 1983, we sent supplemental questionnaires on cost of production to Shikoku and Nissan. We received a response from Nissan on November 21, 1983, and from Shikoku on November 22, 1983.

On November 10, 1983, we preliminarily determined that CA&CD from Japan used in the swimming pool trade are being, or are likely to be, sold in the United States at less than fair value (48 FR 52497).

On December 9, 1983, counsel for Shikoku asked us to extend the period for the final determinations until not later than 105 days after the date of publication of the preliminary determinations, in accordance with section 735(a)(2)(A) of the Act. In a notice published January 6, 1984 (49 FR 924), we postponed our final determinations until not later than February 23, 1984. We held a hearing on January 23, 1984, to allow the parties an opportunity to address the issues orally.

Scope of Investigations

The merchandise covered by these investigations is cyanuric acid (also known as isocyanuric acid) and its chlorinated derivatives (dichloro isocyanurates, *i.e.* sodium dichloro isocyanurate, potassium dichloro isocyanurate, and sodium dichloro isocyanurate dihydrate; and trichloro isocyanuric acid), used in the swimming pool trade. For purposes of these investigations, we have categorized the merchandise as cyanuric acid, dichloro isocyanurates, and trichloro isocyanuric acid, which we determine are separate classes or kinds of merchandise. We base this determination on the fact that the chemical compositions of these products are distinct. Further, cyanuric acid is a raw material used as the basis for producing the chlorinated derivatives. By comparison, dichloro isocyanurates and trichloro isocyanuric acid are used as swimming pool disinfectants. Trichloro isocyanuric acid dissolves more slowly than dichloro isocyanurates, and thus lasts longer. These products are sold in three basic consistencies: powder, granular, and tablet.

This merchandise is currently classifiable under item number 425.1050 of the *Tariff Schedules of the United States Annotated* (TSUSA).

We investigated sales of CA&CD by the two manufacturers for the period January 1 to June 30, 1983.

Fair Value Comparison

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. No comparisons were made for sales by Shikoku of sodium dichloro isocyanurate dihydrate because there was not a viable home market and the U.S. sales were less than 4 percent of total U.S. sales of dichloro isocyanurates.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price because sales were made to unrelated Japanese trading firms for export to the United States and the manufacturers knew the destination of the merchandise at the time of sale. We calculated the purchase price for Shikoku and Nissan based on the c.i.f. port of exportation packed price. We made deductions for Japanese freight and insurance.

Foreign Market Value

We calculated home market prices based on c.i.f. packed prices on sales to unrelated distributors. From these prices we deducted inland freight and insurance. We also made deductions, where appropriate, for after-sales rebates and discounts based upon competitive circumstances. We made circumstances of sale adjustments for differences between U.S. and home market credit costs in accordance with section 353.15 of the Commerce Regulations. We made an adjustment for differences in home market and U.S. packing costs, pursuant to section 773(a)(1) of the Act. For Nissan, we also made adjustments, where appropriate, for differences in composition of similar merchandise (granular cyanuric acid with or without anticaking agent vs. powdered isocyanuric acid) in accordance with section 353.16 of the Commerce Regulations. For Shikoku, we made circumstance of sale adjustments for advertising and promotion expenses as assumptions of a purchaser's costs in accordance with section 353.15 of the Commerce Regulations.

Shikoku also claimed circumstance of sale adjustments for "direct selling expenses" including saleman's salaries and traveling expenses, and technical services. We allowed none of these adjustments, because they were not directly related to the sales of the merchandise under investigation in accordance with section 353.15 of the Commerce Regulations. During verification, Nissan waived its claim for circumstance of sale adjustments for sales commissions, communication expenses, travel expenses, and promotion expenses.

Nissan exported several grades of granular cyanuric acid to the United States. Since Nissan had no home market sales of the granular grades during the period of investigation, we adjusted Nissan's home market price for powdered cyanuric acid. These adjustments, made pursuant to § 353.16 of the Commerce Regulations, reflect additional manufacturing costs incurred in converting Nissan's powdered cyanuric acid into the various granular grades exported to the United States. We determine that the Nissan home market price for powdered cyanuric acid (based on all home market sales, regardless of whether they are sold to the swimming pool trade or elsewhere) is the appropriate basis for making the granular adjustments because the section 771(16)(B) criteria for such or similar merchandise are satisfied. The powdered merchandise sold in the home

market and the granular grades exported to the United States are: (1) Both produced or manufactured in Japan by Nissan, (2) have similar or identical component materials and have the same uses (*i.e.* to make the chlorinated derivatives), and (3) have approximately equal commercial value.

Petitioner alleged that sales in the home market were at prices below the cost of producing CA&CD. We examined production costs which included all appropriate costs for materials, fabrication and general expenses. We found sales below the cost of production by Shikoku only for less than 0.3 percent of dichloro isocyanurates sales. We found no sales below the cost of production for Nissan. Accordingly, we did not disregard any home market sales in making our fair value comparisons.

Negative Determination of Critical Circumstances

Petitioner alleged that imports of CA&CD from Japan present "critical circumstances" within the meaning of section 733(e) of the Act. Critical circumstances exist if the Department has a reasonable basis to believe or suspect that: (1)(a) There is a history of dumping in the United States or elsewhere of the merchandise under investigation, or (b) the person by whom or for whose account the merchandise was imported knew or should have known that the exporter was selling the merchandise under investigation at less than its fair value; and (2) there have been massive imports of the merchandise under investigation over a relatively short period. Petitioner alleged that the importers knew or should have known the exporters were selling at less than fair value and that there have been massive imports of the subject products over a relatively short period of time.

In determining whether there is a reasonable basis to believe or suspect that there have been massive imports over a relatively short period, we considered the following factors: recent import penetration levels; changes in import penetration since the date of the ITC's preliminary affirmative determination of injury; whether imports have surged recently; whether recent imports are significantly above the average calculated over several years (January 1980–September 1983); and whether the pattern of imports over that 3¾ year period may be explained by seasonal swings. Based upon these factors, we determine that imports of the products covered by these investigations do not appear massive over a relatively short period. Therefore, we determine that critical circumstances do not exist.

Verification

In accordance with 776(a) of the Act, we verified the information used in making these determinations by using standard verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and selected documents containing relevant information.

Petitioner's Comments

Comment 1: Petitioner contends that the Department erred in failing to limit foreign market value to home market sales within the swimming pool trade. It claims that the term "ordinary course of trade," which is used in section 773(a)(1)(A) of the Act to describe the term "foreign market value," requires that foreign market value be based upon sales of merchandise in the home market which are of the same class or kind of merchandise that is under investigation. Since petitioner has intentionally limited the class or kind of merchandise under investigation to imports of cyanuric acid and its chlorinated derivatives used in the swimming pool trade, petitioner reasons that the Department must limit its home market price comparisons accordingly.

DOC Position: We disagree with petitioner's interpretation of the term "ordinary course of trade." This term is defined by section 771(15) of the Act to mean:

> The conditions and practices which, for a reasonable time prior to the exportation of the merchandise which is the subject of an investigation, have been normal in the trade under consideration with respect to the merchandise of the same class or kind.

From the pertinent legislative history, it is clear that the original definition of "ordinary course of trade," on which section 771(15) is based, is a general customs law definition. It was intended simply to allow Customs to take into account normal commercial practices in international trade and to remove any incentive to frustrate the import laws by creating artificial conditions in order to obtain more favorable appraisements. When Congress added similar language to the former Antidumping Act, 1921, as section 212(2), it did not indicate any intent to deviate from its initial emphasis on commercial practice. Rather, Congress made only minor changes in terminology to clarify that section 212(2) applied only to antidumping duties.

Indeed, at the same time that Congress added the definition of "ordinary course of trade" to section 212 of the Antidumping Act, it also defined the term "such or similar merchandise." Although several of the alternatives contained in the original definition of this term were subsequently deleted, the remainder of the provision became the present section 771(16) of the Act. Of the present alternative meanings, the first and preferred definition is: "The merchandise which is the subject of an investigation (*i.e.*, the merchandise imported into the United States) and *other merchandise which is identical in physical characteristics* with * * * that merchandise" (emphasis supplied). In this case, since this perferred definition is, with one exception, satisfied by sales of physically identical merchandise in the home market, both for swimming pool and non-pool use, discussion of the other alternatives is unnecessary. The single exception, powdered cyanuric acid, satisfies the section 771(16)(B) definition of "such or similar merchandise" because, among other reasons, it has the same "purpose for which used" (i.e., to make chlorinated derivatives) as granular cyanuric acid.

The relevant legislative history, in addition to emphasizing that physical identity is the sole factor in defining the preferred universe of such or similar merchandise, indicates that Congress intended that this definition facilitate speedy and equitable price comparisons. Petitioner has cited no legislative history to support its interpretation. Further, when read together, it is only reasonable that Congress did not intend that sections 771(15) and 771(16) would operate as petitioner believes they should. If petitioner's theory were correct, Congress would simply have defined "such or similar merchandise" in terms of the merchandise under investigation. Instead, Congress expressly included within the definition all other merchandise produced by the same person and in the same country that is physically identical to the investigated merchandise.

It would be illogical to conclude that Congress meant that the term "ordinary course of trade" has the effect of completely nullifying the language in section 771(16) that applies to merchandise other than that being investigated. A fundamental rule of statutory construction is that effect must be given, if possible, to every word of a statute so that no part will be inoperative, superfluous, or void. In the absence of clear Congressional intent that our foreign market comparisons in this case should be limited to merchandise sold in the swimming pool trade, we have considered all merchandise sold in the home market that is physically identical to that

merchandise under investigation in making our comparisons.

Comment 2: Based on analysis presented in our final results of an administrative review in *Portable Electric Typerwriters from Japan*, 48 FR 7768 (February 24, 1983), petitioner contends that the type of merchandise to be used in determining foreign market value is defined in part by the actual use of the merchandise under investigation. For example, petitioner contends that if "office" machines were considered excluded from the scope of an antidumping order on typewriters, the Department could not choose for foreign market value purposes "office" machines sold in the home market for comparison with portable electric typewriters ("PETs") sold in the United States. Petitioner reasons that if "office" machines were excluded from the scope of the order partly on the basis of use, cyanuric acid and its chlorinated derivatives sold to other than the swimming pool trade in Japan should likewise be excluded from our foreign market value comparisons.

DOC Position: Petitioner has confused the scope analysis appearing in *Typewriters* with factors used to determine appropriate sales for foreign market value purposes. The scope question concerns which imports are subject to antidumping duties as the result of a particular order. When, because of technological advances or other factors, ambiguity arises as to whether a particular imported article is affected by an outstanding order, the factors considered in *Typewriters* (among them, use) are applied. Thus, if an order is ultimately issued in this proceeding and a question subsequently arises in a future review of that order as to whether cyanuric acid imported for a certain use is covered by the order, analysis like that applied in *Typewriters* might be relevant.

By contrast, as discussed above, foreign market value is usually, as in this case, based on home market sales of such or similar merchandise. While petitioner might be correct that we would not compare a home market office machine sale with a PET sale in the U.S. market, that decision would be driven by the factors contained in section 773(a)(1) of the Act, not the scope factors in *Typewriters*. Office machines would probably not be used for foreign market value first because there would probably be relevant home market sales of physically identical merchandise. Use would become important only if the second or third definitions of "such or similar merchandise" become relevant because of the absence of such physically identical merchandise. As noted above, however, since the preferred definition of this term is satisfied in this proceeding in all cases where the petition claims use is relevant, we determine that consideration of use is unnecessary.

Comment 3: Petitioner contends that the Department must reject Nissan's data and use the best information otherwise available because Nissan has failed to identify sales to the swimming pool trade, as requested.

DOC Position: Regardless of whether Nissan complied with this request for information, our conclusions with respect to relevant home market sales make the requested information superfluous. Therefore, it would be inappropriate in this case to draw negative inferences from any possible noncompliance with a request for information when that information is ultimately deemed to be irrelevant.

Comment 4: Petitioner contends that should the Department nevertheless use sales of the merchandise outside the swimming pool trade as a basis for foreign market value, such transaction data must be adjusted for differences in circumstance of sale. The circumstances of sale identified by petitioner is the fact that the investigated merchandise may be sold to the swimming pool trade or to another market. According to petitioner, the price differential between these two types of sales is precisely "due to" the difference between selling in these different parts of the market. Petitioner argues that adjustments for such circumstances of sale would be analogous to quantity discounts expressly provided by section 773(a)(4)(A) of the Act. Finally, petitioner cites *Methyl Alcohol*, 44 FR 19090 (March 30, 1979), and *Steel Wire Rope from Korea*, 48 FR 41615 (September 16, 1983), to support its argument.

DOC Position: Petitioner's argument is without merit for several reasons. First, neither of the cited precedents is apposite. Petitioner is correct that in *Methyl Alcohol*, Treasury found "two distinct classes of purchaser(s)" in the home market and, as a result, "two separate weighted-average home market prices were calculated for fair value comparisons." 44 FR 19090–91. This fact, however, does not support petitioner's claim for either a circumstance of sale adjustment or a separate foreign market value and dumping margin for merchandise sold to the swimming pool trade. This precedent has no bearing on petitioner's circumstance of sale claim since no such adjustment was made in *Methyl Alcohol* on the basis of the purchaser classes. Also, in *Methyl Alcohol*, the weighted-average margin for the merchandise was computed for *all* sales, not on a specific purchaser class basis. Assuming that each price was weighted appropriately, the same overall weighted average margin would have been calculated had the foreign market value been weighted as a whole. Thus, the result in *Methyl Alcohol* (i.e., one weighted average margin on all merchandise) does not support petitioner's claim for foreign market value comparisons only for merchandise sold in the swimming pool trade.

With respect to *Steel Wire Rope*, petitioner has overlooked the fact that the Department's comment in that case that the information in the record indicates "no correlation between price and class of customer" was in response to a request for a level of trade adjustment. There being no level of trade claim being asserted by petitioner in this case, further discussion of *Rope* is unnecessary.

We turn now to the more general question of whether the pricing differential between the pool and non-pool trade is a circumstance of sale warranting an adjustment. Section 353.15(b) of the Commerce Regulations lists several examples of circumstances of sale for which adjustments are allowed. In each of these examples, the seller is conveying to the purchaser something of value in addition to the physical merchandise, such as credit, warranties, or technical assistance. We have not found that the price differential between sales of such or similar merchandise to two different markets in this case is due in any way to greater direct selling expenses or to value in addition to the physical article itself being conveyed to purchasers in the higher-priced market. Therefore, we conclude that sales in the pool and non-pool markets do not warrant a circumstance of sale adjustment.

Finally, petitioner's analogy between this situation and a quantity discount adjustment is also misplaced. The authority for making adjustments as a result of quantity discounts is expressly provided in section 773(a)(4)(A). The underlying rationale for this adjustment is that the quantity discount is a deviation from the normal business practice—i.e., no quantity discount. There is no evidence here that differences in prices in the home market were a function of the quantity involved in individual sales, and accordingly, no basis for an adjustment in the home market price based upon quantities.

Comment 5: Respondents have claimed adjustments to foreign market value for alleged difference in circumstances of sale which are impermissible. There is no relationship between the value of the merchandise in the marketplace, as measured by its price, and the cost to respondents allegedly associated with differing circumstances of sale. Since respondents were engaged in price fixing in the home market, differences in prices in the swimming pool trade were not due to differences in cost but rather on the basis of the agreement between themselves.

DOC Position: We verified that the Japanese Fair Trade Commission determined that there was a price fixing arrangement between Nissan and Shikoku covering the merchandise, but such arrangement ended on June 8, 1981. We do not believe that this decision has any effect on our investigations which cover a period beginning more than one year after the violation ceased.

Comment 6: The alleged circumstance of sales adjustments are impermissible because they are not directly related to the sales under consideration.

DOC Position: We verified that the adjustments claimed by Shikoku for credit expense, media advertisting, promotional expenses, rebate expenses, and other discounts and the credit expense claimed by Nissan were directly related to the sales under consideration, and we granted these adjustments. As noted in the Foreign Market Value section of this notice, Nissan waived all circumstances of sale adjustments except for credit expenses. We agree that Shikoku was unable to demonstrate that technical services expenses and claimed "direct selling expenses" were directly related to the sale under consideration, and we denied these adjustments.

Comment 7: Petitioner argues that the Department must obtain additional information on sales to the U.S. beyond the initial sales by Nissan. Petitioner contends that the Department has not addressed the issue of middleman dumping raised by petitioner on November 7, 1983.

DOC Position: Because we determined that Nissan knew the destination of the merchandise at the time of sale, we followed our usual practice of requesting only certain information from the middlemen (trading companies). Trading companies typically operate at small mark ups, and they are not likely to be making sales at prices lower than those of acquisition when they are dealing with unrelated manufacturers. We had no reason to believe that the trading companies were failing to recover their costs in transactions concerning the subject merchandise.

Comment 8: Petitioner maintains that Nissan and Shikoku have understated their costs or production.

Doc Position: We verified to our satisfaction Nissan's and Shikoku's costs of production and, therefore, cannot agree with petitioner.

Comment 9: A review of the Act and the evidence of record does not support the Department's preliminary determination that critical circumstances do not exist. The trading companies which sell CA&CD are long-established, experienced firms, with prior exposure to the administration of the antidumping laws. Given the high fixed prices in the Japanese home market due to the price-fixing cartel, the importers knew or should have known that the exported prices were lower than the home market prices and that the merchandise was being dumped. Information on the import category covering CA&CD shows a very significant increase in imports in January–October 1983 over similar periods of 1982 and 1981.

DOC Position: Because the applicable TSUSA number is a basket provision, product specific import statistics are not available from the Census Bureau. We verified the actual shipments of CA&CD from Shikoku and Nissan from January 1, 1980–September 30, 1983, and we did not find massive imports of the merchandise under investigation over a relatively short period. During the first nine months of 1983, imports of cyanuric acid, trichloro isocyanuric acid, and all products under investigation were lower than import levels of the same merchandise in calendar year 1982 and the average of calendar years of 1980–1982. The imports of dichloro isocyanuric acid exceeded the average import levels of 1980–1982 by 6 percent. Because of the seasonal nature of the swimming pool use of this merchandise, imports tend to be lowest during the last quarter of the year. Since we did not find massive imports over a relatively short period, we need not consider petitioner's argument regarding the importer's purported knowledge.

Respondent Nissan's Comments

Comment 1: The Department improperly included sales not in the ordinary course of trade and not in the usual wholesale quantities in determining foreign market value in its preliminary determinations. Nissan sold granular trichloro isocyanuric acid identical to that exported to the United States in the usual wholesale quantities to only one purchaser in Japan, but the Department nonetheless aggregated all home market sales of the granular trichloro, including sales to minor distributors in varying quantities and at irregular intervals. The prices associated with the sporadic and inconsistent sales to the minor distributors should be ignored in favor of the prices associated with the higher volume, "wholesale quantity" sales to the large purchaser in Japan.

DOC Position: There is no requirement that only home market sales at the quantity cloest to export sales be compared. We have no evidence that the sales to any distributors were not in the usual wholeslae quantities. Accordingly, we have used a weighted average of the sales prices of all merchandise to determine the foreign market value.

Comment 2: The Department improperly requested confidential cost of production data from Nissan. The only "facts" petitioner cited as evidence to support its allegation of below cost of production sales by Nissan were petitioner's own cost of production, its own unsupported estimates of Nissan's production costs, and hearsay information concerning overall operating losses by Nissan.

DOC Position: Section 353.36(a)(7) of the Commerce Regulations recognizes that petitioners unable to furnish information on foreign sales or costs may present information concerning U.S. domestic producers' costs adjusted for differences in the foreign country in question from information publicly available. The information provided by petitioner constituted a reasonable basis for our institution of a cost of production investigation.

Respondent Shikoku's Comments

Comment 1: The Department should not disallow Shikoku's claimed direct selling expense. Shikoku sells the merchandise under investigation in bulk form for export to the United States and in a form suitable for consumer use in Japan. Shikoku, in the home market, assumes the repackager's role.

DOC Position: We did not allow this adjustment for salesmen's salaries and traveling expenses because it is not directly related to the sales of the merchandise under investigation. The adjustment for differences in packing compensates for the additional costs Shikoku incurs as a repackager.

Comment 2: The technical service expense incurred by Shikoku in the home market is a *bona fide* difference in circumstances of sale and should be allowed as an adjustment.

DOC Position: We did not allow this adjustment because Shikoku could not provide evidence which demonstrates that this expense is directly related to the sales of the merchandise under investigation.

Comment 3: The Department should allow an adjustment for after-sale rebates.

DOC Position: We agree. We verified that Shikoku gave cash rebates to its domestic customers for CA&CD for swimming pool and septic tank use based upon the purchase of the same or greater quantities as compared to 1982 purchases.

Comment 4: Shikoku maintains that the Department should make an allowance for discounts based upon competitive circumstances.

DOC Position: We agree. We verified the amount of additional merchandise shipped at no extra cost to certain customers who purchased for septic tank and swimming pool use during the period of investigation, thus reducing the unit price.

Suspension of Liquidation

In accordance with section 733(d) of the Act, on November 18, 1983, we instructed the United States Customs Service to suspend liquidation of entries of CA&CD from Japan for use in the swimming pool trade (except cyanuric acid produced by Nissan) that are entered, or withdrawn from warehouse, for consumption (48 FR 52497).

As of the date of publication of this notice in the **Federal Register**, the Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value merchandise subject to these investigations exceeds the United States price. The suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturers/producers/exporter	Weighted-average margin (percent)
Nissan:	
Dichloro isocyanurates	32.40
Trichloro isocyanurates	8.84
Shikoku:	
Cyanuric acid	10.93
Dichloro isocyanurates	32.00
Trichloro isocyanuric acid	21.40
All other manufacturers/producers/exporters:	
Cyanuric acid	3.00
Dichloro isocyanurates	32.20
Trichloro isocyanuric acid	16.58

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final determinations. In addition, we are making available to the ITC all nonpriviledged and nonconfidential information relating to these investigations. We will allow the ITC access to all priviledged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will make its determination whether these imports are materially injuring, or threatening to materially injure, a U.S. industry within 45 days of the publication of this notice.

If the ITC determines that material injury or threat of material injury does not exist, these proceedings will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, we will issue an antidumping order, directing Customs offices to assess an antidumping duty on CA&CD from Japan entered, or withdrawn, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the U.S. prices.

These determinations are being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Dated: February 23, 1984.

William T. Archey,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 84-5467 Filed 2-28-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Public Meeting.

SUMMARY: South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), will meet March 19-22, 1984, at the Marriott Hilton Hotel, 130 Shipyard Drive, Hilton Head Island, South Carolina. The meeting starts at approximately 1 p.m., on March 19, and will adjourn at approximately noon on March 22. The proposed agenda will address a data collection fishery management plan (FMP) scoping/work plan; status of other FMP activities; mid-year budget review, as well as discussion of other fishery management business as required. For more information concerning the open meeting (seating, changes to the agenda, or written comments), contact David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407. Telephone: (803) 571-4366.

Dated: February 22, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-5292 Filed 2-28-84; 8:45 am]

BILLING CODE 3510-22-M

Sherman Calaway Jones III; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Mr. Sherman Calaway Jones III (P321A).

b. Address: P.O. Box 1981, Galveston, Texas 77533.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals:

Bottlenose dolphin (*Tursiops truncatus*) Unspecified Number.

Spinner dolphin (*Stenella longirostris*) Unspecified Number.

4. Type of Take: Potential harassment while conducting census migratory and photo-identification studies.

5. Location of Activity: Waters of Port O'Conner, Port Aransas, and Port Isabel, Texas.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of

such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: February 23, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-5463 Filed 2-28-84; 8:45 am]

BILLING CODE 3510-22-M

Ocean Research and Education Society; Issuance of Permit

On January 3, 1984, notice was published in the **Federal Register** (49 FR 132), that an application had been filed with the National Marine Fisheries Service by the Ocean Research and Education Society, 19 Harbor Loop, Gloucester, Massachusetts 01930, for a permit for potential harassment of harbor seals and various species of cetaceans, including species listed as endangered, while conducting census and identification studies, and for the importation of specimen materials.

Notice is hereby given that on February 22, 1984, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a permit to the Ocean Research and Education Society to take an unspecified number of harbor seals and various species of cetaceans, subject to certain conditions as required by the Marine Mammal Protection Act of 1972 and Endangered Species Act of 1973. Issuance of this Permit to take endangered cetaceans is based on a finding that such permit (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit, and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was issued in accordance with, and is subject to Parts 216 and 220-222 of Title 50 CFR of the National Marine Fisheries Service regulations governing marine mammals and endangered species permits.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-5464 Filed 2-28-84; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Bilateral Textile Consultations With the Government of Pakistan to Review Trade in Category 334 (Men's and Boys' Cotton Coats); Correction

February 23, 1984.

On February 14, 1984 a notice was published in the **Federal Register** (49 FR 5647) which advised the public that consultations had been requested by the Government of the United States with the Government of Pakistan concerning trade in Category 334. In line 6 of paragraph 2 of that notice the prorated specific limit should have been 21,380 dozen. The date in line 12 of paragraph 2 should have been April 29, 1984, instead of January 29, 1984.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-5469 Filed 2-28-84; 8:45 am]

BILLING CODE 3510-DR-M

Amending the Visa Requirement for Certain Cotton, Wool and Man-Made Fiber Textile Products Exported From Haiti

February 23, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 1, 1984. For further information contact Carl Ruths, International Trade Specialist (202) 377-4212.

Background

On March 6, 1980 a letter dated March 3, 1980 was published in the **Federal Register** (45 FR 14617), which established an export visa requirement for cotton, wool and man-made fiber textile products subject to the terms of the bilateral agreement of April 2, 1982 between the Governments of the United States and Haiti. The Government of Haiti has informed the Government of the United States that their visa stamp has been changed. Merchandise exported on and after April 1, 1984 will be required to have the new stamp in order to be entered into the United States for consumption or withdrawn from warehouse for consumption. Merchandise exported before April 1, 1984 will not be denied entry, provided all previously established visa requirements have been met. A facsimile of the new stamp is published as a enclosure to the letter to the Commissioner of Customs which follows this notice.

The following officials have been authorized to issue export visas:

Charles-Antoine Jean
Farere Desroches
Jacques Burnet
Frantz Elie
Dieuseul Lefevre
Sauveur Registe
Pierre-Antoine Sterling

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

February 23, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of March 3, 1980 issued to you by the Chairman, Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton, wool and man-made fiber textile products, purduced or manufactured in Haiti.

Effective on April 1, 1984, the enclosed visa stamp issued by the Government of Haiti will replace the stamp currently in use. Merchandise exported on and after April 1, 1984 will be required to have the new stamp in order to be entered for consumption or withdrawn from warehuse for consumption in the United States. Merchandise exported before April 1, 1984 which has been visaed in accordance with previously established visa procedures will not be denied entry.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs

exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

New Visa Stamp for Certain Cotton, Wool, and Man-Made Fiber Textile Products Exported to the United States From Haiti

[FR Doc. 84-5471 Filed 2-28-84; 8:45 am]

BILLING CODE 3510-DR-M

Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines, Effective January 1, 1984; Correction

February 23, 1984.

On December 21, 1983 a notice was published in the **Federal Register** (48 FR 56425), which established import restraint levels for certain cotton, wool and man-made fiber textile products produced or manufactured in the Republic of the Philippines and exported during 1984. In the letter to the Commissioner of Customs of December 16, 1983, which followed that notice, TSUSA number 772.3020 should be deleted from footnote 1 and the word "except" should be deleted from footnote 5. Reference to Category 433 should be included in both the first and final sentences of paragraph 2 of the letter. That paragraph will then read:

In carrying out this directive, entries of textile products in the foregoing categories, except Categories 641pt.[15] and 433, which have been exported to the United States during the period beginning on January 1, 1983 and extending through December 31, 1983, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 641pt.[15] and 433 that have been exported prior to January 1, 1984 shall not be subject to this directive.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-5470 Filed 2-28-84; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

Contract Market Rules; Termination of Rule Disapproval Proceeding; Chicago Board of Trade

AGENCY: Commodity Futures Trading Commission.

ACTION: Termination of contract market rule disapproval proceeding.

SUMMARY: On January 25, 1983, the Commission published a Notice of Proposed Disapproval of two contract market rules proposed by the Chicago Board of Trade ("CBT"). 48 FR 3395. CBT Rule 353.00 would have required any person who executes trades for others on the floor of the Exchange to be compensated on a per-contract basis, and would have prohibited compensation on a salaried basis. Rule 354.00 would have restricted those who do not have a substantial personal equity interest in a membership to executing trades for their personal accounts only and thereby prohibited them, regardless of how they were compensated, from executing trades for others. The Commission proposed to disapprove the rules pursuant to section 5a(12) of the Commodity Exchange Act, as amended ("Act"), on each of the separate and independent grounds that the rules were anticompetitive and that their approval by the Commission would have effectively vitiated the procedural safeguards prescribed by section 8c(1)(B) of the Act, which requires adequate notice of any exchange access denial, including the reasons therefor; and that the Exchange had not satisfactorily demonstrated that approval of the proposed rules would not be contrary to the public interest, as required by section 5(g) of the Act. By letter dated January 26, 1984, counsel to the CBT notified the Commission that the Exchange had determined to withdraw Rules 353.00 and 354.00 from Commission consideration pursuant to section 5a(12). Therefore, the Commission has determined to terminate the rule disapproval proceeding which it initiated in January, 1983.

FOR FURTHER INFORMATION CONTACT: Karen Matteson, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

Issued in Washington, D.C., on February 23, 1984, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-5360 Filed 2-28-84; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the return of 60 kilograms of highly enriched research reactor fuel of United States origin for reprocessing and storage at the Department of Energy facility in Idaho. The material has been irradiated in the R-2 reactor in Sweden.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. The return of U.S. origin highly enriched uranium (HEU) is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: February 23, 1984.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 84-5389 Filed 2-28-84; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Case No. 50126-9062-08-82]

Atlantic City Electric Co., ACEC Deepwater Generating Unit 8; Availability of Tentative Staff Analysis; Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Availability of Tentative Staff Analysis.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of the availability of the Tentative Staff Analysis on the pending prohibition order proceeding relating to the Atlantic City Electric Company's (ACEC) Deepwater Generating Unit 8 (hereafter referred to as Deepwater 8), located in Pennsville Township, New Jersey.

The proposed prohibition order for Deepwater 8, issued on December 21, 1979 (45 FR 72, January 2, 1980),[1] will, if finalized, prohibit the unit from burning petroleum or natural gas as a primary energy source. ERA's Tentative Staff Analysis concludes that the findings of technical capability and financial feasibility required by former section 301(b) of FUA can be made, and accordingly, recommends that a final prohibition order be issued to Deepwater 8. The Tentative Staff Analysis does not represent ERA's decision to issue a final prohibition order, however. That decision will be made following the expiration of the comment period established below, and will be based upon the evidence contained in the entire record of the proceeding, including any comments received in response to this notice.

The prohibition order procedures for facilities electing continued coverage under former section 301 of FUA[1] are found at 10 CFR § 501.51, and § 504.6. Additional information on the proceeding and a discussion of the Tentative Staff Analysis appear in the Supplementary Information section, below.

DATES: Written comments on the proposed prohibition order and the Tentative Staff Analysis are due on or before April 16, 1984. A request for a public hearing must be made within the same 45 day period. (See explanation of comment period in the Supplementary Information section below.

ADDRESSES: Fifteen copies of written comments or any requests for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Room GA-033, 1000 Independence Avenue, SW., Washington, D.C. 20585.

ERA Case No. 50126-9062-08-82 should be printed clearly on the outside of the envelope and on the document contained therein.

Robert L. Davies, Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Coal and Electricity Division, Forrestal Building, Room GA-033, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-1316.

Marya Rowan, Esq., Department of Energy, Office of the General Counsel Forrestal Building, Room 6A-141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6739.

The public file containing a copy of the Tentative Staff Analysis and all other documents and supporting materials related to the proceeding is available for inspection upon request Monday through Friday from 8:00 a.m. to 4:00 p.m., at the Department of Energy, Freedom of Information Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW., Washingon, D.C. 20585, Phone (202) 252-6020.

SUPPLEMENTARY INFORMATION: The issuance of the proposed prohibition order to Deepwater 8 on December 21, 1979 commenced a proceeding designed to prohibit the use of petroleum or natural gas as the primary energy source in this unit if the required findings of section 301(b) of FUA (as then effective), discussed below, could be made. In accordance with 10 CFR 501.51(b), the publication of the proposed prohibition order commenced an initial three-month public comment period, during which interested parties, including ACEC, could challenge ERA's initial finding that Deepwater 8 has or previously had the technical capability to use coal as its primary energy source. Additionally, the interested parties were required to furnish ERA with any evidence bearing upon the other statutory findings which former section 301(b) of FUA requires ERA to make prior to the issuance of a final prohibition order to Deepwater 8. ACEC was required by the then-effective 10 CFR 501.51(b)(3), during this period, to identify any exemptions for which it believed Deepwater 8 might qualify, but was not required to submit evidence supporting the claim of entitlement to any exemption at that time. The initial public comment period on the Deepwater 8 proposed prohibition order expired on April 2, 1980. No comments contrary to ERA's initial finding were received. However, ACEC did submit evidence relating to other statutory findings that ERA has to make under former section 301(b) and tentatively identified the potential exemption qualifications that might be asserted against the application of the final prohibition order to Deepwater 8. (These potential exemption qualifications were noted and identified in the Notice of Intention to Proceed, cited below).[2]

On the basis of the evidence available to it following the expiration of the initial comment period, ERA determined to continue with the order proceeding concerning Deepwater 8, and accordingly, issued its Notice of Intention to Proceed with the proceeding on May, 16, 1980 (45 FR 34961, May 23, 1980). This action commenced a second three-month public comment period, which was subsequently extended at ACEC's request, from August 23, 1980 to November 23, 1980.[3]

No comments adverse to ERA's proposed findings were received during the extended second public comment period, and ACEC did not demonstrate the entitlement of Deepwater 8 to any of the potential exemptions initially identified.

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[1] The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA), which became law on August 13, 1981, amended Title III of FUA in several important respects, including the limitation of DOE's unilateral authority to issue orders prohibiting the use of petroleum and natural gas or certain mixtures including these fuels as a primary energy source in an existing electric powerplant. Under former section 301, DOE could order the involuntary conversion of such powerplants. On October 1, 1981, ERA issued final rules pursuant to OBRA (46 FR 48118), providing procedures whereby an existing powerplant issued a proposed prohibition order under former section 301(b) or (c) of FUA as of August 13, 1981, the date of enactment of OBRA, could elect to continue the current prohibition order proceeding under the provisions of former section 301. In accordance with the procedures provided, ACEC on November 24, 1981, notified ERA of its election to have Deepwater 8 remain subject to former section 301(b) of FUA and thus to become an electing powerplant as defined in 10 CFR § 500.2.

[2] Among other potentially applicable exemptions, ACEC cited the temporary and permanent exemptions based on the inability to comply with applicable environmental requirements under former 10 CFR §§ 504.33 and 504.53. However, after the expiration of that comment period, the Environmental Protection Agency issued a Delayed Compliance Order to Deepwater 8, as discussed at page 6, *infra*., allowing the unit to burn coal, but requiring compliance with air pollution requirements under the New Jersey State Implementation Plan by October 1, 1983. At the date of publication of this Notice, Deepwater is in compliance with these requirements; therefore, the potential environmental problems identified by ACEC may be taken to have been overcome, in the absence of evidence to the contrary.

[3] See: Notice of Extension of second Public Comment Period, 45 FR 57519, August 28, 1980, for details regarding this extension.

On January 16, 1981, the United States Environmental Protection Agency (EPA) issued a Delayed Compliance Order (DCO) to ACEC's Deepwater Unit 8. The order allowed the company to use coal in the unit while installing air pollution control equipment. Under the terms of the DCO, the utility was required to be in compliance with the air pollution requirements of the New Jersey State Implementation Plan by October 1, 1983.[4] A letter dated October 26, 1983, from EPA Region II to ACEC regarding Deepwater 8 states that "* * * EPA Region II considers the requirements of the DCO to be complied with * * *"[5]

Tentative Staff Analysis: Summary

Since the expiration of the extended second comment period, the ERA staff has prepared a Tentative Staff Analysis in which it concludes that the findings required by former section 301(b) of FUA can be made and supported on the basis of reliable, probative and substantial evidence in the complete administrative record. The required findings include the initial finding that, under former section 301(b)(1), the powerplant has or previously had the technical capability to use coal as a primary energy source; the finding under former section 301(b)(2) that the powerplant could have the technical capability to use coal (it does not currently have such capacity) without substantial physical modification of the unit or substantial reduction in its rated capacity; and the finding under former section 301(b)(3) that it is financially feasible to use coal as the primary energy source in the powerplant.

Finding of Technical Capability

The finding of technical capability for Deepwater Unit 8 is based upon design specifications which indicated that the unit was designed and constructed to burn coal as its primary energy source.[6]

The Analysis Branch of the Office of Fuels Programs confirmed this fact in a memorandum entitled Technical Feasibility, Deepwater 8, dated September 19, 1983.

Unit 6/8 (Turbine 6, Boiler 8) is an 81 MW (net, winter) Babcock and Wilcox (B&W) pulverized coal boiler that began operation in 1954. It was converted to oil in 1970 and returned to coal for a short time in 1974. Unit 8 is a natural circulation, drum-type boiler with a balanced-draft, dry bottom furnace.

An analysis of the technical capabilities of the unit by Battelle Laboratories showed that the use of a compliance coal (coal with a sulfur content of 1.0 percent or less by weight, which by definition would meet the New Jersey State Implementation Plan (SIP) for sulfur dioxide emissions) together with the rehabilitation, upgrading and replacement of certain coal-handling, ash-handling and auxiliary facilities and the installation of appropriate particulate emission control devices, would enable the unit to burn coal. The report further stated that while the gross megawatt (MW) output would not be reduced as a result of converting to coal, the net output would probably be derated about 1.7 MW, because of additional power requirements for the coal handling and air pollution emission control equipment. Neither this addition of equipment and refurbishment nor the potential derating anticipated is "substantial" within the meaning of 10 CFR 504.6(c)–(e), in the absence of evidence to the contrary. ACEC statements of record indicate, however, that the conversion of Deepwater 8, which was operating on coals in December 1982, has resulted in no derating.

Accordingly, the evidence of record cited above supports ERA's initial finding under former section 301(b)(1) of FUA that Deepwater 8 has or previously had the technical capability to use coal as a primary energy source. The evidence will also support an ERA finding under former section 301(b)(2) of FUA that the unit has the technical capability to use coal as its primary energy source without (a) substantial physical modifications of the powerplant, or (b) substantial reduction in the unit's rated capacity.

Finding of Financial Feasibility

The finding of financial feasibility is based upon calculations contained in a memorandum dated August 31, 1981, prepared by the Analysis Branch of the Office of Fuels Conversion using the general cost calculation formula prescribed by 10 CFR 504.12, which indicates that the use of coal as the primary energy source for Deepwater Unit 8 will not substantially exceed the cost of using imported petroleum. The ERA staff calculations conclude that the savings over the remaining useful life of the unit that will result from the use of coal, as opposed to the use of oil, will amount to $16 million for Deepwater 8. These findings were reconfirmed in a memorandum dated September 26, 1983, from the Financial Analysis Section. In accordance with former 10 CFR 504.6 (f)(1),[7] the ERA staff, therefore presumed that the use of coal as the primary energy source for the unit is financially feasible. Furthermore, the staff review of the entire record did not reveal any potential inability on the part of ACEC to raise the necessary capital to finance the conversion. To the contrary, the evidence indicates that, with the issuance of the Delayed Compliance Order by EPA, conversion of Deepwater Unit 8 began in 1981.

The construction conversion process is illustrated in an engineering blueprint entitled, "Project Summary Network, Atlantic City Electric Company, Deepwater Station Boiler No. 8, Return to Coal Firing," prepared by the Cherry Hill Operations Center of Stone and Webster, the project Architect/Engineer. It shows the status of the conversion process as of September 13, 1982, and presents a detailed picture of the structural changes to be made, when work actually started on each structural component, and their various milestones.

Atlantic City Electric estimated that it would cost $19,730,000 to convert Deepwater Unit 8 from using oil to being able to burn coal. In a letter dated October 28, 1983, from Mr. Ralph S. Bingham, Manager of Environmental Affairs, Atlantic City Electric Company to the Office of Fuels Programs, Economic Regulatory Administration, it was noted that, as of August 1, 1983, the utility had expended $19,160,000 on the Unit 8 conversion. In 1981, ACE sold $21,000,000 of pollution control bonds, issued by the Industrial Pollution Control Authority of Salem County, New Jersey, carrying a coupon of nine percent with maturity of three years, to pay for qualified pollution control expenditures involved with the conversion of Deepwater Unit 8.

Because of a changed IRS interpretation regarding investment proceeds and the fact that the conversion has been completed at an

[4] See: Delayed Compliance Order for Atlantic City Electric Company, 45 FR 7961, January 28, 1981, for details regarding this order.

[5] Letter dated October 26, 1983, from Judith K. Meritz, Attorney, Waste and Toxic Substances Branch, Office of Regional Counsel, Environmental Protection Agency, Region II to Ralph S. Bingham, Manager of Environmental Affairs, Atlantic City Electric Company states in part that "* * * the requirements of Section I of the DCO, scheduled paragraphs E and F have been satisfied. In addition, the past performance of ACE has substantially satisfied the intent of the DCO. Therefore, EPA, Region II considers the requirements of the DCO to be complied with."

[6] For additional information see Final Draft, Engineering Analysis Technical Report, Atlantic City Electric Company, Deepwater Generating Station, April 24, 1981, Battelle Columbus Laboratories, prepared for Pacific Northwest Laboratory.

[7] Former 10 CFR 504.6(f)(1), which continues to be applicable to electing powerplants (SEE: 47 FR 22365, May 24, 1982), is found at 45 FR 53682, 53698.

earlier date and at a cost lower than originally estimated, the utility will refinance these bonds in 1984. The existing $21,000,000 will be refunded by issuing approximately $14,000,000 of new bonds and by using $7,000,000 which is being held by the trustee for the 1984 maturity date. Of the $19,160,000 spent thus far on the conversion of Deepwater Unit 8, about $13,000,000 qualifies for pollution control financing. For that portion of the conversion which does not qualify for such finding, funds will be provided from other company sources.

The utility and the DuPont Corporation are sharing the cost of a common coal handling facility which will provide service to Deepwater Unit 8 and an adjacent DuPont plant. ACE's share of this project was estimated to be $5,154,000. As of August 31, 1983, it had spent $2,313,000 towards completion of this project.

The evidence of record, summarized above, will support an ERA finding under former section 301(b)(3) of FUA that it is financially feasible to use coal as the primary energy source for Deepwater 8.

Procedures

The publication of this Notice of Availability commences a 45-day written comment period. The comment period shall begin with the publication of this Notice. Persons interested in having a public hearing must request such a hearing within forty-five (45) days after issuance of the Notice of Availability. If a hearing is requested, it will be held in accordance with Subpart C of 10 CFR Part 501.

The Tentative Staff Analysis does not constitute a decision by ERA to issue a final prohibition order to Deepwater 8. At the close of the comment period established by this notice, ERA shall determine whether the final prohibition order will be issued, based upon its review of the entire administrative record of the proceedings, as required by 10 CFR 501.51(c). Any final prohibition order issued, together with a summary of the basis therefor, will be published in the **Federal Register**. The final order shall not take effect earlier than sixty days after such publication.

Issued in Washington, D.C., on February 16, 1984.

Robert L. Davies,

Director, Coal and Electricity Division, Economic Regulatory Administration.

[FR Doc. 84-5297 Filed 2-28-84; 8:45 am]

BILLING CODE 6450-01-M

[ERA Cast Nos. 52411-2367-04-82, 52411-2367-05-82, and 52411-23678-06-82]

Public Service Co. of New Hampshire Schiller Generating Station Units 4, 5, 6; Availability of Tentative Staff Analysis; Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of the availability of the Tentative Staff Analysis (TSA) on the pending prohibition order proceedings relating to the Public Service Company of New Hampshire's (PSNH) Schiller Generating Station Units 4, 5 and 6 (hereafter referred to as Schiller 4, 5 and 6), located in Portsmouth, New Hampshire.

The proposed prohibition orders for Schiller 4, 5 and 6, issued on November 13, 1979 (44 FR 66235, November 19, 1979), will, if finalized, prohibit the units from burning petroleum or natural gas as a primary energy source.

ERA's TSA concludes that the findings of technical capability and financial feasibility required by former section 301(b) of FUA [1] can be made, and recommends that final prohibition orders be issued to Schiller 4, 5 and 6. The TSA does not represent ERA's decision to issue final prohibition orders. A final decision will be made following the expiration of the comment period established below, and will be based upon the evidence contained in the entire record of the proceeding, including any comments received in response to this notice.

The prohibition order procedures for facilities electing continued coverage under former section 301 of FUA are found at 10 CFR §§ 501.51 and 504.6.

[1] The Omnibus Budget Reconciliation Act of 1981, Pub. L. 9735 (OBRA), which became law on August 13, 1981, amended Title III of FUA in several important respects, including the limitation of DOE's unilateral authority to issue orders prohibiting the use of petroleum and natural gas or certain mixtures including these fuels as a primary energy source in an existing electric powerplant. Under former section 301, DOE could order the involuntary conversion of such powerplants. On October 1, 1981, ERA issued final rules pursuant to section 1022(b) OBRA (46 FR 48118), providing procedures whereby an existing powerplant issued a proposed prohibition order under former section 301(b) or (c) of FUA as of August 13, 1981, the date of enactment of OBRA, could elect to continue the current prohibition order proceeding under the provisions of former section 301. In accordance with the procedures provided, PSNH, on November 27, 1981, notified ERA of its election to have Schiller 4, 5 and 6 remain subject to former section 301(b) of FUA and thus to become "electing powerplants" as defined in 10 CFR § 500.2.

Additional information on the proceedings and a discussion of the TSA appears in the **SUPPLEMENTAL INFORMATION** section below.

DATES: Written comments on the proposed prohibition orders and the TSA are due on or before April 16, 1984. A request for a public hearing must be made within the same 45 day period.

ADDRESSES: Fifteen copies of written comments or any requests for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Room GA-033, 1000 Independence Avenue, SW., Washington, D.C. 20585.

ERA Case Nos. 52411-2367-04-82, 52411-2367-05-82, 52411-2367-06-82, should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Robert L. Davies, Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Forrestal Building, Room GA-033, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252-1316

Marya Rowan, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A-141, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252-6739

The public file containing a copy of the TSA and other documents and supporting materials on this proceeding is available for inspection upon request at: The Department of Energy Freedom of Information Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW., Washington, D.C., Monday through Friday, 8:00 a.m.-4:00 p.m.

SUPPLEMENTARY INFORMATION: The issuance of the proposed prohibition orders to Schiller 4, 5 and 6 on November 13, 1979 (*supra.*) commenced proceedings designed to prohibit the use of petroleum or natural gas as the primary energy source in these units if the required findings of section 301(b) of FUA (as then effective), discussed below, could be made. In accordance with 10 CFR 501.51(b), the publication of the proposed prohibition orders commenced an initial three-month public comment period during which interested parties, including PSNH, were given the opportunity to challenge ERA's initial finding that Schiller 4, 5 and 6 have or previously had the technical capability to use coal as their primary energy source. Additionally, PSNH and any other interested parties were

required to furnish ERA with any evidence bearing upon the other statutory findings which former section 301(b) of FUA requires ERA to make prior to the issuance of final prohibition orders to Schiller 4, 5 and 6. PSNH was required by the then-effective 10 CFR § 501.51(b)(3) to identify during this period any exemptions for which it believed Schiller 4, 5 and 6 might qualify, but was not required to submit evidence supporting the claim of entitlement to any exemption at that time. The initial public comment period expired on February 19, 1980. No comments contrary to ERA's initial finding were received, and PSNH identified no potential exemptions for which the units might qualify.

On the basis of the evidence available to it following the expiration of the initial comment period, ERA determined to continue with the order proceedings involving Schiller 4, 5 and 6, and, accordingly, issued its Notice of Intention to Proceed on August 5, 1982 (47 FR 35034, August 12, 1982). This action commenced a second three-month public comment period, which expired November 12, 1982, without receipt of comment or request for a public hearing.

Tentative Staff Analysis: Summary

Since the expiration of the second public comment period, the ERA staff has prepared a TSA in which it concludes that the findings required by former section 301(b) of FUA can be made for Schiller 4, 5, and 6 and supported on the basis of reliable, probative and subtantial evidence in the administrative record. The required findings include the initial finding that, under former section 301(b)(1), the powerplants have or previously had the technical capability to use coal as a primary energy source; the finding under former section 301(b)(2) that the powerplants could have the technical capability to use coal (if they do not currently have such capability) without substantial physical modification of the units or substantial reduction in their rated capacities; and the finding under former section 301(b)(3) that it is financially feasible to use coal as the primary energy source in the powerplants.

The criteria which ERA used in assessing the evidence in support of the required findings are described in the Technical Capability and Financial Feasibility Reports accompanying the TSA.

A summary of the ERA staff conclusions on the required findings, as contained in the TSA, appears below.

Staff Conclusion on the Findings of Technical Capability Under Former Section 301(b) (1) and (2)

PSNH design specifications demonstrate the Schiller 4, 5, and 6 were originally constructed to use coal as their primary energy source, and have the ability, from the point of fuel intake, to physically sustain coal combustion and maintain best transfer. The accuracy of the PSNH data in its applicability to the powerplants and the ability of the units to burn coal were verified and confirmed by ERA staff visits to the site in 1979. Furthermore, PSNH statements of record indicate that Schiller 4 and 5 were operated with coal as their primary energy source from 1952 and 1955, respectively, until 1958, and although Schiller 6 has never burned coal as its primary energy source, it is identical in design and build to Schiller 4 and 5.

Accordingly, ERA's finding under former section 301(b)(1)[2] that Schiller 4, 5 and 6 previously had, if they do not now have, the technical capability to use coal as their primary energy source is supported by evidence of record.

The PSNH design specifications for Schiller 4, 5 and 6 also show that the conversion of the units to coal will require no significant respacing of the tubes and no significant alterations affecting the configuration of the respective furnaces or to accommodate the removal of botton ash. PSNH statements on the record indicate that the necessary modifications to permit the units to burn coal will primarily include the installation of additional ash and fuel handling equipment and pollution control devices, none of which, in the absence of evidence to the contrary, qualifies as a "substantial physical modification", within the meaning of 10 CFR 504.6 (c) and (d).

Although the record does not show that Schiller 4, 5 and 6's boilers will be derated as a result of the conversions, the installation and use of the pollution control and auxiliary equipment, as planned, may be expected to result in some reduction in capacity. Without evidence to the contrary, the derating that could be expected from this source would not be considered to be a "substantial reduction in rated capacity", within the meaning of 10 CFR § 504.6(e).

Accordingly, ERA can make and support the finding under former section 301(b)(2) that Schiller 4, 5, and 6 can have the technical capability to burn coal as their primary energy source without either substantial physical modifications or substantial reductions in their rate unit capacities.

Staff Conclusion on the Finding of Financial Feasibility Under Former Section 301(b)(3)

By Stipulation dated February 13, 1984, PSNH, and ERA agreed that, for purposes of former section 301(b)(3) of FUA, it is financially feasible for PSNH to use coal as the primary energy source for Schiller 4, 5 and 6. This is confirmed by the financial data contained in documents of record relating to the Settlement Agreement in Docket No. DE 79-141,[3] before the New Hampshire Public Utilities Commission.

The Settlement Agreement and its accompanying report[4] also confirm the ERA staff's independent conclusion, arrived at prior to the Stipulation, that PSNH has the actual ability to finance the Schiller conversions, and PSNH has stated for the record that the project is, at present, being financed by a combination of company funds, pollution control bonds, and unit leases.

According, ERA can make and support the finding under former section 301(b)(3) that it is financially feasible for Schiller 4, 5 and 6 to use coal as their primary energy source.

Procedures

The publication of this Notice of Availability commences a 45-day written comment period on the TSA, as provided for in the **DATES** section above. Any request for a public hearing must also be made during the 45-day period. If a hearing is requested, it will be held in accordance with Subpart C of 10 CFR Part 501.

At the close of the comment period, ERA shall determine whether the final prohibition orders will be issued to Schiller 4, 5 and 6 based upon its review of the entire administrative record of the

[2] Previously made and announced to the public in the Notice and Issuance of Proposed Prohibition Orders for Schiller 4, 5 and 6, 44 FR at 66236 (November 19, 1979).

[3] The New Hampshire Public Utilities Commission (NHPUC) commenced this proceeding, by order, on March 1, 1982, for the purposes of encouraging the parties to the proceeding to explore the grounds for settlement of unresolved economic and environmental issues impeding the timely conversion of Schiller 4, 5 and 6, then the subject of the Commission's own coal conversion order (issued in 1980), as well as the proposed prohibition orders under FUA. The resulting Settlement Agreement establishing Conversion dates of August 31, 1984; October 31, 1984; and December 31, 1984 for Schiller 4, 5 and 6, respectively, was concluded by the parties on October 22, 1982. The Settlement Agreement was thereafter adopted by the NHPUC following hearings on October 27, 1982 by Order No. 15-943.

[4] "Schiller Coal Conversion—Report of the Mediator to the New Hampshire Public Utilities Commission", New England Environmental Mediation Center, October 22, 1982.

proceedings, as required by 10 CFR 501.51(c). Any final prohibition orders issued, together with a summary of the basis therefor, will be published in the **Federal Register.** The final orders shall not take effect earlier than sixty days from the date of such publication.

Issued in Washington, D.C. on February 17, 1984.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-5296 Filed 2-28-84; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

National Petroleum Council, Coordinating Subcommittee on Petroleum Inventories and Storage Capacity

Notice of Meeting

Notice is hereby given that the Coordinating Subcommittee of the National Petroleum Council's Committee on Petroleum Inventories and Storage Capacity will meet in March, 1984. The National Petroleum Council was established pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), to provide advice, information, and recommendations to The Secretary of Energy on matters relating to petroleum and natural gas or the oil and gas industries. The Committee on Petroleum Inventories and Storage Capacity will study and update the analysis of minimum operating levels as well as update the estimates of total storage capacity available for use. The Subcommittee was established to assemble information and report to the Committee on matters relating to petroleum inventories and petroleum product storage capacities.

The Coordinating Subcommittee will hold its meeting on Thursday and Friday, March 15-16, 1984, 9:00 a.m. each day at the Sohio Learning Center, Fifth Floor of the Stouffer's Inn on the Square, 24 Public Square, Cleveland, Ohio.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Review the draft report.
2. Review the schedule for completion of the study effort.
3. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.
4. Public comment (10 minute rule).

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should contact Jimmie L. Petersen, Office of Oil and Gas, Energy Information Administration, Forrestal Building—Room 2H-058, Washington, D.C., 202/252-6401, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Minutes of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, Room 1E-190, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 24, 1984.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 84-5452 Filed 2-28-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP80-2-009]

Alabama-Tennessee Natural Gas Co.; Change in FERC Gas Tariff

February 22, 1984.

Take notice that on February 15, 1984, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered for filing revisions of its December 14, 1983, filing of proposed changes in its FERC Gas Tariff. Alabama-Tennessee states that on December 14, 1983, it filed revisions to its FERC Gas Tariff as follows:

Substitute Thirty-Second Revised Sheet No. 3-A
Substitute Fifth Revised Sheet No. 5
Substitute Fourth Revised Sheet No. 6
Substitute Fifth Revised Sheet No. 11
Substitute Third Revised Sheet No. 13-B
Substitute Fifth Revised Sheet No. 14
First Revised Sheet No. 25.

Alabama-Tennessee states that although no petitions or protests were filed, the Commission's Staff did request certain changes which Alabama-Tennessee seeks to comply with through its current filing. Alabama-Tennessee requests an April 3, 1980, effective date.

Alabama-Tennessee states that interested parties have been served with a copy of their filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before February 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. 84-5314 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP84-172-000, CP84-178-000 and CP84-178-001]

ANR Pipeline Co. and Columbia Gas Transmission Corp.; Petition for Waiver of Rule

February 22, 1984.

Take notice that on February 17, 1984, Bethlehem Steel Corporation (Petitioner), by counsel Edward J. Grenier, Jr., and Richard A. Oliver, Sutherland Asbill & Brennen, 1666 K Street, NW., Washington, D.C. 20006, filed in Docket Nos. CP84-172-000, CP84-178-000, and CP84-178-001 a petition for waiver of that part of § 157.209(e)(1) of the Regulations under the Natural Gas Act (18 CFR 157.209(e)(1)) which provides that service under the automatic authorization under said rule, pursuant to a certificate of public convenience and necessity issued pursuant to Section 7(c) of the Natural Gas Act, shall not exceed a single term of 120 days.

In Docket No. CP84-172-000 ANR Pipeline Company (ANR) and in Docket Nos. CP84-178-000 and CP84-178-001 Columbia Gas Transmission Corporation (Columbia) have filed prior notice requests pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas in interstate comfor Petitioner pursuant to their certificates issued in Docket Nos. CP82-480-000 and CP83-76-000, respectively. ANR's prior notice request was filed January 4, 1984, and amended January 23 and 24, 1984. Columbia's prior notice request was filed January 6, 1984, and amended January 18, 1984. Notices of

the prior notice requests were issued January 25, 1984, and the 45-day notice period will terminate March 12, 1984. Petitioner states that Columbia commenced transportation of gas under the automatic authorization provided in § 157.209(e)(1) on November 2, 1983. Said authorization will terminate February 29, 1984.

Petitioner states that should service cease at the end of the 120-day period of automatic authorization Petitioner would use fuel oil in place of natural gas at an additional cost of approximately $30,000 per day. Therefore, Petitioner requests that 120-day limitation in Section 157.209(e)(1) be extended through the end of the 45-day notice period provided by § 157.205(d) of the Regulations under the Natural Gas Act (18 CFR 157.205(d)) and, if necessary, through the end of the reconciliation period provided by § 157.205(g) of said Regulations (18 CFR 157.205(g)).

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 27, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5316 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-277-000]

Cleveland Electric Illuminating Co.; Filing

February 23, 1984.

Take notice that on February 13, 1984, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 50 MW of power from the 345 Kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on January 25, 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, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 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. 84-5318 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-278-000]

Cleveland Electric Illuminating Co.; Filing

February 23, 1984.

Take notice that on February 13, 1984, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 50 MW of power from the 345 Kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on February 1, 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, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 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. 84-5318 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-281-000]

Connecticut Light and Power Co.; Filing

February 23, 1984.

Take notice that on February 15, 1984, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated October 24, 1983 between (1) CL&P and Western Massachusetts Electirc Company (WMECO and together with CL&P, the NU Companies) and (2) Westfield Gas and Electric Department (WG&E).

CL&P states that the Transmission Agreement provides for transmission services to WG&E for the Wheeling of an entitlement in a unit owned by the City of Holyoke, Massachusetts Gas and Electric Department during the period from October 24, 1983 to April 30, 1984.

CL&P further states that the transmission charge rate is a weekly rate equal to one-fifty-second of the estimated annual average cost of transmission service on the electric transmisison system of the NU Companies determined in accordance with Appendix A and Exhibits I, II and III thereto, of the Transmission Agreement. The weekly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-week), and (ii) the number of kilowatts WG&E is entitled to receive during such week.

CL&P requests an effective date of October 24, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 9, 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. 84-5320 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-282-000]

El Paso Electric Co.; Filing

February 23, 1984.

Take notice that on February 15, 1984, El Paso Electric Company (El Paso) tendered for filing as an initial rate schedule an Interruptible Transmission Service Agreement between El Paso and Salt River Project Agricultural Improvement and Power District ("Salt River Project") dated August 1, 1983. El Paso is engaged in the generation , transmission and distrubution of electric power and energy in the states of Texas and New Mexico, and the generation and transmission of electric power and energy in the state of Arizona and is interconnected with other power systems operating in the Southwest area of the United States. Salt River Project is engaged in the generation of electric power and energy in the states of Arizona, Colorado, Nevada and New Mexico, and the transmission and distribution of electric power and energy in the state of Arizona, and is interconnected with other power systems operating in the Southwest area of the United States. The rates charged by Salt River Project are not subject to this Commission's jurisdiction.

El Paso states that the agreement provides for each party to provide the other with interruptible transmission service upon the other's request in amounts up to the capacity of its transmission system. El Paso's service to Salt River Project is at a rate of one mill per KWH as provided under other agreements where El Paso provides non-firm transmission service. No cost support data is required under § 35.23(e) of the Commission's regulations.

The Company requests that the Agreement be made effctive 60 days from the date of filing.

Copies of the filing have been served on the Public Utililty Commission of Texas, New Mexico Public Service Commission and Tucson Electric Power Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 9, 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 fule 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. 84-5321 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-47-000]

Equitable Gas Co.; Filing Cost of Service Study With Requests for Waivers, and Proposed Changes in FERC Gas Tariff

February 22, 1984.

Take notice that on February 13, 1984, Equitable Gas Company (Equitable) tendered for filing its cost of service study with requests to waive the requirement of an opinion from an independent public accountant and the notice requirement, and its proposed revisions to its FERC Gas Tariff as follows:

Ninth Revised Sheet No. 10-G to Equitable Gas Company FERC Gas Tariff, First Revised Volume No. 1—Rate Schedule G-2.

As to the requested waivers, Equitable states that the costs of obtaining an independent audit of its cost of service study would outweigh any benefits to consumers. Its request for a waiver of a notice requirement is to allow its proposed revision to its FERC Gas Tariff to become effective on March 1, 1984.

Equitable states that copies of its filing have been sent to the New Jersey Natural Gas Company, the Texas Eastern Transmission Corporation, the Pennsylvania Public Utility Commission, and the New Jersey Board of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before February 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. 84-5315 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-275-000]

Idaho Power Co.; Filing

February 23, 1984.

Take notice that on February 13, 1984, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during December, 1983, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company—Supplement 26
Montana Power Company—Supplement 23
Sierra Pacific Power Company—Supplement 24
Portland General Electric Company—Supplement 19
Pacific Power & Light Company—Supplement 11
Puget Sound Power & Light Company—Supplement 5
Southern California Edison Company—Supplement 17
San Diego Gas & Electric Company—Supplement 14
Washington Water Power Company—Supplement 15
Los Angeles Water & Power Company—Supplement 16
City of Burbank—Supplement 16
City of Glendale—Supplement 16
City of Pasadena—Supplement 16
City of Eugene—Supplement 1

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 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. 84-5322 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-283-000]

Middle South Services, Inc.; Filing

February 23, 1984

Take notice that on February 15, 1984, Middle South Services, Inc. (MSS) as agent for the operating companies of the Middle South System, tendered for filing a proposed change to their 1982 System Agreement. MSS states that the sole purpose of the change is to reduce the return on common equity component of the pricing formulas in the service schedules from 18.0% to 16.0%.

MSS requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

MSS states that copies of the filing were mailed to all parties in Docket No. ER82-483, which include the state public service commissions of Louisiana, Arkansas and Mississippi.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before March 9, 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. 84-5323 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-276-000]

Mississippi Power & Light Co.; Filing

February 23, 1984.

Take notice that on February 13, 1984, Mississippi Power & Light Company (Mississippi) tendered for filing proposed changes in its FERC Electric Service Tariff to municipal electric utilities, FERC Rate Schedules No. 87, 88, 93, 236, 238, to transmission delivery service schedules included in Interconnection Agreements, FERC Rate Schedule Nos. 138, 239, 243, 251, 254, 263, and 266. The proposed changes would increase revenues from jurisdictional sales and service by $2,446,292 based on the 12 month period ending May 31, 1985.

Mississippi states that the projected rate of return under the present electric service tariff for the 12 months ending May 31, 1985 for the sales for resale to the municipal electric utilities in 7.46% and for transmission service in 9.41%. The tariff changes made in the filing are necessary to reflect the cost of service for the projected period.

Mississippi further states that with the exception of the TVA transmission delivery service Mississippi requests a proposed effective date of April 14, 1984. Pursuant to the terms of the Mississippi-TVA Letter Agreement, Mississippi requests a proposed effective date of June 22, 1984, and to the extent necessary a waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 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. 84-5324 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP83-254-006 and CP83-335-006]

Montana-Dakota Utilities Co.; Amendment

February 23, 1984.

Take notice that on January 20, 1984, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket Nos. CP83-254-006 and CP83-335-006 an amendment to its pending applications filed in Docket Nos. CP83-254-000 and CP83-335-000, on behalf of suppliers currently selling gas to MDU pursuant to certificates of public convenience and necessity, to reflect a request for (1) blanket authority for partial abandonment, for a limited term, of certificated sales to MDU and (2) a blanket limited-term certificate of public convenience and necessity authorizing sales for resale in interstate commerce by MDU's suppliers of such partially abandoned reserves, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

MDU states that on March 29, 1983, MDU filed an application for a certificate of public convenience and necessity in Docket No. CP83-254-000 seeking authorization to store and transport gas on behalf of its suppliers of casinghead and residue gas under proposed Rate Schedule S-2. MDU states further that on May 23, 1983, MDU filed an application for a certificate in Docket No. CP83-335-000 seeking authorization to transport gas on behalf of all of MDU's suppliers under proposed Rate Schedule T-3. Both S-2 and T-3 programs provide for voluntary participation in such programs by MDU's suppliers, it is asserted. In the subject amendment MDU states that the requested authorizations are necessary to permit suppliers of gas being sold to MDU under certificates of public convenience and necessity to elect to participate in the S-2 and T-3 programs. Finally, because of the circumstances surrounding the S-2 and T-3 programs, including the limited scope and term of the proposed partial abandonment and the need for expedition in implementing the S-2 and T-3 programs, MDU requests that the Commission waive compliance with certain of the requirements of Sections 157.30, 157.24 and 157.25 of the Commission's Regulations. In lieu thereof, MDU proposes to provide to the Commission information identifying suppliers which elect to participate, in such manner as the Commission may prescribe in its order granting the requested authorization.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the

protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not do so again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5325 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-221-000]

National Fuel Gas Supply Corp.; Application

February 23, 1984.

Take notice that on February 2, 1984, National Fuel Gas Supply Corporation (National Fuel), Ten Lafayette Square, Buffalo, New York 14203, filed an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to replace and/or enlarge existing facilities and for permission and approval to abandon the facilities which would be replaced, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

National Fuel proposes to remove a portion of pipeline from its Lines A, B, and D in Wayne Township and the City of Corry, Erie County, Pennsylvania, and Columbus Township, Warren County, Pennsylvania, and to replace such facilities with approximately 3.2 miles of a single new 16-inch steel line to be designated as Line D. The existing facilities would be removed and sold for scrap, it is explained. The total estimated cost of this project as set forth in the application, is $751,000, which cost would be financed with internally generated funds and/or interim short-term bank loans.

It is stated that this proposal is a continuation of a replacement program which was begun by National Fuel's predecessor-in-interest, Pennsylvania Gas Company, to replace Lines A, B, and D with new pipe since such replacement is considered to be the most economical means of maintaining such facilities. It is stated that the Lines A, B, and D which are to be replaced were installed in 1886, 1929, and 1903, respectively.

Any person desiring to be heard or to may any protest with reference to said application should on or before March 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with The Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motiojn for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5326 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-212-000]

Natural Gas Pipeline Company of America; Application

February 23, 1984.

Take notice that on January 27, 1984, Natural Gas Pipeline Company of American (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP84-212-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and the construction and operation of facilities required to implement the transportation service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

More specifically, Natural proposes to receive from Tennessee up to 170,000 Mcf per day of gas at the intersection of Natural's facilities and those of Ozark Gas Transmission System (Ozark) in White County, Arkansas, and redeliver thermally equivalent volumes less fuel gas to Tennessee at the existing interconnection between Natural and Tennessee in Wharton County, Texas, and at the proposed interconnection between Natural and Tennessee in San Jacinto County, Texas. Natural also indicates that volumes redelivered to the San Jacinto redelivery point would not exceed 100,000 Mcf per day.

Natural proposes to charge Tennessee 24.4 and 20.0 cents per million Btu received at the White County, Arkansas, receipt point and redelivered at the Wharton County and San Jacinto County redelivery points, respectively. Natural also proposes to retain initially 0.5 percent and 0.8 percent from the volumes to be redelivered at the Wharton and San Jacinto County redelivery points, respectively, for fuel gas. Natural also proposes a 1.0-cent handling charge for each Mcf received at the delivery point less fuel volumes.

Natural also proposes to construct and operate a dual 10-inch tap connection, ¼ mile of interconnecting pipeline, a measuring facility and other appurtenant facilities in San Jacinto County at an estimated cost of $622,000. Natural states that Tennessee would reimburse Natural for 50 percent of the facility cost.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to be proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice

and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Natural to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5327 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-279-000]

Pacific Power & Light Co.; Filing

February 23, 1984.

Take notice that on February 14, 1984, Pacific Power & Light Company (PP&L) tendered for filing an agreement between PP&L and Black Hills Power and Light Company (Black Hills) which provides for the sale of firm capacity and energy from PP&L's system and a certificate of concurrence on behalf of Black Hills.

PP&L requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were supplied to Black Hills, and the regulatory commissions of the states of Wyoming, South Dakota, Washington, Oregon and Montana.

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., Regulatory Commission, 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 8, 1984. Protests will be considered by the 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. 84-5328 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-280-000]

Pacific Power & Light Co.; Filing

February 23, 1984.

Take notice that on February 15, 1984, Pacific Power & Light Company (PP&L) tendered for filing the following:

(1) Second Revised Sheet No. 5 superseding Original Sheet No. 5 (Index of Purchasers) of the Tariff,

(2) Service Agreement, dated October 4, 1983 between PP&L and the Western Area Power Administration—Salt Lake City, Utah Office (Western Salt Lake), and

(3) Service Agreement, dated October 1, 1983 between PP&L and the Western Area Power administration—Sacramento, California Office (Western Sacramento).

PP&L requests waiver of the Commission's notice requirements to allow an effective date of August 1, 1983, for the Western Salt Lake Service Agreement, and October 1, 1983 for the Sacramento Service Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 9, 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. 84-5329 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-48-000]

Panhandle Eastern Pipe Line Co.; Change in FERC Gas Tariff

February 23, 1984.

Take notice that on February 15, 1984, Panhandle Eastern Pipe Line Company (Panhandle) tender for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1:

Second Revised Sheet No. 3-C

First Revised Sheet No.32-R

Panhandle states that these sheets are submitted to include the GRI funding unit charge in the rates authorized in Panhandle's Rate Schedule IT.

Panhandle request that these sheets become effective on January 1, 1984 as this is the date upon which the new GRI rate become effective pursuant to the Commission's order dated October 28, 1983.

A copy of this filing has been served on Panhandle's customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before 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 the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5330 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL82-1-000]

Potomac Electric Power Co.; Compliance Filing

February 23, 1984.

Take notice that on January 23, 1984, Potomac Electric Power Company (PEPCO) submitted for filing its compliance filing in response to the Commission's Order on Rehearing issued December 22, 1983. Specifically, the Commission directed the members of PJM "to make the filings required by the August 24, 1983 Order within thirty days.

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 8, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5331 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-291-002]

Transcontinental Gas Pipe Line Corp.; Petition to Amend

February 23, 1984.

Take notice that on January 26, 1984, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP79-291-002 a petition to amend the order issued December 10, 1979, in Docket No. CP79-291-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from two additional sources of supply, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is authorized to transport for Michigan Wisconsin Pipe Line Company (Mich Wisc) a daily contract demand quantity of up to 7,000 Mcf of gas produced in South Pelto Blocks 8 and 13, offshore Louisiana, for delivery at the Mobil Cameron Plant, Cameron Parish, Louisiana. By the subject petition to amend, Petitioner requests authority to include two additional sources of supply, South Pelto Block 18 and South Pelto Block 12. No increase in the contract demand quantity is proposed.

Petitioner states that the subject gas would be transported from South Pelto Blocks 18 and 12 to South Pelto Block 13 through two small laterals which are owned jointly by Petitioner, Mich Wisc, Trunkline Gas Company, and Northern Natural Gas Company, a Division of InterNorth, Inc. (Northern). From South Pelto 13, it is stated, the gas would be transported (along with existing transportation quantities) through the South Pelto supply lateral, jointly owned by Petitioner, Mich Wisc, and Northern, to an interconnection with Petitioner's Southeast Louisiana Gathering System for further transportation onshore.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-5332 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-49-000]

Trunkline Gas Co.; Change in FERC Gas Tariff

February 23, 1984.

Take notice that on February 15, 1984, Trunkline Gas Company (Trunkline) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1:

Third Revised Sheet No. 3-A.1
First Revised Sheet No. 9-BE

Trunkline states that these sheets are submitted to include the GRI funding unit charge in the rates authorized in Trunkline's Rate Schedule IT.

Trunkline requests that these sheets become effective on January 1, 1984 as this is the date upon which the new GRI rate became effective pursuant to the Commission's order dated October 28, 1983.

A copy of this filing has been served on Trunkline's customers.

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. 20425, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before 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. 84-5333 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Health and Environmental Research Advisory Committee; Open Meeting

Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Health and Environmental Research Advisory Committee (HERAC).

Date and Time:

March 19, 1984—9:00 a.m.-5:00 p.m.

March 20, 1984—9:00 a.m.-Noon

Place: U.S. Department of Energy, 1000 Independence Avenue, SW., Room 8E-089, Washington, D.C. 20585.

Contact: David A. Smith, Department of Energy, Office of Health and Environmental Research (ER-72), Office of Energy Research, Washington, D.C. 20545, Telephone: 301/353-2987.

Purpose of the committee: To provide advice on a continuing basis to the Secretary of the Department of Energy (DOE), through the Director of Energy Research, on the many complex scientific and technical issues that arise in the development and imlementation of the Health and Environmental Research (HER) program.

Tentative agenda: Briefings and discussions of:

Monday, March 19, 1984

- Organizational, administrative and managerial issues
- Overview of HER program and its elements
- Public comment (10 minute rule)

Tuesday, March 20, 1984

- Discussion of HER program plans
- Future Committee Activities
- Public comment (10 minute rule)

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact David A. Smith at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, IE-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 23, 1984.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84-5295 Filed 2-28-84; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Thermopolis-Alcova-Casper Transmission Line Project, Wyoming; Draft Environmental Impact Statement Availability and Public Hearings

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of availability and public hearings for draft environmental impact statement.

SUMMARY: Notice is hereby given that the Western Area Power Administration (Western), U.S. Department of Energy (DOE), has issued for review and comment a draft environmental impact statement (EIS) for the proposed Thermopolis-Alcova-Casper transmission line project in Wyoming, DOE/EIS 0101-D. The draft EIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA); Council on Environmental Quality regulations, 40 CFR 1500-1508; and DOE guidelines for compliance with NEPA, 45 FR 20694, and as amended.

DATES: Written comments on the draft EIS are due no later than April 6, 1984.

FOR FURTHER INFORMATION OR COPIES OF THE DRAFT EIS CONTACT:

Mr. William C. Melander, Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 224-7231 or FTS 330-7231

Mr. Gary W. Frey, Director of Environmental Affairs, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, (303) 231-1527 or FTS 327-1527

Background Information

Western has developed a draft EIS to assess the environmental effects of constructing about 152 miles of 230-kV or 230-/345-kV transmission lines between Thermopolis and Alcova, and between Alcova and Casper, Wyoming. Approximately 136 miles of the new 230-kV or 230-/345-kV line will either replace two existing but deteriorated 69-kV lines or parallel an existing 115-kV line. The remaining 16 miles of line will be constructed on a new corridor. In addition, approximately 50 miles of 69-kV line will be reconstructed at 69-/115-kV between Arminto and Casper, Wyoming. Other minor elements of the project include construction of short 34.5-kV and 69-/115-kV connecting lines, and a new substation near Alcova, Wyoming. The purpose of the project is to bring the regional transmission system into compliance with North American Electric Reliability Council criteria and to reduce energy losses associated with overloading of the existing system. Alternatives assessed include no action, delay, reduction in the quality of electrical service, alternative transmission technologies, alternative designs, and alternative routes. Significant impacts include soil disturbance and increased erosion, potential disturbance of sensitive habitats for sage grouse, bald eagles, and other raptors, and increased visual impacts created by the replacement of small, wood structures with larger transmission structures.

Copies of this statement have been provided to public and private agencies, organizations, and individuals which have expressed an interest in the project area. Copies of the draft EIS are also available for public inspection at Western Offices including the Loveland-Fort Collins Area Office, 5555 East County Road 26, Loveland, Colorado; the Headquarters Office, Room 304, 1627 Cole Boulevard, Golden, Colorado; and the Casper Field Branch, 5600 West Poison Spider Road, Casper, Wyoming, and at the DOE Reading Room, Forrestal Building, Washington, D.C., Room 1E-190 between 8:00 a.m. and 4:00 p.m., Monday thru Friday except Federal holidays. Agencies and individuals are encouraged to review the draft EIS and comment on its adequacy, completeness, and accuracy. Comments received after the comment closing date may not be considered in the decisionmaking process. The draft EIS should be retained for possible use as part of the final EIS. If the public review requires only minor changes to the draft, then the final EIS will comprise: (1) The draft, (2) a record of public comments on the draft and the responses to the comments, and (3) necessary changes and corrections.

Public hearings will be held and written as well as oral comments will be accepted. The public hearings will be held as follows:

Date	Location
Mar. 13, 1984	Holiday Inn, Thermopolis, Wyoming.
Mar. 14, 1984	Room S-134, Central Wyoming College, Riverton, Wyoming.
Mar. 15, 1984	City Council Chambers, 200 North David Street, Casper, Wyoming.

Informational exhibits about the project will be on display, and Western personnel will be available to answer questions from 5 p.m. to 7 p.m. at each of the locations prior to the start of the hearings. The public comment hearings will begin at 7 p.m. A certified court reporter will record the proceedings of each hearing. Copies of the hearings transcripts will be available for inspection at the Loveland-Fort Collins Area Office 2 weeks following the Casper hearing.

Written comments on the Draft EIS not presented at the hearings should be sent to Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, at the address given above.

Issued at Golden, Colorado, February 17, 1984.

Robert L. McPhail,

Administrator.

[FR Doc. 84-5298 Filed 2-28-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-38507; PH-FRL 2534-2]

2,4,5-T and Silvex Products; Intent To Suspend Certain 2,4,5-T and Silvex Registrations for Failure To Submit Required Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent to Suspend.

SUMMARY: This Notice announces the intent of the Environmental Protection Agency to suspend the registrations of certain 2,4,5-T and silvex pesticide products for failure to comply an with October 14, 1983 request for additional data in support of registration.

DATE: Requests for a hearing by a registrant must be received within 30 days from receipt of this Notice. Requests for a hearing by any other adversely affected party must be received within the same period.

ADDRESS: Requests for a hearing must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Richard F. Mountfort, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1830).

SUPPLEMENTARY INFORMATION:

I. Background

On October 14, 1983, the Environmental Protection Agency (EPA, Agency) issued a notice pursuant to

section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA), which requires all registrants of pesticide products containing 2,4,5-T or silvex to submit updated confidential statements of formula to the Agency within 90 days of receipt of the notice (section 3(c)(2)(B) Notice). Section 3(c)(2)(B) authorizes the Agency to require the submission of additional data to maintain in effect an existing registration of a pesticide. At the conclusion of the 90-day period, the Administrator has the authority to suspend the registrations of pesticides for which the required data have not been submitted. The section 3(c)(2)(B) Notice applies to all pesticide products containing 2,4,5-trichlorophenoxyacetic acid [2,4,5-T], 2-(2,4,5-trichlorophenoxy) propionic acid [silvex], or any 2,4,5-T or silvex derivative, including but not limited to any 2,4,5-T or silvex ester, amine, or salt.

II. Determination

The Agency's records indicate that:

1. The pesticide products on the two attached lists contain 2,4,5–T or silvex;

2. The section 3(c)(2)(B) Notice was received by registrants of the pesticide products on the two attached lists by certified mail on or before November 1, 1983; and

3. Within the required time or to date, registrants of those products have failed to either (a) take appropriate steps to submit an updated confidential statement of formula as required by the section 3(c)(2)(B) Notice, or (b) submit a signed statement that the confidential statement of formula currently on file with the Agency satisfies all of the requirements of the section 3(c)(2)(B) Notice.

Accordingly, the Agency is initiating action to suspend the registrations of the pesticide products on the two attached lists. This proposed suspension will become final and effective with respect to a product 30 days from receipt of this Notice by the registrant of the product, unless within 30 days from receipt of this Notice the registrant takes action to comply with the section 3(c)(2)(B) Notice or unless a hearing is requested in the manner described below.

The proposed suspension is effective against all current registrations of 2,4,5-T and silvex products for which updated confidential statements of formula, as described in the section 3(c)(2)(B) Notice, have not been submitted, notwithstanding other pending Agency actions involving these same products. Thus, registered 2,4,5-T and silvex products currently labeled for non-suspended uses for which a valid hearing request was received pursuant to the Agency's October 14, 1983 Notice of Intent to Cancel, published in the **Federal Register** of October 18, 1983 (48 FR 48434), but for which updated confidential statements of formula have not been submitted, will be suspended, notwithstanding participation of the affected registrants in any hearing concerning the October 14, 1983 Notice of Intent to Cancel. In additon, registrants of 2,4,5-T and silvex products for which all uses were suspended and remain suspended pursuant to the Agency's February 28, 1979 Emergency Suspension Orders, published in the **Federal Register** of March 15, 1979 (44 FR 15874, 44 FR 15897), and for which no updated confidential statements of formula have been submitted, will be concurrently suspended pending submission of the required statements. However, this Notice does not affect the sale or distribution for non-suspended uses of existing stocks of 2,4,5-T and silvex products canceled pursuant to the Agency's October 14, 1983 Notice of Intent to Cancel, in accordance with the existing stocks provisions of that notice.

III. Existing Stocks

Section 3(c)(2)(B) of FIFRA provides that the notice of intent to suspend may include appropriate provisions for the continued sale and use of existing stocks of the suspended pesticide products. For the reasons set forth below, the Agency has determined that continued sale and distribution of the affected products will not be allowed after the effective date of the suspension.

Under section 3(c)(1) of (E) FIFRA and related regulations, all registrants have an obligation to submit to the Agency a confidential statement of formula for each pesticide product as part of the data required to support the registration of that product. Section 12(a)(1)(C) makes it illegal to sell or distribute "any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in [its confidential statement of formula]." Therefore, the confidential statement of formula on file at the Agency must reflect the composition of the currently available product.

In light of these statutory provisions, even before the section 3(c)(2)(B) Notice, registrants were on notice that their confidential statements of formula may require periodic updating in order to correspond to the current product. The section 3(c)(2)(B) Notice merely requested submission of information which should have already been on file. For any registrant whose current product is adequately described by the confidential statement of formula in the Agency's file, a simple letter would have satisfied the requirements of the section 3(c)(2)(B) Notice.

The Agency does not believe that the objectives underlying the applicable provisions of FIFRA would be served by allowing the sale and distribution of existing stocks of non-conforming products. Therefore, the effective date for suspension of the sale and distribution of any quantity of any pesticide product affected by this Notice is 30 days from receipt of this Notice by the registrant. Pesticide products in the hands of users on that date will not be affected by the suspension.

VI. Procedural Matters

Any person adversely affected by this Notice may request a hearing to show either that the Registrant has taken appropriate action to comply with the section 3(c)(2)(B) Notice or that the above provision regarding disposition of existing stocks is inconsistent with FIFRA. The scope of any hearing related to this Notice is limited to these two issues. A request for a hearing must state which of the two issues is the basis for the hearing request and must set forth supporting facts to demonstrate the need for the hearing. If a hearing is held, it will be conducted pursuant to section 6(d) of FIFRA and a decision after completion of such a hearing shall be final. FIFRA provides that any hearing on this Notice must be held and a determination made within 75 days after receipt of a request for such a hearing. Written requests for a hearing should be submitted in quintuplicate, and must be submitted to: Hearing Clerk (A–110), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Any registration which is suspended solely as a result of this proposed action will be reinstated if and when the registrant takes the appropriate steps to submit an updated confidential statement of formula as required by the October 14, 1983 section 3(c)(2)(B) Notice. Documents should be submitted to: Mr. Richard F. Mountfort, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Dated: February 16, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

CURRENTLY REGISTERED PRODUCTS SUBJECT TO SUSPENSION

Registrant and product	Registration No.
2,4,5-T	
Union Carbide:	
Weedar 2,4,5-T	264-62
2,4,5-T Low Volatile Ester Brush Killer	264-71
2,4-D/2,4,5-T Low Volatile Ester Brush Killer	264-73
Amchem Trinoxol	264-84
Dinoxol	264-103
Amchem Trinoxol Super-6	264-128
Dinoxol Super-6 Woody Plant Herbicide	264-132
2,4,5-T for Use in Manufacturing Herbicides	264-225
Technical 2,4,5-T Ester	264-234
Weedone IBK Odor Inhibited	264-268
Amchem BK Woody Plant Herbicide	264-282
Weedone 2,4,5-T Special Air Spray Formula	264-288
EM Industries: 2,4,5-T Technical	21137-13
Vertac Chemical:	
Brush-Rhap O B-4T Herbicide	39511-18
Brush-Rhap Butyle Ester B-4T	39511-19
Brush-Rhap Butyl-2D-2T Herbicide	39511-21
Brush-Rhap LV-6T Herbicide	39511-22
Brush-Rhap LV-5T Herbicide	39511-23
Brush-Rhap LV-4T Herbicide	39511-24
Brush-Rhap LV Oxy-5T Herbicide	39511-25
Brush-Rhap LV Oxy-4T Herbicide	39511-26
Brush-Rhap LV Oxy-6T Herbicide	39511-27
Brush-Rhap LV Oxy-3D-3T Herbicide	39511-28
Brush-Rhap LV Oxy 2D-2T Herbicide	39511-29
Brush-Rhap LV 3D-3T Herbicide	39511-30
Brush-Rhap LV 2D-2T Herbicide	39511-32
Brush-Rhap OLV 2D-2T Herbicide	39511-33
Brush-Rhap OLV-4T Herbicide	39511-34
Brush-Rhap OLV-6T Herbicide	39511-35
Brush-Rhap OLV 3D-3T Herbicide	39511-36
2,4,5-T Acid Herbicide	39511-52
Helena 2D-2T Brush Killer	39511-83
Veon 245 Nonvolatile 2,4,5-T Amine	39511-124
Gilmore, Inc.:	
2,4,5-T 4 Lb Amine	42545-2
2,4,5-T Technical Acid	42545-3
Chipman 2,4,5-T Acid	42545-5
Rhodia Low Volatile Brush Killer No. 2	42545-6
Rhodia 2,4,5-T Low Volatile Ester 4L	42545-21
Rhodia 2,4,5-T Low Volatile Ester 6L	42545-22
Rhodia 2,4,5-T Isooctyl Ester	42545-23
SILVEX	
Union Carbide:	
Fruitone-T	264-150
Technical Silvex	264-272
Amchem 2,4,5-TP	264-289

CURRENTLY SUSPENDED PRODUCTS SUBJECT TO CONCURRENT SUSPENSION

Registrant and product	Registration No.
2,4,5-T	
Union Carbide:	
Weedone 2,4,5-T	264-9
Amchem Envert-DT	264-121
Amchem Envert-T	264-123
Emulsavert 100	264-208
Emulsavert 248	264-209
Envert-DT Woody Plant Herbicide	264-269
Amchem 2,4,5-T Woody Plant Herbicide	264-284
Amchem 2,4,5-T Woody Plant Herbicide	264-286
Weedone 2,4,5-T Odor Inhibited	264-287
SILVEX	
Riverdale Chemical: Riverdale Weedestroy Lawn Weed Killer	228-116
Union Carbide:	
Weedone Granular Lawn Weed Control	264-83
Amchem 3-D Weedone Turf Weed Control	264-237

CURRENTLY SUSPENDED PRODUCTS SUBJECT TO CONCURRENT SUSPENSION—Continued

Registrant and product	Registration No.
Farnam Companies: Pill Kill Weed Killer for Lawn Weeds	270-143
Chas. H. Lilly:	
Miller's Silvex Silvacide	802-402
Miller's Weed Bomb	802-463
Malter International: Di-Phen Broadleaf Weed and Woody Brush Killer	1266-106
Farmland Industries:	
Silvex Lawn Weed Killer	1990-146
Woodbury's Lawn Weed Killer	1990-419
Patterson Chemical:	
Patterson's Chickweed Killer with Silvex	2169-166
PBI Gordon: Chickweed and Clover Killer	2217-305
Terre Company: Terre Easy to Use Granular	2290-31
Hopkins Agricultural Chemicals: Lawn Weed Killer	2393-430
Patco Products:	
Patco's Weedkill	5348-3
Patco Weed and Feed	5348-4
Webfoot Fertilizer: Webfoot Weed and Feed 8-4-4	7923-1
Inland Labs: Economy's Lawn Weed Killer	23486-12
PBI Gordon:	
Acme Weed-No-More Lawn Weed Killer	33955-89
Acme Chickweed Clover Killer	33955-436

[FR Doc. 84-5382 Filed 2-28-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 84-174, File No. BPCT-83111OKE, et al.]

Minority Television of Flagstaff, Inc., et al.; Hearing

In re Applications of Minority Television of Flagstaff, Inc., Flagstaff, Arizona; MM Docket No. 84-174, File No. BPCT-83111OKE; Ware Communications, Inc., Flagstaff, Arizona; MM Docket No. *84-175 File No. BPCT-83111OKK; For Construction Permit.*

Hearing Designation Order

Adopted: February 17, 1984.
Released: February 27, 1984.

By the Chief, Mass Media Bureau.

1. Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Minority Television of Flagstaff, Inc. (Minority) and Ware Communications, Inc. (Ware) for a new commercial television station to operate on Channel 13, Flagstaff, Arizona.

2. Section V-C, Item 10, FCC Form 301 requires that an applicant submit the area and population within its predicted Grade B contour. Minority has not specified the population within its Grade B contour. Consequently, we are unable to determine whether there would be a significant difference in the size of the area and population that Minority and Ware each proposes to serve. Minority will be required to submit an amendment showing the population within its predicted Grade B contour within 20 days after this Order is released, to the presiding Administrative Law Judge. The presiding Administrative Law Judge will consider any significant difference in the areas and populations served under the standard comparative issue.

3. Section II, page 2, FCC Form 301, requires that if an applicant is a corporation, the names, address and offices held by each officer must be listed. Minority's application shows Katherine T. Mansfield as the sole officer, director and stockholder. The laws of Arizona appear to require that a corporation have at least two officers (Arizona Revised Statutes Section 10-053). Furthermore, § 73.3514(a) of the Commission's Rules requires applicants to provide all information called for by FCC Form 301, unless the requested information is inapplicable. Accordingly, appropriate issues will be specified to determine the identity and qualifications of Minority's corporate officers and directors and to examine its compliance with § 73.3514(a).

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

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

1. To determine with respect to Minority Television of Flagstaff, Inc:

(a) The number identity and legal qualifications of the officers and directors of the applicant;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, the applicant complied with § 73.3514(a) of the Commission's Rules; and

(c) In light of the evidence adduced pursuant to the foregoing issues, the effect of any Comissions on the applicant's basic or comparative qualifications.

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

3. To determine, in light of the evidence adduced pursuant to the

foregoing issues, which of the applications should be granted.

6. It is further ordered, That, Minority Television Broadcasting of Flagstaff, Inc. shall, within 20 days after this Order is released, submit to the presiding Administrative Law Judge, an amendment showing the population within its predicted Grade B contour.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the data fixed for the hearing and to present evidence on the issues specified in this Order.

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

Federal Communications Commission.

Roy J. Stewart,

Chief Video Services Division, Mass Media Bureau.

[FR Doc. 84-5398 Filed 2-28-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 84-36, File No. BPIH-821129 AH, et al.]

Phoenix Media Corp. et al.; Hearing

In re Applications of Phoenix Media Corp.; MM Docket No. 84-36, File No. BPIH-821129AH; Barnes, London & Lockhart d/b/a Long Island Radio; MM Docket No. 84-37, File No. BPIH-830223AA; Island Sound Communications; MM Docket No. 84-38, File No. BPIH-830223AB; Nassau Broadcasting, Inc.; MM Docket No. 84-39; File No. BPIH-830223AF; For Interim Authority to Operate the Facilities of Former Station WLIR (FM), Garden City, New York (92.7 MHz Channel 224, 1 kW at 521 feet).

Order

Adopted: January 18, 1984.
Released: February 1, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting under delegated authority, has before it for consideration the above-captioned mutually exclusive applications for interim operating authority.

2. In June of 1981, the Commission denied the license renewal application for Station WLIR (FM), Garden City, New York. *Stereo Broadcasting, Inc.*, 87 FCC 2d 87 (1981), *reconsideration denied*, 50 RR 2d 1346 (1982). On December 23, 1982, Stereo Broadcasters dismissed its appeal of the Commission's decision. On January 13, 1983, the Commission released a Public Notice (Mimeo #1775) inviting applications for the frequency. Although no restrictions were placed on the filing of proposals for operation of the frequency on a regularly licensed basis, we did state our intention to reject as unacceptable for filing any application for interim authority containing parties who would have any interest in filing for regular use of the frequency. Consequently, the above applicants are independent of any potential regular licensee of the facilities.

3. Applicants are required by § 73.3580 of the Commission's Rules to give local notice of the filing of their applications. We have no indication that Nassau Broadcasting, Inc. published the required notice. To remedy this deficiency, Nassau Broadcasting must publish local notice of the application, if it has not already done so, and so inform the Review Board within 20 days of the release of this Order, or an appropriate issue will be specified by the Board.

4. We find that the above applicants for interim authority are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they are being designated in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Sections 5 (d) and 309(e) of the Communications Act of 1934, as amended, the above applications are designated for oral argument before the Review Board at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine which of the above applications would, on a comparative basis, best serve the public interest.

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

6. It is further ordered, That within 20 days of the release of this Order, Nassau Broadcasting, Inc. shall inform the Review Board as to whether local notice of filing of the application has been published.

7. It is further ordered, That the applicants shall submit their respective showings under the comparative issue within twenty days of the release of this Order.

8. It is further ordered, That, in the event of a grant of any of the applications, the authorization will contain the following conditions:

1. The interim operator shall compute its net profits from the operation of the station by generally accepted accounting principles. It shall distribute such net profits to noncommercial educational broadcast interests in the State of New York or to charities in the state of New York in which the interim operator has no direct or indirect interest. Distributions shall be made at intervals not exceeding three months and shall be in an amount not less than 80% of the accumulated net profits so computed. All net profits not distributed throughout the life of the interim operation shall be distributed to noncommercial educational broadcast interests in the State of New York or charities in the state of New York in which the interim operator has no direct or indirect interest upon dissolution of the interim operation.

2. After construction, if any, and the commencement of operations, the interim operator shall not make any capital expenditures of more than $1,000 without the prior approval of the Commission and shall not increase salaries, wages, or other compensation or benefits to or for the benefit of principals, officers, directors, partners, stockholders, or management level employees without the prior consent of the Commission.

3. Within six months after the commencement of operation (and no more than every six months therefore), the interim operator shall file with the Chief, Audio Service Division, Mass Media Bureau a detailed accounting of its financial position. All reports and information so submitted may, at the discretion of the Commission, be made available for public inspection. These reports shall include a balance sheet, profit and loss statement, statement of retained earnings, and a statement of changes in financial position.

9. It is further ordered, That to avail themselves on the opportunity to be heard, the applicants shall, within ten days of the release of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the oral argument and present evidence on the issues specified in this Order.

10. It further ordered, That the applicants herein shall, pursuant of Section 311(a)(2) of the Communications Act of 1934, as amended, forthwith upon release of the Order fixing the time and date of the oral argument, cause to be published in a newspaper of general circulation in Garden City, New York, a notice of the hearing, either individually

or jointly, in the manner prescribed by § 73.3594 of the Commission's Rules.

Federal Commun cations Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84-5397 Filed 2-28-84; 8:45 am]

BILLING CODE 6712-01-M

Subcommittee Meetings of the FCC Industry Advisory Committee on Technical Standards for Direct Broadcasting Satellite (DBS) Service

There will be several sub-committee meetings of the FCC Advisory Committee on Technical Standards for DBS Service in March 1984. The sub-committee information is as follows:

- S.C. on Receiver Standards—March 7, 1984; at 9:30 AM, 1200 19th Street; Conf. Rm No. 330
- S.C. on Transmission Standards—March 13, 1984; at 9:30 AM, CBS,1800 M Street, 3rd flr
- S.C. on Receiver Standards—March 29, 1984; at 9:30 AM, 1200 19th Street; Conf. Rm No. 330
- S.C. on Encryption Standards—March 29, 1984; at 2:00 PM, 1200 19th Street; Conf. Rm No. 330

The agenda for the meetings are as follows:

1. Approval of minutes of previous meetings.
2. Approval of agenda.
3. Discussion of reports of various working groups.
4. Discussion and formulation of draft of final report to the FCC.
5. Other business.
6. Date of next meeting(s).

Those seeking further information may contact the chairmen of the above groups or B. Pattan, FCC/OST (202) 653-9098.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-5396 Filed 2-28-84; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-1145]

Comments Called for Concerning "Overlap" Between Copycat Tariffs and Special Access Services

February 23, 1984.

The exchange carriers which have filed the so-called "copycat" tariffs that are under investigation in Phase II, Part I of the proceeding in CC Docket No. 83-1145 (10-28-83; 48 FR 49918) concerning access and divestiture tariff filings have indicated that the copycat filings essentially replicate the AT&T tariffs under which "long-distance" toll telephone, private line, and radiotelephone services are provided currently. These copycat tariffs would purportedly serve to maintain existing rates and terms of service pending the development of offerings that would reflect post-divestiture revenue requirements. On the strength of these representations and in view of the fact that fully-justified rates could not feasibly be developed and reviewed prior to the date set for divestiture, FCC staff advised the carriers that they would not be called upon to cost-justify the replicated rates and terms prior to the end of 1984, by which time fully-supported tariffs were to be filed to replace these interim offerings.

There appears to be a substantial area of overlap, however, as between the private line copycat offerings and the private line offerings that are provided for in the National Exchange Carrier Association (NECA) access tariff being investigated in Phase I, in which many of the same filing carriers have joined, and in the individual access tariffs that the others have submitted. The "Special Access" sections of the NECA and other access tariffs specify rates and terms for the various jurisdictionally interstate, private line services that might be provided between points within a LATA; the private line copycat tariffs do the same, but the rates which they specify are different from the private line rates that are specified in the access tariffs. It would thus seem that if we were to allow the private line copycat tariffs of the carriers which are a party to the NECA filing and the NECA tariff itself to be concurrently effective it would be possible for customers to obtain intra-LATA private line connections for the transmission of interstate communications from those carriers under disparate rates and terms of service.

If it would be unlawful for the carriers in question to maintain these tariff offerings concurrently, then one or the other will have to be revised so as to eliminate the overlap before both may take effect. (The access and copycat tariffs are under suspension until April 3.) In order to assist the FCC in deciding how best to resolve this matter, interested persons may submit comments no later than March 7, 1984. It is requested that the carriers in question compare the respective rates in the comments that they submit in response to this notice.

FOR FURTHER INFORMATION CONTACT:
Bill Bell, Tariff Division, Common Carrier Bureau, (202) 632-6917.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-5402 Filed 2-28-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 84-162, File No. BP-820826AC, et al.]

Luin K. Dexter; Hearings

In re Applications of Luin K. Dexter, Sequim, Washington; MM Docket No. 84-162, File No. BP-820826AC; Req: 1520 kHz, 5 kW, DA-2, U; JSM Media, Oak Harbor, Washington; MM Docket No. 84-163, File No. BP-830223AE; Req: 1520 kHz, 5 kW, DA-1, U; For Construction Permit.

Hearing and Designation Order

Adopted: February 7, 1984.

Released: February 27, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the mutually exclusive applications of Luin K. Dexter and JSM Media.[1]

2. *Technical matter.* The 0.5 mV/m daytime contour of the Dexter proposal would overlap the 0.5 mV/m contour of first adjacent-channel KKNW, Mountlake Terrace, Washington, in violation of § 73.37(a) of the Commission's Rules. However, the overlap occurs only because of the high-conductivity salt-water path to KKNW and the overlap area is minimal. Therefore, waiver of § 73.37(a) is warranted. See *Teche Broadcasting Corp.*, FCC 74-468, 30 RR 2d 201 (1974).

3. *Other matters.* The Commission has not yet received Federal Aviation Administration clearance for the antenna towers proposed by JSM Media. Hence an appropriate issue will be specified.

4. Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed.[2] However, since the proposals

[1] JSM Media has filed an amendment dated December 13, 1983 that fails to meet the requirements of § 73.3522 of the Rules. Under 1.65, however, good cause has been shown for the acceptance of this amendment.

[2] Operation with the facilities specified herein is subject to modification, suspension or termination without right of hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although the proposals are for different communities, they would serve substantial areas in common. Therefore, in addition to determining pursuant to Section 307(b) of the Communications act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service, and contingent comparative issue will be specified.

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

2. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

4. To determine, in the event it be concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would on a comparative basis better serve the public interest.

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

6. It is further ordered, that the petition for leave to amend filed by JSM Media is granted and the accompanying amendment is accepted.

7. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

8. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the Applicants shall give notice of the hearing as prescribed in the rule, and shall advise the Commission of the publication of the notice as requred by § 73.3594(g) of the rules.

Federal Communications Commission.

W. Jam Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

9. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower proposed by the below listed applicant. Accordingly, it is further ordered, That the following issue is specified:

1. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower heights and location proposed by JSM Media.

10. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

[FR Doc. 84-5400 Filed 2-28-84; 8:45 am]
BILLING CODE 6712-01-M

[MM Docket No. 84-178, File No. BPCT-830415KH, et al.]

Volunteer Communications Society et al.; Hearings

In re Applications of Volunteer Communications Society, Danville, Virginia; MM Docket No. 84-178; File No. BPCT-830415KH; C. Harry Anglin, Danville, Virginia; MM Docket No. 84-179, File No. BPCT-830603KG; For Construction Permit.

Hearing Designation Order

Adopted: February 21, 1984.
Released: February 28, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Volunteer Communications Society (Volunteer) and C. Harry Anglin for authority to construct a new commercial television station on Channel 44, Danville, Virginia, and a petition to deny the Volunteer application, filed by Danville Cablevision Company (Cablevision). Volunteer did not file an opposition to the petition.

2. Cablevision claims standing as a party in interest pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended. Petitioner's cable television system originates programming and sells advertising to businesses which place commercials on the program origination channel of the system. Petitioner has standing because its cable system will be competing directly with Volunteer for both viewers and advertising revenue. *FCC v. Sanders Bros. Radio Station,* 309 U.S. 470 (1940).

Tower Height and Location

3. Volunteer proposes to mount its antenna on an existing tower, at coordinates 36°38'11", 79°23'17", with an overall height above ground of 295 feet. Cablevision alleges that substantial and material questions of fact exist as to whether Volunteer misrepresented facts concerning its proposed site and as to its availability. In support of this allegation, petitioner submitted an affidavit from its general manager documenting his inability to find an existing tower such as that described by Volunteer. Petitioner states, however, that there is a tower near the coordinates specified by Volunteer within the city of Danville, but it is only 150 feet tall. The petitioner submitted a copy of Section 34-60 of the Danville City Code which states that tower heights of television stations are limited to 150 feet.[1] Also, the petitioner states that city records reflect that the street address given by Volunteer of its tower location is a vacant lot. Petitioner further states that examination of the area in and around the city of Danville failed to disclose any existing towers of the height claimed by Volunteer.

4. We find that petitioner has raised substantial and material questions concerning the location and height of the tower proposed by Volunteer. An issue will be added to determine the precise height and location of the tower proposed by Volunteer. The related question of site availability must also be resolved and an appropriate issue with respect thereto will be specified. Moreover, since we are unable to ascertain the tower height and location, an air hazard issue will be specified.

5. Petitioner has requested that a misrepresentation issue be specified against Volunteer on the tower location question. The issue would be based on the lack of an existing tower at the location specified by Volunteer. Volunteer did not file an opposition to the petition to deny. The undisputed facts suggest that there is no such tower as that specified by the applicant. Therefore, a misrepresentation issue appears to be warranted.

Staffing Proposal

6. Petitioner alleges that the proposal by Volunteer to employ less than 5 full-time persons raises a question as to whether it has misrepresented either its programming or its staff, since implementation of the proposal with the staff proposed is inherently unreasonable. Citing *Mace*

[1] Volunteer's application indicates that the tower it proposes to use is located 3 miles north of Danville, not in the City of Danville.

Broadcasting, Co., 13 RR 2d 753, 755–56 (1968); and *Clarkston Broadcasters*, 12 RR 2d 1203, 1208 (1968), petitioner states that the Commission has previously raised questions as to the reasonableness of comparable small staffs. Petitioner pointed out that another applicant for a television station at Danville proposes a staff of 27 to implement a comparable proposal.

7. The Commission has no rigid rules or standards prescribing personnel or staffing requirements; there is only a general policy that there be a reasonable likelihood that an applicant can effectuate its proposed operation with its staff. *Bisbee Broadcasters, Inc.*, 48 FCC 2d 291, 292–293 (1974). Here, the applicant proposes to operate approximately 133 hours per week, of which 17 hours (12%) will be local programming. Based on a 7-day week, this means that the station would be operation 19 hours per day of which approximately 2½ hours would be local programming. A 19-hour broadcast day, in our view, would require at least two shifts. Under these circumstances, we believe that a valid question is raised as to whether such an ambitious operation can be effectuated with 4 full-time employees or less. An appropriate issue will be specified.

Financial Ability

8. Petitioner further alleges that the certifications contained in the Volunteer application cannot support a finding that its sole owner possesses the financial ability to implement each of his pending proposals. (Volunteer is an applicant for six other television stations.) Petitioner states that Commission policy requires that an applicant with more than one pending proposal must be able to show his ability to finance each pending proposal, citing *Daniel Ortiz Radio Corporation*, 47 FCC 2d 28, 30 RR 2d 475 (1974); *Alvin L. Korngold*, 31 FCC 2d 39, 22 RR 2d 661 (1971); and *Sawnee Broadcasting Co.*, 3 FCC 2d 561, 7 RR 2d 405 (1966). Petitioner further states that it cannot meaningfully comment on Volunteer's financial proposal since the present Form 301 does not require the submission of any meaningful information concerning that proposal.

9. The Commission has not modified its requirement that an applicant have the financial ability to construct and operate its proposed facility for three months. The revised Section III (Financial Qualifications) of FCC Form 301 allows an applicant to certify that it is financially qualified. The cases cited by petitioner were, of course, decided well before the Commission changed the application form to permit an applicant to certify as to its financial qualifications. They do not, therefore, stand for the proposition that an applicant with several co-pending applications may not certify that it is financially qualified. Volunteer has done all that the Commission requires. Petitioner's allegations are speculative and lack specificity. Petitioner has not supplied any information or documentation to support its claim that the certifications contained in the Volunteer application are insufficient to support a finding that it is financially qualified. Consequently, we find that the allegations do not warrant the specification of a financial issue.

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

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

1. To determine the precise location and height of the tower proposed by Volunteer.

2. To determine whether there is reasonable possibility that the tower height and location proposed by Volunteer would constitute a hazard to air navigation.

3. To determine whether the tower site proposed by Volunteer will be available for the proposed use.

4. To determine whether Volunteer made misrepresentations to the Commission with respect to the availability of an existing tower for its antenna, and if so, the effect upon the applicant's basic qualifications to be a Commission licensee.

5. To determine, with respect to Volunteer:

(a) The size, composition, duties and hours of the staff proposed by the applicant;

(b) In light of the evidence adduced pursuant to the foregoing, whether there is a reasonable likelihood that the applicant can effectuate its proposal with the staff proposed.

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

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

12. It is further ordered, that the petition to deny the application of Volunteer, filed by Cablevision, is granted to the extent indicated above and is denied in all other respects.

13. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to Issue 2.

14. It is further ordered, That Danville Cablevision Company is made a party respondent in this proceeding.

15. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

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

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84–5399 Filed 2–28–84; 8:45 am]

BILLING CODE 6712–01–M

Women's Coalition for Better Broadcasting et al.; Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city/State	File No.	MM Docket No.
A. Women's Coalition for Better Broadcasting; North Charleston, SC.	BPH–820811AP	84–142
B. Lowcountry Women Communications, Inc.; North Charleston, SC.	BPH–820929AD	84–143
C. Charleston Minority Radio, Ltd.; North Charleston, SC.	BPH–820929AF	84–144
D. Santee Broadcasting, Inc.; North Charleston, S.C.	BPH–820929AG	84–145
E. Hanahan Communications, Inc.; Hanahan, SC.	BPH–820929AH	84–146
F. Harmony Broadcasting Corporation; Hanahan, SC.	BPH–820929AJ	84–147

Applicant, city/State	File No.	MM Docket No.
G. O'Grady Broadcasting, Inc.; North Charleston, SC.	BPH-820929AK	84-148
H. D. Ward Wilson et al. d/b/a Wil-Saun Communications; North Charleston, SC.	BPH-820929AP	84-149
I. Southern Broadcast Corporation; North Charleston, SC.	BPH-820929AT	84-150
J. Carolina Broadcast Services, Inc.; North Charleston, SC.	BPH-820929AW	84-151
K. Radio America, Inc.; Hanahan, SC.	BPH-820929AX	84-152
L. Jean-Pierre Bleger et al. d/b/a Berkeley County Communications; Hanahan, SC.	BPH-820929AY	84-153
M. North Charleston Broadcasting, Inc.; North Charleston, SC.	BPH-820929BE	84-154

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to the particular applicant.

Issue Heading and Applicant(s)

1. Main Studio, G
2. (See Appendix), D, G and L
3. Air Hazard, A, D, and H
4. 307(b), All
5. Contingent Comparative, All
6. Ultimate, All

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Audio Services Division, Mass Media Bureau.

Appendix

Additional Issue Paragraph

2. If a final environmental impact statement is issued with respect to D (Santee), G (O'Grady) or L (Berkeley County) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environmental,

(a) to determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301–1.1319 of the Commission's Rules; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 84-5401 Filed 2-28-84 8:45 am]

BILLING CODE 6712-01-M

Meeting of the Telecommunications Industry Advisory Group Steering Committee

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group Steering Committee scheduled to meet on Thursday and Friday, March 8 and 9, 1984. The meeting will be open to the public.

Thursday, March 8, 1984—9:30

FCC Meeting Room #330, 1200 19th Street, NW., Washington, D.C.

Friday, March, 9, 1984

FCC Meeting Room #7317, 2025 M Street, NW., Washington, D.C.

The agenda is as follows:

I. Review of Minutes of Previous Meeting
II. General Administrative Matters
III. Review of Reports to be submitted to the TIAG Assembly
IV. Other Business
V. Presentation of Oral Statements
VI. Adjournment

With prior approval of the Chairman, Gerald P. Vaughan, oral statements while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Steeting Committee and wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-chairman (202) 634–1509 at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-5405 Filed 2-28-84; 8:45 am]

BILLING CODE 6712-01-M

Meeting of TIAG Auditing and Regulatory Subcommittee

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of an emergency meeting of the Telecommunications Industry Advisory Group's (TIAG) Auditing and Regulatory Subcommittee scheduled to meet on Tuesday, February 28, 1984. Since the subcommittee will cease to exist March 1, it is believed necessary to hold a meeting to close out its operations. The meeting will be held at 9:30 a.m. in Room 1276, 12th Floor of Arthur Andersen & Co. offices located at 1345 Avenue of the Americas, New York, New York, and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Discussion of Tax Accounts
III. Presentation of Oral Statements
IV. Adjournment

With prior approval of Subcommittee Co-Chairman Richard Marshall, oral statements, while not favored or encouraged, may be allowed if time permits and if the Co-Chairman determines that an oral presentation is conducive to the effective attainment of the Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Marshall (518/474–2537) prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-5406 Filed 2-28-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-REP-6-LA-3]

Louisiana; Radiological Emergency Preparedness Plans

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plans—Extension of Comment Period.

SUMMARY: On January 19, 1984 (49 FR 2303), FEMA published a notice that the State of Louisiana had submitted Radiological Emergency Preparedness Plans to FEMA, Region VI, for review and approval. The plans included the Louisiana Peacetime Radiological Response Plan and Attachment 3 to this plan which is the Peacetime Radiological Response Plan for the River Bend Station. The notice requested comments regarding the plan by January 27, 1984. The State of Louisiana and citizens within the affected area have requested a 30-day extension of the comment period. In view of the importance of these comments, FEMA has decided to extend the comment

period for an additional 30 days to March 19, 1984.

ADDRESSEE: Send written comments to Mr. Jerry Stephens, Regional Director, FEMA Region VI, Federal Center, 800 North Loop 288, Denton, TX 76201–3698; (817) 387–5811.

Dated: February 23, 1984.

George Jett,

General Counsel.

[FR Doc. 84–5340 Filed 2–28–84; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T–2491–3.

Title: The City of Long Beach and International Transportation Service, Inc., Nonexclusive Assignment Agreement.

Parties: The City of Long Beach and International Transportation Service, Inc.

Synopsis: Agreement No. T–2491–3 modifies the basic agreement which provides for assignment of facilities at Berths Nos. 232, 233 and 234 at Pier J, Long Beach. The amendment adds two areas to the premises, Parcels 2 and 3. It provides for two additional 5-year option periods, provides for the sharing of terminal revenue, and reciprocal berthing privileges and obligations with other terminal operators. The facility will continue to be used primarily for handling containerized cargo.

Filing Party: Richard L. Landes, Deputy City Attorney of Long Beach, Harbor Administration Building, Post Office Box 570, Long Beach, California 90801.

Agreement No.: T–4167.

Title: Matson Terminals, Inc., and Showa Line, Ltd., Container Stevedoring and Terminal Services Agreement.

Parties: Matson Terminals (Matson) and Showa Line, Ltd. (Showa).

Synopsis: Agreement No. T–4167 supersedes Agreement No. T–2650 between the same parties. The agreement provides that Matson will perform container stevedoring and terminal services at the Ports of Los Angeles and Oakland for vessels operated by Showa. Showa will obtain services solely from Matson during the term of the agreement. Agreement No. T–4167 incorporates container stevedoring and terminal services into one agreement, revises the terms of payment for the services, revises the description of services provided by Matson, and modifies and updates the terms under which Matson peforms services for Showa.

Filing Party: David F. Anderson, Matson Navigation Company, 333 Market Street, Post Office Box 7452, San Francisco, California 94120.

Agreement No.: T–4168.

Title: Matson Terminals and Nippon Yusen Kaisha, Container Stevedoring and Terminal Services Agreement.

Parties: Matson Terminals, Inc. (Matson) and Nippon Yusen Kaisha (NYK).

Synopsis: Agreement No. T–4168 supersedes Agreement No. T–2649 between the same parties. The agreement provides that Matson will perform container stevedoring and terminal services at the Ports of Los Angeles and Oakland for vessels operated by NYK. NYK will obtain services solely from Matson during the term of the agreement. Agreement No. T–4168 incorporates container stevedoring and terminal services into one agreement, revises the terms of payment for the services, revises the description of services provided by Matson and modifies and updates the terms under which Matson performs services for NYK.

Filing Party: David F. Anderson, Matson Navigation Company, 333 Market Street, Post Office Box 7452, San Francisco, California 94120.

Agreement No.: T–4169.

Title: Encinal Terminals and Western Stevedore and Terminals Co., Inc.

Parties: Encinal Terminals (Encinal) and Western Stevedore & Terminals Co., Inc. (Western).

Synopsis: Agreement No. T–4169 provides for the lease by Encinal to Western of certain premises consisting of land, submerged land, the improvements thereon, and two cranes all located in the City of Alameda, California. The premises are to be used by Western as an ocean and intermodal freight terminal facility for cargo handled by ocean carriers, and provides for uses incidental thereto. The agreement commences upon Commission aproval, and runs through December 31, 1993.

Filing Party: Peter W. Sheats, Lillick, McHose & Charles, Attorneys At Law, Two Embarcadero Center, San Francisco, California 94111.

Agreement No.: 2744–51.

Title: Atlantic and Gulf/West Coast of South America Conference.

Parties:

Compania Chilean De Navigacion Interoceania
Chilean Line
Delta Steamship Lines, Inc.
Flota Mercante Grancolombiana, S.A.
Lykes Bros. Steamship Co., Inc.
Peruvian State Line
Trasnave

Synopsis: The proposed amendment would authorize the parties to offer alternate port service within the conference trade.

Filing Party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

By Order of the Federal Maritime Commission.

Dated: February 24, 1984.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 84–5341 Filed 2–28–84; 8:45 am]

BILLING CODE 6230–01–M

Agreement Filed

The Federal Maritime Commission hereby gives notice that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of the agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on the agreement to the Secretary, Federal Maritime Commission, Washington, D.C.

20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in section 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T–4170.

Title: Port Authority of New York and New Jersey and Barber Lines A/S, Crane Rental Agreement.

Parties: Port Authority of New York and New Jersey (Authority), and Barber Lines A/S (Barber).

Synopsis: Agreement No. T–4170 provides for the leasing at a fixed rental by the Authority to Barber of a container crane owned by the Authority. The crane is to be located and used at premises currently leased to Atlantic Container Line, Ltd., at Elizabeth-Port Authority Marine Terminal. The lease is for a period ending September 30, 1987, with an option for an extension.

Filing Party: John C. Barnett, Deputy Chief, Leases & Operating Agreements Division, The Port Authority of New York and New Jersey, One World Trade Center, New York, New York 10048.

By Order of the Federal Maritime Commission.

Dated: February 24, 1984.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 84–5465 Filed 2–28–84; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Shares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to product benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank or the offices of the Board of Governors not later than March 19, 1984.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Bank Shares, Incorporated,* Minneapolis, Minnesota; to acquire Holm & Associates, Minneapolis, Minnesota, and thereby engage in general insurance agency activities in a town with a population not exceeding 5,000.

Board of Governors of the Federal Reserve System, February 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–5308 Filed 2–28–84; 8:45 am]

BILLING CODE 6210–01–M

Blountsville Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 22, 1984.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Blountsville Bancshares, Inc.,* Blountsville, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Blountsville, Blountsville, Alabama.

2. *Colony Bankcorp, Inc.,* Fitzgerald, Georgia; to acquire 100 percent of the voting shares or assets of Pitts Banking Company, Pitts, Georgia.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Ball-1, Co.,* Early, Iowa; to become a bank holding company by acquiring 99.0 percent of the voting shares of Early Savings Bank, Early, Iowa.

2. *Central Financial Group, Inc.,* Monticello, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Monticello, Monticello, Illinois, an 100 percent of the voting shares of DeLand State Bank, DeLand, Illinois.

3. *Holcomb Bancorp, Inc.,* Holcomb, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Holcomb State Bank, Holcomb, Illinois.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Carrizo Bancshares Corporation,* Carrizo Springs, Texas, to become a bank holding company by acquiring 100 percent of the voting shares of Union State Bank, Carrizo Springs, Texas.

2. *Whitehouse Financial Corporation,* Whitehouse, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First National Corporation, Whitehouse, Texas. Comments on this application must be received not later than March 14, 1984.

Board of Governors of the Federal Reserve System, February 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-5309 Filed 2-28-84; 8:45 am]

BILLING CODE 6210-01-M

Longview Holding Co., Formation of a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Longview Holding Company*, Fort Worth, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Texas Bank & Trust in Wichita Falls, Wichita Falls, Texas; 100 percent of the voting shares of Town North National Bank, Longview, Texas; and 98.4 percent of the voting shares of American Bank, Longview, Texas. Comments on this application must be received not later than March 23, 1984.

Board of Governors of the Federal Reserve System, February 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-5310 Filed 2-28-84; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank Shares by Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas American Banchares, Inc.*, Fort Worth, Texas; to acquire 100 percent of the voting shares or assets of American Bancorporation, Inc., Longview, Texas, and thereby indirectly acquire 100 percent of the voting shares of Texas Bank & Trust in Wichita Falls, Wichita Falls, Texas; 100 percent of the voting shares of Town North National Bank, Longview, Texas; and 98.4 percent of the voting shares of American Bank, Longview, Texas. Comments on this application must be received not later than March 23, 1984.

Board of Governors of the Federal Reserve System, February 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-5311 Filed 2-28-84; 8:45 am]

BILLING CODE 6210-01-M

Citizens Corp., et al.; Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this quenstion must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 19, 1984.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Citizens Corporation*, Corydon, Iowa; to engage *de novo* through its subsidiary Rockhold Insurance Agency, Corydon, Iowa, in general insurance activities in a town with a population not exceeding 5,000.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Independent Bankers Financial Corporation*, Dallas, Texas; to engage directly in making or acquiring for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts), such as would be made, for example, by a mortgage finance, credit card, or factoring company.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Security Corporation*, Salt Lake City, Utah; to engage through its existing subsidiary, First Security Financial, Salt Lake City, Utah, in offering thrift savings accounts and thrift certificates; making consumer, business, and mortgage loans; lease financing; selling credit life and credit disability insurance related to extensions of credit, pursuant to § 225.25(b)(2), (5) and (8) of Regulation Y.

Board of Governors of the Federal Reserve System, February 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-5312 Filed 2-28-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 76N-0056, 76N-0057, and 78N-0070; DESI 1626]

Combination Drugs Containing a Xanthine Derivative; Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption for Three Prescription Bronchodilators ("Paragraph XIV/Category 19") and Opportunity for Hearing; Amended Opportunity for Hearing for Certain Other Xanthine Combinations

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) revokes the termporary exemption for three oral prescription combination drug products containing a xanthine derivative offered for the control of bronchospastic disorders. The exemption has permitted these products to remain on the market beyond the time limits scheduled for implementation of the Drug Efficacy Study (DESI). FDA now reclassifies these products to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug applications (NDA's), and offers an opportunity for a hearing on the proposal. This notice also amends earlier notices of opportunity for hearing on certain combination drug products containing a xanthine derivative to reflect new information on the safety and effectiveness of these drugs.

DATES: Revocation of exemption effective February 29, 1984.

Hearing requests due on or before March 30, 1984; material to support hearing requests due on or before April 30, 1984.

ADDRESSES: Communications in response to this notice should be identified with the appropriate Docket No. designated in Supplementary Information, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFN-310), National Center for Drugs and Biologics.

Requests for the report of the National Academy of Sciences/National Research Council: Public Records and Document Center (HFW-35), Rm. 12A-12.

Requests for hearing, supporting data, and other comments: Dockets Management Branch (HFA-305), Rm. 4-62.

FOR FURTHER INFORMATION CONTACT: Margery Erickson, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the Federal Register on July 26, 1972 (37 FR 14895), FDA classified certain combination drug products containing a xanthine derivative as less than effective for their labeled indications. FDA then handled these products in the three groups as discussed below.

Group 1. *Combinations Containing 2 Grains or Less of A Xanthine Derivative, Ephedrine, and 8 Milligrams or Less of Phenobarbital (Docket No. 76N-0057).* In a notice published in the Federal Register of April 9, 1976 (41 FR 15053), FDA granted a temporary exemption from the time limits established for completing certain phases of the DESI program for certain oral prescription combination drug products containing a xanthine derivative offered for control of bronchospastic disorders. The following drugs and any identical products were covered by the notice:

1. Amodrine Tablets containing 100 milligrams (mg) aminophylline, 8 mg phenobarbital, and 25 mg racephedrine hydrochloride (NDA 2-384); G. D. Searle & Co., P. O. Box 5110, Chicago, IL 60080.

2. Phedorine Tablets (formerly Thephedrine with Phenobarbital) containing 130 mg theophylline, 3 mg phenobarbital, and 24 mg ephedrine hydrochloride (NDA 1-626); Cooper Laboratories, Inc., 2900 North 17th St., Philadelphia, PA 19132 (previously held by Tilden-Yates Laboratories, Inc.).

3. Asminyl Tablets containing 2 grains theophylline, 8 mg sodium phenobarbital, and ½ grain ephedrine sulfate (associated with NDA 3-523, but not part of approved NDA); O'Neal, Jones & Feldman, Inc., 2510 Metro Blvd., Maryland Heights, MO 63043 (previously held by Cole Pharmacal Co., Inc.).

These products all contain 2 grains or less or a xanthine derivative, ephedrine, and not more than 8 mg of phenobarbital. The exemption was granted because of the close relationship between drugs sold over-the-counter (OTC) —and thus subject to the ongoing OTC drug review (21 CFR Part 330)—and prescription drugs in some dosage strengths offered for relief of bronchospastic conditions. Postponement of final evaluations on the DESI prescription products enabled FDA to consider the recommendations of the OTC advisory review panel in addition to any evidence submitted by the sponsors.

The OTC panel recommendations and a proposed monograph for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products were published in the Federal Register of September 9, 1976 (41 FR 38312). The panel found that the effectiveness of phenobarbital as a "sedative corrective" in combination products containing theophylline and ephedrine was not established (41 FR 38418 at paragraph IX.B.2.d.(5)); accordingly, the panel concluded that there were insufficient data to classify such combinations as safe and effective (41 FR 38325 at paragraph II.C.5.e).

The only additional effectiveness data submitted in response to the April 9, 1976 DESI notice were the following two articles filed for Amodrine Tablets:

1. Cupit, G. C., "Pharmacologic Management of Asthma in Children," *Hospital Pharmacy*, 9:490-499, 1974.

2. Paterson, J. W. and G. M. Shenfield, "Bronchodilators, Part II," *British Thoracic and Tuberculosis Association Review*, 4:61-73, 1974.

These articles provide general reviews of various therapeutic agents used for treating asthma. Neither describes a clinical study or even discusses the specific combination product. Furthermore, the authors note the lack of evidence of effectiveness for theophylline, ephedrine, and barbiturate combinations. The articles clearly fail to provide substantial evidence of effectiveness for the combinations listed above (21 U.S.C. 355(d); 21 CFR 314.111(a)(5) and 300.50).

Accordingly, the Director of the National Center for Drugs and Biologics concludes that the sponsors have not shown, for each of the products listed above, that each component makes a contribution to the claimed effects and that the dosage of each component, including the amount and the frequency and duration of its administration, is such that the combination is safe and effective for a significant patient population (21 CFR 300.50). Each of the products is therefore reclassified to

lacking substantial evidence of effectiveness.

This notice revokes the temporary exemption announced in the **Federal Register** of April 9, 1976. This notice also proposes to withdraw approval of NDA 2-384 for Amodrine and NDA 1-626 for Phedorine and declare the three drugs listed above unlawful, and offers an opportunity for hearing on the proposal. Persons who wish to request a hearing may do so on or before March 30, 1984.

Group 2. *Certain Other Combination Products Containing a Xanthine Derivative (Docket No. 76N-0056).* In a notice of opportunity for hearing published in the **Federal Register** of April 9, 1976 (41 FR 15051), the Director of the Bureau of Drugs (now the National Center for Drugs and Biologics) reclassified certain combination preparations containing xanthine derivatives to lacking substantial evidence of effectiveness and proposed to issue an order withdrawing approval of the NDA's. These products differed from those products granted a temporary exemption (Group 1); they contained a barbiturate in higher strength than the equivalent of 8 mg of phenobarbital, more than 2 grains of xanthine derivative, and/or an ingredient not considered in the OTC drug review. The holders of the NDA's for these products did not request a hearing in response to the April 9, 1976 notice, and approval of those NDA's was withdrawn in a notice published in the **Federal Register** of October 7, 1977 (42 FR 54620). Hearing requests were submitted, however, for the following related drug products:

1. Amesec Enseals and Pulvules containing aminophylline, ephedrine hydrochloride, and amobarbital (no NDA); Eli Lilly & Co., Box 618, Indianapolis, IN 46206.

2. Aminophylline and Amytal Pulvules containing aminophylline and amobarbital (no NDA); Eli Lilly & Co.

3. Dainite Tablets containing aminophylline, pentobarbital sodium, ephedrine hydrochloride, dried aluminum hydroxide gel, and benzocaine (no NDA); Mallinckrodt Pharmaceuticals, Division of Mallinckrodt, Inc., Second and Mallinckrodt St., St. Louis, MO 63147.

4. Dainite-KI Tablets containing aminophylline, phenobarbital, ephedrine hydrochloride, potassium iodide, dried aluminum hydroxide gel, and benzocaine (no NDA); Mallinckrodt Pharmaceuticals.

5. Luftodil Talbets containing phenobarbital, theophylline, ephedrine hydrochloride, and guaifenesin (no NDA); Mallinckrodt Pharmaceuticals.

6. Quadrinal Tablets and Suspension containing ephedrine hydrochloride, phenobarbital, theophylline calcium salicylate, and potassium iodide (no NDA); Knoll Pharmaceutical Co., 30 North Jefferson Rd., Whippany, NJ 07981.

7. Quibron Plus Capsules and Elixir containing ephedrine hydrochloride, theophylline, butabarbital, and guaifenesin (no NDA); Mead Johnson Laboratories, Division Mead Johnson & Co., 2404 Pennsylvania St., Evansville, IN 47721.

The hearing requests for these related products are still under review. However, because additional information (described below) has been obtained from the agency's general review of theophylline combinations, the April 9, 1976 notice of opportunity for hearing is now being amended as it pertains to the Group 2 products named above to reflect that information.

Although a hearing request for the following product was also received in response to the April 9, 1976 notice, this drug product, along with other dyphylline-containing products, will be the subject of a future **Federal Register** notice and is not affected by this notice:

Lufyllin/EPG Tablets and Elixir containing ephedrine hydrochloride, dyphylline, phenobarbital, and guaifenesin (no FDA); Mallinckrodt Pharmaceuticals.

Group 3. *Preparations Containing Theophylline, Ephedrine, and Hydroxyzine Hydrochloride (Docket No. 78N-0070).* In a notice of opportunity for hearing published on March 24, 1978 (43 FR 12380), the Director reclassified combination drugs containing theophylline, ephedrine, and hydroxyzine hydrochloride (hydroxyzine) to lacking substantial evidence of effectiveness and proposed to withdraw approval of the following NDA's:

Marax Tablets (NDA 11-768) and Marax Syrum (NDA 12-879), each containing theophylline, ephedrine sulfate, and hydroxyzine; J. B. Roerig, Division of Pfizer Pharmaceuticals, 235 East 42d St., New York, NY 10017 (Roerig).

The March 24, 1978 notice evaluated data that had been previously submitted by Roerig on the effectiveness of Marax for controlling bronchospastic disorders, and announced that the data did not provide substantial evidence that hydroxyzine contrbutes to the claimed effects of the Marax combinations. Because theophylline and ephedrine combinations were currently being studied by an FDA task force on theophylline, the notice did not address the contribution of ephedrine to the claimed effects of Marax, and stated that Marax may have to be reevaluated when FDA's task force review was completed.

In response to the March 24, 1978 notice, Roerig requested a hearing for Marax and submitted data on the contribution of hydroxyzine to the effectiveness of the combination. Additional hearing requests were submitted for the following related drug products:

1. Brofed Tablets containing theophylline, ephedrine sulfate, and hydroxyzine (no NDA); Cord Laboratories, Inc., 2555 West Midway Blvd., Broomfield, CO 80020.

2. Hydroxyzine Compound Syrup containing theophylline, epherdrine sulfate, and hydroxyzine (no NDA); Barre-National, Inc., 4128 Haywood Ave., Baltimore, MD 21215.

3. Unnamed drug product containing theophylline, epherdrine sulfate, and hydroxyzine (no NDA); Lemmon Co., P.O. Box 30, Sellersville, PA 18960 (previously marketed by Premo Pharmaceutical Laboratories, Inc.).

These hearing requests and supporting data on the contribution of hydroxyzine are still under review. However, because new information (discussed below) has been obtained from the agency's general review of theophylline combinations, the March 24, 1978 notice is now being amended, as it pertains to the Group 3 products named above, to reflect this new information and address the contribution of theophylline and epherdrine to the claimed effects of these combinations.

II. New Information

For several years, FDA has been reviewing the use of theophylline in both prescription and OTC drug products. In its review, the agency has considered many studies on theophylline as a single ingredient and in combination with other ingredients. Many studies have demonstrated the need for titrating the dose of theophylline based on measurements of each patient's serum theophylline levels. Weinberger and Bronsky (Refs. 1 and 2), Jenne (Ref. 3), and Piafsky and Ogilvie (Ref. 4) recommended dosage titration of theophylline with serum level control to ensure a safe and effective dose because of the wide individual response to orally administered theophylline. Considerable variations in theophylline response have been observed, not just between subjects, but within them as well (Ref. 5). It has also been shown that toxic effects associated with elevated serum levels of theophylline are not

consistently preceded by minor adverse effects (Refs. 6, 7, and 8).

FDA noted the importance of titrating theophylline in the Federal Register of December 10, 1976 (41 FR 54032), where the Commissioner disagreed with the recommendation of the Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Panel to allow the use of theophylline as a single ingredient in OTC drug products. This decision was based on information, described in the notice, which suggested that the safe and effective use of theophylline requires careful dosage titration based on theophylline serum concentrations. In the Federal Register of October 26, 1982 (47 FR 47520), the agency reafirmed its position that theophylline should not be available OTC as a single ingredient on the ground that it is essential that a physician titrate theophylline dosage based on individual patient measurements of serum theophylline levels.

In its study of theophylline combinations, the agency has been aware that many marketed products contain low therapeutic doses of theophylline together with ephedrine on the assumption that the epherdrine causes either a synergistic (i.e., a combined effect greater than the sum of the individual drug effects) or an additive effect. Questions have been raised whether the dose of theophylline in many combination products is therapeutically effective, and whether the addition of epherdrine to theophylline increases the risk of central nervous system side effects without increasing the effectiveness of the product.

Two basic studies reviewed by the agency indicated an additive or synergistic effect from the addition of epherdrine to theophylline. Sims et al (Ref. 9) reported that a single dose of the combination of epherdrine (25 mg) and theophylline (130 mg) produced a bronchodilator effect in patients with mild to moderate asthma, that the combination was more effective than either drug alone, and that the combination tended to cause slightly more side effects (tremor, nervousness, nausea) but that these differences were not striking. The authors noted that the greater improvement shown by the combination did not preclude the possibility that similar improvement could have been achieved with a large dose of theophylline alone. Tinkelman and Avner (Ref. 10) reported that epherdrine (25 mg) enhanced bronchodilation when added to the treatment of theophylline-titrated children, but noted that the improvement was not overwhelming. In addition, the authors reported that the prolonged administration of epherdrine during an 8-week study did not cause either tolerance or toxicity.

Other investigators questioned the contribution of both theophylline and epherdrine to the effects of these combinations. Plummer (Ref. 6) noted the inadequacy of the dose of theophylline in these combination drug products. Jenne (Ref. 3) commented that theophylline and epherdrine combinations provide one-fourth to one-half the optimum dose of theophylline and less bronchodilation than the full theophylline regimen. Weinberger and Bronsky (Ref. 1) studied the effects of theophylline and epherdrine combinations in 12 children with chronic asthma and reported that conventional doses of the combination were not effective, and that epherdrine added no benefit to that of theophylline when the theophylline was provided in a dosage titrated for the individual patients. Another study by Weinberger and Bronsky (Ref. 2) in 23 children showed similar results.

Objections have also been raised to the use of fixed combinations of theophylline because of the need to titrate the theophylline dosage (Refs. 2,4,11, and 12). An increase in toxicity has been observed when theophylline is titrated and administered with ephedrine as in fixed combination. Weinberger and Bronsky's studies (Refs. 1 and 2) indicated that the combination was associated with an increase in the frequency of such side effects as insomnia, nervousness, and gastrointestinal complaints when optimal doses of theophylline were used. In these studies, the required theophylline dose was predetermined for each subject. A high dose combination of theophylline and ephedrine averaging twice conventional doses was then administered to provide the required amount of theophylline. A low dose combination approximating conventional combination doses, placebo, and high doses of theophylline and ephedrine alone were also administered. As explained above, the conventional doses of the combination were ineffective. Although the higher dose combination was effective, it was not more so than the higher dose of theophylline alone. Moreover, the higher dose combination was associated with an increased frequency of side effects, suggesting toxicity.

Several other investigators have stated that an increase in toxicity can be expected when ephedrine is combined with theophylline (Refs. 4 and 6). Webb-Johnson and Andrews (Ref. 11) commented that ephedrine often produces side effects, and tolerance to its action develops. Brooks et al. (Ref. 13) performed a study to evaluate the effects of ephedrine on dexamethasone, a synthetic corticosteroid (corticosteroids are prescription drugs sometimes used in patients with bronchial asthma). The authors reported that ephedrine accelerated the plasma clearance of dexamethasone and may affect the clearance of other corticosteroids.

The agency's theophylline task force found that the question of the additive or synergistic effects of ephedrine in combination with theophylline had not been conclusively resolved. To obtain further information on the effects of these combinations, FDA contracted for a study by Riegelman et al. (Ref. 14) that addressed whether a beneficial additive effect is demonstrated with a combination of ephedrine phenobarbital, and theophylline at a dose providing a low plasma theophylline concentration. The study was also designed to determine whether relatively high plasma levels of theophylline in the range of 12 to 18 micrograms per milliliter are necessary to obtain satisfactory therapeutic effect, or whether a satisfactory therapeutic effect can be obtained at a lower plasma theophylline range to 4 to 8 micrograms per milliter. (These plasma levels are roughly comparable to what would be achieved on the average by high and low doses of theophylline.) In the study, individual theophylline elimination rates were calculated, and the exact amount of theophylline required to achieve the plasma levels described above was determined for each patient. Each patient then received the required amounts of theophylline for regimen of low dose theophylline, high dose theophylline, and low dose therophylline, high dose theophylline, and low dose theophylline in combination with ephedrine and phenobarbital. The results indicated that ephedrine has no beneficial additive effect in combination with theophylline. The results also revealed that theophylline, at doses providing low plasma theophylline concentrations, was associated with subjective and objective superiority (over no therapy) in 27 of the 28 patients studied. It is important to note that the range of dosage required to achieve the low plasma theophylline concentration was extremely wide and that it was not always possible to attain the desired concentration level for each patient. The study demonstrates the need for titrating

theophylline and closely monitoring serum theophylline levels.

On July 20 and 21, 1981, FDA's Pulmonary-Allergy Drugs Advisory Committee met to discuss the completed Riegelman study and the status of theophylline and ephedrine combination drug products. The committee concurred in the lack of clinically documented evidence of an additive effect with the theophylline and ephedrine combination drug product (Ref. 15). On November 4, 1982, the committee continued its discussion of theophylline and ephedrine combination drug products. The committee stated unanimously that there is a lack of adequate evidence of an additive or synergistic effect of theophylline and ephedrine combinations; that the combination of the two ingredients does not permit using a lower dosage of either ingredient to produce bronchodilation; that there is an increased incidence of side effects with theophylline-ephedrine combinations; and, that the committee does not favor the continued OTC or prescription marketing of theophylline and ephedrine fixed combination drug products (Ref. 16).

The Director of the National Center for Drugs and Biologics has considered the findings of the Pulmonary-Allergy Drugs Advisory Committee and the evidence discussed above and concludes that the agency's review has not shown that either theophylline or ephedrine makes a contribution to the claimed effects of theophylline and ephedrine combinations (21 CFR 300.50). Only two studies appeared to indicate an additive effect for theophylline and ephedrine in combination: in one study, ephedrine was independently added to the treatment of children already titrated on theophylline (Ref. 10); in the other study, only a single dose of the combination was used (Ref. 9). Other studies demonstrated that ephedrine does not add therapeutic benefit to theophylline combinations when the theophylline is properly administered in a dose that is titrated for the individual patient (Refs. 1, 2, and 14). It is clear that no combination of specific dosages of theophylline and ephedrine was shown to satisfy the requirement that each component contribute to the claimed effects (21 CFR 300.50).

The evidence reviewed also suggests that fixed combinations of theophylline and ephedrine are not safe and effective for a significant patient population (21 CFR 300.50). Ephedrine is known to be associated with a significant risk of serious side effects, such as hypertension, urinary retention, and pronounced central nervous system stimulation (jitteriness, insomnia) (Refs. 3 and 6). It has also been found to have adverse effects on corticosteroid metabolism (Ref. 13). These risks are particularly disturbing when ephedrine does not appear to add any benefit at all to the effects of these combinations. Moreover, as explained above, the evidence also indicates that ephedrine adds no benefit to that obtained from a titrated dose of theophylline (Refs. 1 and 2). It thus appears preferable to titrate theophylline to an effective dose rather than to introduce ephedrine as a second agent in a fixed-combination product.

The Director is also concerned that these combinations do not permit the proper titration of theophylline. As the Commissioner of Food and Drugs stated in the **Federal Register** of December 10, 1976 (41 FR 54032), and reaffirmed in the **Federal Register** of October 26, 1982 (47 FR 47520), it is important that theophylline be titrated based on measurements of individual serum levels. The presence of other active ingredients in fixed combination with theophylline will inevitably make titration and proper administration of theophylline more difficult. In a patient who is a slow metabolizer of theophylline, for example, repeated dosing with a fixed combination of theophylline and ephedrine may produce theophylline toxic effects. If the number of combination dosage units is then decreased to avoid these side effects, the dose of ephedrine may be so low as to be ineffective. On the other hand, for a patient who is a rapid metabolizer of theophylline, increasing the number of combination dosage units to provide an effective theophylline dose may provide an excessive dose of ephedrine and cause side effects. This was demonstrated in the studies by Weinberger and Bronsky (Refs. 1 and 2), where the combination was associated with an increase in the frequency of side effects when the theophylline component was individualized and the ephedrine component was administered as in fixed combinations. The evidence thus indicates that these fixed combination do not permit the proper titration of theophylline and are not both safe and effective for a significant patient population. It should be noted that a number of authorities have suggested that additional bronchodilators may be successfully used in conjunction with theophylline in particular patients; however, these opinions are conditioned upon individualizing the doses involved (Refs. 1, 2, and 4).

Accordingly, on the basis of the agency's review, the Director concludes that there is a lack of substantial evidence that each ingredient, including theophylline and ephedrine, makes a contribution to the claimed effects of the combination drug products referred to in this notice and that the dosage of each component is such that the combinations are safe and effective for a significant patient population (21 CFR 300.50). The **Federal Register** notices of April 9, 1976 (41 FR 15051) and March 24, 1978 (43 FR 12380) are therefore amended to reflect this finding and to include all of Part II (New Information) and Part III (Opportunity for Hearing) of this notice.

References

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9. Sims, J. A., et al., "Bronchodilating Effect of Oral Theophylline-Ephedrine Combination," *Journal of Allergy and Clinical Immunology*, 62(1):15–21, 1978.

10. Tinkelman, D. G., and S. E. Avner, "Ephedrine Therapy in Asthmatic Children," *Journal of the American Medical Association*, 237(6):553–557, 1977.

11. Webb-Johnson, D. C., and J. L. Andrews, "Bronchodilator Therapy (Second of Two Parts)," *The New England Journal of Medicine*, 297(14):758–764, 1977.

12. "The Pharmacological Basis of Therapeutics," 6th ed., edited by A. G. Goodman, L. S. Goodman, and A. Gilman, the MacMillan Co., New York, p. 602, 1980.

13. Brooks, S. M., et al., "The Effects of Ephedrine and Theophylline on Dexamethasone Metabolism in Bronchial Asthma," *The Journal of Clinical Pharmacology*, 17:308–318, 1977.

14. Riegelman, S., et al., "Assessment of Theophylline Bronchodilator Activity," draft of unpublished data, 1981.

15. Minutes and transcripts of the FDA Pulmonary-Allergy Drugs Advisory Committee Meeting, July 20–21, 1981.

16. Minutes and transcripts of the FDA Pulmonary-Allergy Drugs Advisory Committee Meeting, November 4, 1982.

Copies of the above references are on file with the Dockets Management Branch (address given above) and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

III. Notice of Opportunity for Hearing

On the basis of all the data and information available to him, the Director of the National Center for Drugs and Biologics is unaware of any adequate and well-controlled clincial investigation, conducted by experts who are qualified by scientific training and experience, that meets the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 300.50, and that demonstrates the effectiveness of the drug products referred to in this notice.

Notice is given to the holder of the new drug applications listed above, to the manufacturers or distributors of the unapproved related drug products also listed above, and to all other interested persons, that the Director of the National Center for Drugs and Biologics proposes to issue an order under section 505(e) of the act, withdrawing approval of the new drug applications and all amendments and supplements thereto providing for the drug products referred to in this notice on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drug products will have any of the effects thaey purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

This notice applies to the manufacturers and disributors specifically named above. In addition, because products identical to the Group 1 products listed above were also temporarily exempted under the **Federal Register** notice of April 9, 1976 (41 FR 15053), this notice applies to any person who manufactures or distributes a drug product that is not the subject of an approved new drug application that is identical to a drug product listed in Group 1 (21 CFR 310.6). (This notice does not apply to OTC drugs (21 CFR 310.6(f)). Because no interested person other than the manufacturers or distributors named in this notice filed a written appearance concerning the drug products in Group 2 or Group 3 in response to the notices of April 9, 1976 (41 FR 15051) and March 24, 1978 (43 FR 12380) and because the failure by such other persons to file an appearance constitutes an election not to avail themselves of an opportunity for a hearing (21 CFR 314.200), the opportunity provided by ths notice for drugs in Group 2 and Group 3 does not apply to any other persons.

This notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it, e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act (21 U.S.C. 321(p)) or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with section 505 of the act and the regulations promulgated under it (21 CFR Parts 310 and 314), the applicant and all other persons subject to this notice are hereby given an opportunity for a hearing and to submit additional data to show why approval of the NADA's should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and any other drug product covered by this notice.

The applicant or any other person subject to this notice who decides to seek a hearing shall file (1) on or before March 30, 1984, a written notice of appearance and request for hearing; and (2) on or before April 30, 1984, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any person who submitted data in responding to the April 9, 1976 or March 24, 1978 notices for Group 2 or Group 3 products, respectively, need not resubmit those data. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, and contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed, and a waiver of any contentions concerning the legal status of the relevant drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug product from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice are to be filed in four copies. Except for data and information prohibited from pulic disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053 as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the National Center for Drugs and Biologics 21 CFR 5.70 and 5.82).

Dated: February 23, 1984.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 84-5355 Filed 2-28-84; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Application Announcement for Nurse Anesthetist Traineeship Grants

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Nurse Anesthetist Traineeship Grants are being accepted for Fiscal Year 1984.

Section 831 of the Public Health Service Act, 42 U.S.C. 297-1(a)(1), authorizes grants for traineeships to prepare licensed, registered nurses to be

nurse anesthetists in eligible nurse anesthetist programs.

To be eligible to receive support, an applicant must be a public or private nonprofit institution which provides full time registered nurses with nurse anesthetist training. The training program must be accredited by the Council on Accreditation of Nurse Anesthesia Education Programs/Schools and must currently have full time students who are registered nurses with baccalaureate degrees and are beyond the 12th month study.

The Department is currently developing a Notice of Proposed Rulemaking (NPRM) which will contain the above-stated eligibility criteria. This application announcement includes the criteria in advance of the NPRM due to time constraints in the grant review process. However, applicants will be notified of any changes in the requirements, which will be reflected in the final regulations.

The application deadline date is March 23, 1984. Applications sent by mail will be considered on time if postmarked on or before March 23 and received no later than March 30, 1984. The term "postmark" means a printed, stamped, or otherwise placed impression, exclusive of a postage meter machine impression, that is readily identifiable as having been affixed on the date of mailing by an employee of the U.S. Postal Service. All hand delivered applications must be received by March 23, 1984.

Approximately $400,000 is expected to be available in Fiscal Year 1984 for awards under section 831.

In determining the amount of the grant award, the Department will use a formula based on the number of approved applications and the number of full time registered nurses with baccalaureate degrees who are beyond the 12th month of study.

For specific guidelines and information regarding the program aspects, contact: Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 5C-26, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-6333.

Questions regarding grants policy should be directed to: Grants Management Officer (A22), Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C-22, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-6915.

This program is not yet listed in the Catalog of Federal Domestic Assistance and is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs or 42 CFR Part 100.

Dated: February 23, 1984.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 84-5351 Filed 2-28-84; 8:45 am]

BILLING CODE 4160-16-M

National Institutes of Health

Meeting; Cancer Education Review Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Education Review Committee, National Cancer Institute, March 15-16, 1984, Holiday Inn Crown Plaza, 1750 Rockville Pike, Rockville, Maryland 20852. This meeting will be open to the public on March 15, from 8:30 a.m. to 10:00 a.m., for reports and discussions by the Director, Division of Extramural Activities; Chief, Grants Review Branch; and the Executive Secretary on Committee concerns and to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on March 15, from 10:00 a.m. to recess, and on March 16, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, 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. Robert L. Manning, Executive Secretary, Cancer Education Review Committee, National Cancer Institute, Westwood Building, Room 838, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7721) will furnish substantive program information.

(Catalog of federal domestic assistance number 13.398, project grants in cancer research manpower)

Dated: February 23, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-5674 Filed 2-28-84 11:34 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona; Aravaipa Canyon Primitive Area Use Fee

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of use fees at Aravaipa Canyon Primitive Area, Safford District.

SUMMARY: Use fees at Aravaipa Canyon Primitive Area are established at $2.00/person/day.

EFFECTIVE DATE: April 2, 1984.

FOR FURTHER INFORMATION CONTACT: William K. Brandau, Area Manager, Gila Resource Area, Bureau of Land Management, 425 East 4th Street, Safford, Arizona 85546, (602) 428-4040.

SUPPLEMENTARY INFORMATION: Aravaipa Canyon Primitive Area is located 55 miles northeast of Tucson, Arizona.

Use fees are established under authority contained in CFR Title 36, Capter 1, Part 71, Subpart 71.9. For the purpose of the fee schedule, a "day" is defined as one calendar day, beginning at 12:00 midnight and ending at 11:59 p.m., or any part thereof. Notice of the fees for the area will be posted at the entrances.

As previously established, a permit is required for entry into the primitive area. Fees must be paid in addition to complying with permit requirements.

Dated: February 22, 1984.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 84-5349 Filed 2-28-84; 8:45 am]

BILLING CODE 4310-32-M

Arizona; Safford District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Safford Arizona District Grazing Advisory Board.

DATE: March 30, 1984; 9:00 a.m.

ADDRESS: BLM Office, 425 East 4th Street, Safford, Arizona 85546.

SUMMARY: The agenda for the meeting will include: (1) Advisory Board election

results; (2) land sales in FY '84; (3) cooperative Management Agreements; (4) categorization of grazing allotments; (5) use of Advisory Board funds; (6) BLM management update; and (7) business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. A written copy of the oral statement may be required to be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 East 4th Street, Safford, Arizona 85546, by 4:15 p.m., Thursday, March 29, 1984.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: February 22, 1984.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 84-5350 Filed 2-28-84; 8:45 am]

BILLING CODE 4310-32-M

[C-0123693]

Order Opening Lands Withdrawn for Federal Power Project No. 973

February 22, 1984.

The Federal Energy Regulatory Commission issued an order dated November 15, 1983, vacating in their entirety those orders which withdrew public lands for transmission line project No. 973. This opening order affects the following described national forest lands:

Sixth Principal Meridian, Colorado

San Isabel and Pike National Forests

All portions of the following described lands lying within 50 feet of the centerline of the transmission line crossing these lands:

T. 8 S., R. 78 W.,
Secs. 18, 19, 20, 29, 30, 32, and 33;
T. 9 S., R. 78 W.,
Secs. 3 and 4;
T. 8 S., R. 79 W.,
Secs. 11, 12, and 13.

The areas described aggregate approximately 73 acres in Park and Lake Counties.

Therefore, at 10 a.m. on March 30, 1984, the national forest land described above shall be open to such forms of appropriation as may by law be made of national forest land, subject to valid existing rights.

Any valid applications received prior to the opening time and date shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and remain open to applications and offers under the mineral leasing laws and to location and entry under the United States mining laws.

Inquiries concerning these lands shall be directed to the Chief, Lands and General Mining Law Section, Bureau of Land Management, 1037-20th Street, Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-5342 Filed 2-28-84; 8:45 am]

BILLING CODE 4310-JB-M

[U-51406]

Sale of Public Lands in Beaver County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Under section 203 of the Federal Land Policy and Management Act of 1976 (43 USC 1716) public land described as S½SW¼SW¼SE¼NE¼, Sec. 29, T. 29 S., R. 8 W., SLM, Utah, containing 1.25 acres, is proposed for direct sale to Michael and Betty Ann Huber at the fair market value of $500.00.

SUMMARY: The purpose of the sale is to settle an unintentional occupancy trespass and to dispose of public land that is difficult and uneconomical to manage by a government agency.

DATES: Comments should be submitted by April 15, 1984. The sale will take place on or after April 30, 1984.

ADDRESS: Detailed information concerning the sale is available for review at the Beaver River Resource Area Office, 444 South Main, Cedar City, Utah, 84720, (801) 586-2458. Comments should also be sent to same address.

SUPPLEMENTARY INFORMATION: The terms and conditions applicable to the sale are:

1. There is reserved to the United States a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1980 (43 U.S.C. 945).

2. The sale will be for surface estate only. Minerals will remain with the United States Government.

Any comments received during the comment period will be evaluated and the District Manager may vacate or modify this realty action. In the absence of any action by the District Manager, this realty action notice will be the final determination of the Department of the Interior.

Dated: February 21, 1984.

Morgan S. Jensen,

District Manager.

[FR Doc. 84-5344 Filed 2-28-84; 8:45 am]

BILLING CODE 4310-DQ-M

[A-17222]

Realty Action—Noncompetitive Sale—Public Land in Maricopa County, Arizona

The Bureau of Land Management proposes to sell by direct noncompetitive means the following described public land:

Township 1 North, Range 7 East, G&SRM, Arizona

Section 18, Lots 7, 9 and 11.

Containing 6.4 acres.

The applicant, Sunrise Ranch Properties, will pay the appraised fair market value of $15,000.

Disposal is consistent with the Federal Land Policy and Management Act: Surface disposal will be according to section 203(a) 90 Stat. 2750, 43 U.S.C. 1713 and minerals will be conveyed per Section 209(b)(90 Stat. 2757, 43 U.S.C. 1719), except oil and gas, for an administrative fee of $50.00.

Irregular position of sections in adjacent townships created a parcel of public land south of University Drive, a section line road. Management of the parcel by the Bureau is considered uneconomic and difficult. The public interest would best be served by a direct sale to the adjacent landowner.

No URA-MFP has been completed for the area. Decisions are made on an individual case basis. Resource clearances consistent with NEPA requirements have been completed and approved.

The patent issued as the result of the sale will be subject to all valid existing rights and will contain a reservation to the United States for a right-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945) and for oil and gas under the Act of July 17, 1914.

Detailed information concerning this public sale, including the environmental assessment and the record of public input is available for review at the Phoenix District Office, Bureau of Land Management, 2015 West Deer Valley Road, Phoenix, Arizona, 85027.

For a period of 45 days, interested parties may submit comments to the Phoenix District Manager at the district address given above. Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and

issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department of the Interior and the required payment will be requested of Sunrise Ranch Properties. Such payment is in accordance with 43 CFR 1822.1–1.

Dated: February 21, 1984.

Marlyn V. Jones,

District Manager.

[FR Doc. 84–5343 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–84–M

[W–80250 B]

Wyoming; Conveyance Sale of Public Land in Lincoln County, Wyoming

February 21, 1984.

Notice is hereby given that pursuant to section 203 of the Federal Land Policy and Management Act of 1976; 43 U.S.C. 1713 (1976), Kovach Enterprises, Inc. has purchased and received a patent for the following described public land in Lincoln County Wyoming:

Sixth Principal Meridian, Wyoming

T. 22 N., R. 116 W.,
Lots 7, 10, and 15 of Segregated Lot 62.
Containing 3.96 acres.

James L. Edlefsen,

Chief, Branch of Land Resources.

[FR Doc. 84–5389 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–22–M

Salt Wells-Pilot Butte Grazing, Record of Decision—Rangeland Program Summary; Sweetwater and Uinta Counties, Rock Springs District, Wyoming; Notice of Availability of Record of Decision—Rangeland Program Summary for Salt Wells-Pilot Butte Grazing EIS Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Salt Wells-Pilot Butte Record of Decision and Rangeland Program Summary.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared a combination Record of Decision—Rangeland Program Summary for the Salt Wells-Pilot Butte EIS Area, Sweetwater and Uinta Counties, Wyoming and has made copies available for public review and comment.

Following the analysis of the Salt Wells-Pilot Butte Environmental Impact Statement and associated public comments, the Bureau of Land Management has made decisions concerning the range management program. This program will result in a categorical arrangement of 16 "Improve" allotments containing 988,123 acres, 7 "Maintain" allotments containing 2,184,816 acres, and 7 "Custodial" allotments containing 9,343 acres. Improve ("I") allotments have been organized in a descending priority order for range improvements. The BLM intends to concentrate the use of available funds in top priority allotments. Range improvements scheduled include water developments, vegetation treatments, and pasture fences. Other major components of the program concern wild horse management, wildlife habitat management, and watershed stability. Range monitoring will be a key element in the program.

This program is essentially a modified version of the Proposed Action contained in the Salt Wells-Pilot Butte Grazing EIS. Other alternatives considered were, continuation of the Existing Situation, Emphasize Livestock Production, Emphasize Watershed, Wildlife Habitat and Soil Stability, and License no Livestock Use on Public Lands.

FOR FURTHER INFORMATION CONTACT: Comments concerning the range program are welcome at any time; no specific comment period has been identified. Considerable flexibility remains in implementing the final decisions. All inquiries and comments should be directed to: Bob Bierer, Salt Wells Resource Area Manager, or Clinton Hanson, Big Sandy Resource Area Manager, P.O. Box 1170, Rock Springs, Wyoming 82902–1170. Telephone: (307) 362,7350, 362–6422.

A limited number of copies are available at the above address as well as the District Office located just north of Rock Springs on Highway 191 North, P.O. Box 1869, Rock Springs, telephone (307) 382–5350.

Donald H. Sweep,

District Manager.

[FR Doc. 84–5391 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–22–M

National Public Lands Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Public Lands Advisory Council will meet March 29–31, 1984.

The meeting will be held at the Town and Country Hotel, 500 North Hotel Circle, San Diego, California. Meeting hours on Thursday, March 29, will be from 8:30 to 11:00 a.m., at which time members will depart for a field tour of BLM lands in the California Desert Area. Members will return to the hotel on Friday, March 30, to resume their meeting; scheduled time for the Friday session is from 2:30 to 5:00 p.m. Because of transportation and other logistical limitations, the field tour will be limited to Council members and accompanying government representatives. On Saturday, March 31, the meeting hours will be 8:30 a.m. to 5:00 p.m. The proposed agenda for the 3-day meeting is:

Thursday, March 29

Morning

Address by Secretary of the Interior; Update on Department of the Interior and Bureau of Land Management (BLM) programs; Address by California's Secretary of Resources, providing the State view on public lands management; and meeting of Council subcommittee (Energy and Minerals, Renewable Resources, Lands, and Administrative/Legislative).

Friday, March 30

Afternoon

Discussion of issues raised during field tour of California Desert Area; and meeting of Council subcommittees.

Saturday, March 31

Morning

Presentation on BLM Volunteers Program; Meetings of Council subcommittees; and Public Statement Period.

Afternoon

Report on previous Council resolutions and setting of dates and locations for future Council meetings; Discussion of subcommittee recommendations and passing of Council resolutions.

All meetings of the Council will be open to the public. Opportunity will be provided for members of the public to make oral statements to the Council, beginning at 11:00 a.m., Saturday, March 31. Oral comments will be limited to 10 minutes per person and should address specific national public lands issues on the meeting agenda. Speakers are encouraged to submit a copy of their written testimony prior to oral delivery so that the Council will be prepared to respond or answer questions. Please send written comments by March 20 to

BLM's California State Office at the address listed below.

DATES: March 29, 30, and 31—Council Meeting. March 31—Public Statements.

ADDRESS: Copies of public statements should be mailed by March 20 to: Director, California State Office (910), Bureau of Land Management, Federal Office Building, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Karen Slater, Washington, D.C. Office, BLM, Telephone (202) 343–2054; or Tony Staed, Public Affairs Chief, California State Office, BLM, Telephone (916) 484–4724.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the Interior through the Director, Bureau of Land Management, regarding policies and programs of a national scope related to public lands and resources under the jurisdiction of the Bureau.

Robert E. Burford,

Director.

February 24, 1984.

[FR Doc. 84–5476 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–84–M

Surface Owner Consultation for Federal Coal Planning in the Buffalo Resource Area, Buffalo, Wyoming

AGENCY: Bureau of Land Management.

ACTION: Amendment to the **Federal Register** notice (published February 9, 1984; Volume 49, No. 28, page 4997) initiating surface owner consultation of Federal coal land in Sheridan and Johnson Counties, Wyoming.

SUMMARY: The comment period for surface owner consultation is extended to April 2, 1984.

ADDRESS: Surface owners should send their comments to or contact by telephone:.

Mr. Glenn Bessinger, Area Manager, Buffalo Resource Area, P.O. Box 670, Buffalo, Wyoming 82834, Telephone No. (307 684–55867)

James W. Monroe,

District Manager, Casper District.

[FR Doc. 84–5466 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–22–M

Minerals Management Service

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4002, Block 33, Grand Isle Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on January 20, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie,, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans,* Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Hossein Hekmatdoost, Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0873.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: February 17, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–5348 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Chevron U.S.A., Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Leases OCS–G 2323, 2324, 3410, and 3783, Blocks 360, 361, 352, and 353, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Cameron and Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on February 17, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans,* Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Williamson, Minerals Management Service, Gulf of Mexico

Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0817.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: February 17, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–5387 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Taylor Energy Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Taylor Energy Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS–G 1105 and 1106, Blocks 132 and 133, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on February 17, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Mike Joseph, Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures underwhich the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: February 21, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–5390 Filed 2–28–84; 8:45 am]

BILLING CODE 4310–MR–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than (ten days after publication). Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, Ms. Melita E. Yearwood, (202) 632–3378, IRM/MMP, Room 708B, SA–12, Washington, D.C. 20523.

Date Submitted: February 21, 1984
Submitting Agency: Agency for International Development
OMB Number: None
Form Number: NA
Type of Submission: New
Title: Regulation 16, Environmental Procedures
Purpose: This collection is needed to implement the requirements of the National Environmental Protection Act of 1970, as amended. AID has established policies to assist developing countries to implement and manage environmental programs and to ensure that appropriate environmental safeguards are adopted.

Date Submitted: February 21, 1984
Submitting Agency: Agency for International Development
OMB Number: None
Form Number: AID 1420–57
Type of Submission: New
Title: ASSET Supplier Information Form
Purpose: This collection is needed to provide information on where to obtain goods produced by small and medium-sized, disadvantaged, independent and minority-owned U.S. enterprises to governments and businesses outside the U.S. AID will solicit new members and update information on existing members.

Date Submitted: February 21, 1984
Submitting Agency: Agency for International Development
OMB Number: None
Form Number: AID 1420–58
Type of Submission: New
Title: ASSET Report Request Form
Purpose: This collection is needed to provide information on where to obtain goods produced by small and medium-sized, disadvantaged, independent and minority owned U.S. enterprises to governments and businesses outside the U.S. AID will solicit foreign governments and businesses to use the service.

Date Submitted: February 21, 1984
Submitting Agency: Agency for International Development
OMB Number: None
Form Number: NA
Title: Regulation 1, Rules and Procedures Applicable to Commodity Transactions
Purpose: When AID finances transactions under Commodity Import Programs, it needs to assure that the transaction complies with applicable statutory and regulatory requirements. In order to assure compliance and request refunds when appropriate, information is required from host country importers, suppliers receiving AID funds, and banks making payments for AID.

Reviewer: Francine Picoult (202) 395–7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Dated: February 21, 1984.

Fred D. Allen,

Acting Chief, Mandated Management Programs.

[FR Doc. 84-5386 Filed 2-28-84; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-139]

Import Investigations; Certain Caulking Guns; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has issued a general exclusion order in the above-captioned investigation.

Authority: 19 U.S.C. 1337.

SUPPLEMENTARY INFORMATION: The presiding officer issued an initial determination on November 25, 1983, in which he determined that there has been a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the unauthorized importation and sale of certain caulking guns by reason of the infringement of U.S. Letters Patent 4,081,112 owned by complainant Peter J. Chang, the tendency of which is to prevent the establishment of an efficiently and economically operated industry in the United States.

On December 28, 1983, the Commission determined not to review the presiding officer's initial determination, thereby allowing it to become the Commission determination on violation of section 337. The Commission requested written submissions on the issues of remedy, the public interest, and bonding from the parties, other Government agencies, and the public. 49 FR 670 (Jan. 5, 1984). Only complainant and the Commission investigative attorney filed written submissions.

Copies of the Commission's Action and Order, its opinion, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0499.

By order of the Commission.

Issued: February 23, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-5420 Filed 2-28-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-160]

Import Investigations; Certain Composite Diamond Coated Textile Machinery Components; Notice

Notice is hereby given that the prehearing conference in this proceeding scheduled for March 12, 1984, and the hearing scheduled to commence immediately thereafter (49 FR 3146) are cancelled.

The prehearing conference is rescheduled to commence at 9:00 a.m. on March 19, 1984, at the Waterfront Center, Room 201, 1010 Wisconsin Avenue, N.W., Washington, D.C. 20007, and the hearing will commence immediately thereafter.

The Secretary shall publish this Notice in the **Federal Register.**

Issued: February 22, 1984.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 84-5414 Filed 2-28-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-184]

Import Investigations; Certain Foam Earplugs; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 19, 1984, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Cabot Corporation, 125 High Street, Boston, Massachusetts 02110. A supplement to the complaint was filed on February 6, 1984 and another was filed on February 10, 1984. The complaint as supplemented alleges unfair methods of competition and unfair acts in the importation of certain foam earplugs into the United States, or in their sale, by reason of alleged infringement of claims 1, 2, 3, 7, 11, 12, 13 and 14 of U.S. Letters Patent Re. 29,487. The complaint as supplemented further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in section 210.12 of the Commission's Rules of Practice and Procedures (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on February 17, 1984, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, in investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain foam earplugs into the United States, or in their sale, by reason of alleged infringement of claims 1, 2, 3, 7, 11, 12, 13 and 14 of U.S. Letters Patent Re. 29, 487, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Cabor Corporation, 125 High Street, Boston, Massachusetts 02110.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

TECHMED GmbH,
Morkenstrasse 9,
2000 Hamburg,
Federal Republic of Germany
Walter Schleicher,
Morkenstrasse 9,
2000 Hamburg,
Federal Republic of Germany
Carleton Management Associates, Inc.,
3217 Broadway,
Suite 304,
Kansas City, Missouri 64111
Eurosafe AB,
Sodra Tullgafan 4 A, S-211,
40 Malmo, Sweden
Eastern Safety Equipment Co., Inc.,
45-17 Pearson Street,
Long Island City, New York, 11101
AM-Produkte, GmbH,
Ost-Str. 90,
2000 Norderstedt,
Federal Republic of Germany
Tasco Sales Co. Inc.,
37 Trips Lane,
East Providence, Rhode Island 02915
Safety Direct, Inc.,
23 Snider Way,
Sparks, Nevada 89431

Fujiyama Sangyo,
Kiraku Bldg.,
Shimizu 4,
Rita Ku,
Nagoya, Aichi Prefecture,
Japan
Inoue MIP,
2–13–4– Mei Eki Minami,
Nakamura Ku,
Nagoya Shi
Japan
S.S. Trading Co. Ltd.,
13–7 Kanda Cho,
Chigusa-Ku,
Nagoya, Aichi Prefecture,
Japan
Swift Labs,
7415 Varna Avenue,
North Hollywood, California 91605
Protector AB,
Box 4179, S–203,
13 Malmo, Sweden

(c) Linda L. Moy, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 126, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commisison, shall designate the presiding officer.

Responses must be sumitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extenstions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the office of the Secretary, U.S. International Trade Commission, 701 E Street N.W., Room 156, Washington, D.C. 20436, telephone (202) 523–0471.

FOR FURTHER INFORMATION CONTACT: Linda L. Moy, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone (202) 523–4693.

By order of the Commission.

Issued: February 21, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–5416 Filed 2–28–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–183]

Import Investigations; Certain Indomethacin; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: February 22, 1984.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 84–5412 Filed 2–28–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–164]

Import Investigations; Certain Modular Structural Systems; Notice

Notice is hereby given that the prehearing conference in this matter will commence at 9:00 a.m. on April 4, 1984, at the Waterfront Center, Room 201, Washington, D.C. 20007, and the hearing will commence immediately thereafter.

The Secretary shall publish this Notice in the **Federal Register.**

Issued: February 22, 1984.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 84–5413 Filed 2–28–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–157]

Import Investigations; Certain Office Desk Accessories and Related Products; Notice

Notice is hereby given that the prehearing conference in this matter scheduled for February 27, 1984, and the hearing scheduled to commence immediately thereafter (49 FR 4857) are cancelled.

The Secretary shall publish this Notice in the **Federal Register.**

Issued: February 21, 1984.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 84–5415 Filed 2–28–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–145]

Import Investigations; Certain Rotary Wheel Printers; Commission Decision Not To Review Initial Determination Terminating Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review an initial determination (I.D.) to terminate this investigation as to respondent Canon, Inc., on the basis of a settlement agreement.

Authority: 19 U.S.C. 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of January 26, 1983, 49 FR 3281. No petitions for review or agency or public comments were received.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1693.

By order of the Commission.

Issued: February 23, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–5419 Filed 2–28–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–163 (Preliminary)]

Certain Cell-Site Radio Apparatus and Subassemblies Thereof From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan of cell-site transceivers and subassemblies thereof, provided for in item 685.29 of the Tariff Schedules of the United States, which are alleged to be sold in

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

the United States at less than fair value (LTFV).

Background

On December 28, 1983, counsel for E.F. Johnson Co., Waseca, Minn., filed a petition with the Commission and the Department of Commerce alleging that the establishment of an industry in the United States is materially retarded, or in the alternative that an industry in the United States is materially injured or threatened with material injury, by reason of imports from Japan of cell-site transceivers and subassemblies thereof which are allegedly being sold in the United States at LTFV. Accordingly, effective December 28, 1983, the Commission instituted a preliminay antidumping investigation under section 733(a) of the Act (19 U.S.C. 1673b(a)).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on January 5, 1984 (49 FR 668). The conference was held in Washington, D.C., on January 20, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Department of Commerce by February 13, 1984. A public version of that report, *Certain Cell-Site Radio Apparatus and Subassemblies Thereof From Japan* (investigation No. 731-TA-163 (Preliminary), USITC Publication 1488, 1984), contains the views of the Commissioners and information developed during the investigation.

By order of the Commission.

Issued: February 13, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-5417 Filed 2-28-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-202 (Final)]

Cotton Shop Towels From Pakistan

Determination

On the basis of the record [1] developed in investigation No. 701-TA-202 (Final), the Commission determines, pursuant to section 705(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)), that an industry in the United States is materially injured by reason of imports from Pakistan of shop towels of cotton provided for in item 366.27 of the Tariff Schedules of the United States, which have been found by the Department of Commerce to be subsidized by the Government of Pakistan.

Background

The Commission instituted this investigation effective October 27, 1983, following a preliminary affirmative countervailing duty determination by the Department of Commerce on imports of cotton shop towels from Pakistan.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on November 25, 1983 (48 FR 53186). The hearing was held in Washington, D.C. on January 17, 1984, and all persons who requested the opportunity were permitted to appear in person or represented by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce of February 23, 1984. A public version of the Commission's report *Cotton Shop Towels From Pakistan* (investigation No. 701-TA-202 (Final), USITC Publication 1490, 1984), contains the views of the Commission and information developed during the investigation.

By order of the Commission.

Issued: February 23, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-5418 Filed 2-28-84; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-No. 199X)]

Burlington Northern Railroad Company—Abandonment—In Burleigh County, ND; Exemption

Burlington Northern Railroad Company (BN) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*. The line is between milepost 81.25 near Regan and milepost 92.76 near Wilton, a distance of approximately 11.51 miles in Burleigh County, ND.

BN has certified (1) that no local or overhead traffic has moved over the line for at least 2 years, and (2) that no formal complaint filed by a user of rail service on the line or a State or local government entity acting on behalf of such user regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in North Dakota has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). The exemption will be effective on March 30, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by March 12, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by March 20, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: February 21, 1984.

By the Commissioner, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-5370 Filed 2-28-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30403]

Ottumwa Connecting Railroad Co.—Operation Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from the requirements of prior approval under 49 U.S.C. 10901 the lease and operation by Ottumwa Connecting Railroad Co. of 3.25 miles of railroad between milepost 275.56 and milepost 278.81, in Ottumwa, IA.

DATES: This exemption is effective on February 28, 1984. Petitions to reopen must be filed by March 20, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30405 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Martha Martell, 600 Fifth Avenue Plaza, Des Moines, IA 50309

FOR FURTHER INFORMATION CONTACT: Louise 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., Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: February 21, 1984.

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

James H. Bayne,

Acting Secretary.

[FR Doc. 84–5373 Filed 2–28–84; 8:45 am]

BILLING CODE 7035–01–M

[OP2–092–MCF–15603]

Motor Carriers; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register** and ICC Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.*

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 9, 1984.

By the Commission, Review Board Members Parker, Fortier, and Krock.

James H. Bayne,

Acting Secretary.

MC–F–15603, filed January 30, 1984

OVERLAND COACH SERVICE, INC. (OVERLAND) (1061 SOUTH CAMERON ST., HARRISBURG, PA 17104—PURCHASE—CAPITOL INTERNATIONAL TOURS, INC. (CITI) (P.O. BOX 470, CAPITAL CITY AIRPORT, NEW CUMBERLAND, PA 17070) : HOLDCO, INC. (HOLDCO) (1061 SOUTH CAMERON ST., HARRISBURG, PA 17104)—CONTROL—CAPITOL BUS COMPANY (CBC) (1061 SOUTH CAMERON ST., HARRISBURG, PA 17104) AND OVERLAND COACH SERVICE, INC.

Representative: S. Berne Smith, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108–1166.

Overland, a non-carrier, seeks authority to purchase all of the interstate operating rights of CITI. Holdco, a non-carrier holding company in control of Overland seek to control Overland and CBC in a common interest, and Richard J. Maguire, Mary Ann Maguire, Lena F. Maguire, Evelyn Z. Maguire, Carolyn M. Kerr, and Janet K. Hess (Individuals) who will become stockholders in control of Holdco upon approval of this application, seek authority to acquire control of said rights through the transaction. Approval is sought for the purchase by Overland of CITI's interstate common carrier authority in MC–157643 Sub-No. 1, issued March 31, 1983, authorizing the irregular route transportation of passengers, in charter and special operations, between points in the U.S.

Individuals who will be in control of Holdco also presently control CBC (MC–109736) a motor common carrier transporting passengers over regular routes in PA, NY, NJ, MD, VA, and DC and our irregular routes in charter and special operations, between points in the U.S. Simultaneously with the purchase by Overland of CITI's authority, Holdco seeks to acquire control of CBC through the transfer to Holdco of CBC's stock and certain of CBC's property in exchange, Individuals will receive stock in Holdco.

One of the controlling individuals, Richard J. Maguire, controls both CITI and CBC pursuant to the Commission's earlier approval in MC–F–15274.

[FR Doc. 84–5372 Filed 2–28–84; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Bureau of Prisons

National Institute of Corrections, Advisory Board; Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board will meet on March 19, 1984, starting at 8:30 a.m., at the Airport Sheraton Hotel, 7301 N.W. Tiffany Springs Road, Kansas City, Missouri, 64153. At this meeting (one of the regularly scheduled triannual meetings of the Advisory Board), the Board will receive its subcommittees' reports and recommendations as to future thrusts of the Institute.

Raymond C. Brown,

Director.

[FR Doc. 84–5345 Filed 2–28–84; 8:45 am]

BILLING CODE 4410–05–M

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[Application No. D-4030]

Proposed Exemptions; Copley Investers Limited Partnership

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to sumbit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the Exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Copley Investors Limited Partnership (Copley Investors) Located in Boston, Massachusetts

[Application No. D-4030]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Section I—Exemption for Certain Transfers of Real Property to Copley Investors

If the Exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through 4975(c)(1)(D) shall not apply to: (1) The initial or follow-up transfer of certain real estate investments (the Investments) from the general account of New England Mutual Life Insurance Company (NEL) and from Copley Management Limited Partnership (Management L.P.) to Copley Investors. Copley Investors is a limited partnership in which certain employee benefit plans (Participating Plans) will participate as limited partners. NEL or its affiliates will be parties in interest with respect to the Participating Plans; and (2) the acquisition by the Participating Plans of limited partnership units in Copley Investors provided that the price paid for such limited partnership units is not greater than the fair market value of the limited partnership units at the time of their acquisition by the Participating Plans. The Participating Plans' ownership in Copley Investors will be represented by ownership of Class B limited partnership units.[1]

Section II—Exemption for the Assumption by NEL of Certain Liability of Copley Investors and for the Continuation of Certain Outstanding Mortgages

If the exemption is granted the restrictions of section 406(a) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A), through 4975(c)(1)(D) shall not apply to: (1) NEL's secondary liability for Copley Investors' obligations under stand-by interim financing commitments (the Stand-By Commitments) on two properties which will be owned by Copley Investors and any possible funding of such commitments by NEL; and (2) the continuation of certain outstanding mortgage loans held by NEL's general account on certain of the Investments.

Section III—Exemption for Certain Transactions Involving the Management of Copley Investors

(a) If the exemption is granted, the restrictions of sections 406(a), 406(b)(2) and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to any transaction described below if the applicable conditions set forth in Section IV are met.

(1) *General Exemption.* Any transaction between a party in interest with respect to a Participating Plan and Copley Investors, or any acquisition or holding by Copley Investors of employer securities or employer real property, if at the time of the transaction, acquisition or holding—

(A) The interest of the Participating Plan (together with any other plans maintained by the same employer or employee organization) in Copley Investors does not exceed 20 percent of the Class B limited partnership units.

(B) The party in interest is not NEL, Management L.P. or Copley Real Estate Advisors (Copley Advisors), or any of their affiliates.

(2)(A) *Acquisition, Sales or Holdings of Employer Securities and Employer Real Property.* Except as provided in subparagraph (B) of this paragraph (2), any acquisition, sale or holding of employer securities or employer real property by Copley Investors which does not satisfy the requirements of

[1] Class B limited partnership units are defined in a subsequent paragraph of this notice of pendency.

paragraphs (a)(1) of this Section, if no commission is paid to NEL, any of its affiliates, or the employer in connection with the acquisition or sale of employer securities or the acquisition, sale or lease of employer real property, and—

(i) In the case of employer real property—

(aa) Each parcel of employer real property and the improvements thereon in which Copley Investors has an interest are suitable (or adaptable without excessive cost) for use by different tenants, and

(bb) The properties that are leased or held for lease to others, in the aggregate, are dispersed geographically.

(ii) In the case of employer securities—

(aa) Neither NEL nor any of its affiliates is the issuer of the security; and

(bb) If the security is a debt obligation of the issuer, either—

1. Copley Investors owns the obligation at the time the plan acquires an interest in Copley Investors, and interests in Copley Investors are offered and redeemed in accordance with valuation procedures applied on a uniform or consistent basis, or

2 . Immediately after acquisition of the obligation by Copley Investors not more than 25 percent of the aggregate amount of obligations issued in the issue and outstanding at the time of acquisition is held by such Participating Plan and at least 50 percent of the aggregate amount of obligations issued in the issue and outstanding at the time of acquisition is held by persons independent of the issuer.

(B) In the case of a Participating Plan that is not an eligible individual account plan (as defined in section 407(d)(3) of the Act), the exemption provided in subparagraph (A) of this paragraph (3) shall be available only if, immediately after the acquisition of the employer securities or employer real property, the aggregate fair market value of employer securities and employer real property issued by or leased to the employer (or any affiliate thereof) and held by Copley Investors does not exceed 10 percent of the fair market value of the total assets of Copley Investors as of its most recent valuation date.

(C) For purposes of the exemption contained in subparagraph (A) of this paragraph (3), the term "employer securities" shall include securities issued by, and the term "employer real property" shall include real property leased to, a person who is a party in interest with respect to a Participating Plan by reason of a relationship to an employer of employees covered under such plan which is described in section 3(14)(E), (G), (H) or (I) of the Act.

(b) *Special Exemptions.* The restrictions of section 406(a) and section 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975(a) and (b) of the Code by reason of sections 4975(c)(1)(A) through (E) of the Code, shall not apply to any transaction described below, if the conditions of section IV are met.

(1) *Certain Leases, Goods and Services.* The furnishing of goods and services to Copley Investors by a party in interest with respect to a Participating Plan or the leasing of any of the Properties to such a party in interest, and the incidental furnishing of goods to such party in interest by Copley Investors, if—

(A) In the case of the provision of goods or services, they are furnished to or by Copley Investors in connection with the Properties;

(B) The party in interest is not NEL, Management L.P., Advisors, or any affiliate thereof; and

(C) The amount involved in the furnishing of goods and services, or the leasing of real property, in any calendar year (including the amount under any other lease or arrangement for the furnishing of goods in connection with the real property investments of Copley Investors with the same party in interest, or any affiliate thereof) does not exceed the greater of $25,000 or 0.5 percent of the fair market value of the assets of Copley Investors on the most recent valuation date of Copley Investors prior to the transaction.

(2) *Transactions Involving Places of Public Accommodation.* The furnishing of services, facilities and any goods incidental to such services and facilities by a place of public accommodation in which Copley Investors has an interest to a party in interest with respect to a Participating Plan, if the services, facilities and incidental goods are furnished on a comparable basis to the general public.

(c) *Excess Holdings Exemption for Employee Benefit Plans.* The restrictions of sections 406(a) and 407(a) of the Act shall not apply to any acquisition or holding of qualifying employer securities or qualifying employer real property (other than through Copley Investors) by a Participating Plan if: (1) The acquisition or holding contravenes the restrictions of sections 406(a)(1)(E), 406(a)(2) and 407(a) of the Act solely by reason of being aggregated with employer securities or employer real property in which Copley Investors has an interest; (2) the requirements of either paragraph (a)(1) or paragraph (a)(2) of this Section are met; and (3) the applicable conditions of Section IV of this exemption are met.

Section IV—General Conditions

(a) At the time the transaction is entered into, and at the time of any subsequent renewal thereof that requires the consent of Copley Investors, NEL, or any affiliate thereof, the terms of the transaction are not less favorable to Copley Investors than the terms generally available in arm's-length transactions between unrelated parties.

(b) NEL or any affiliate thereof maintains for a period of six years from the date of the transaction the records necessary to enable the persons described in paragraph (c) of this Section to determine whether the conditions of this exemption have been met, except that: (1) A prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of NEL or its affiliate, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by subsection (c) below.

(c)(1) Except as provided in paragraph (2) of this subsection (c) and notwithstanding any provisions of subsection (a)(2) and (b) of section 504 of the Act, the records referred to in subsection (b) of this Section are unconditionally available at their customary location for examination during normal business hours by—

(A) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(B) Any fiduciary of a Participating Plan who has authority to acquire or dispose of the interests of the Participating Plan in Copley Investors, or any duly authorized employee or representative of such fiduciary,

(C) Any contributing employer to any Participating Plan or any duly authorized employee or representative of such employer, and

(D) Any participant or beneficiary of any Participating Plan, or any duly authorized employee or representative of such participant or beneficiary.

(2) None of the persons described in subparagraphs (B) through (D) of this subsection (c) shall be authorized to examine trade secrets of NEL, any of its affiliates or Copley Investors, or commercial or financial information which is privileged or confidential.

Section V—Definitions and General Rules

For the purposes of this exemption,

(a) An "affiliate" of a person includes—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person,

(2) Any officer, director, employee, relative of, or partner in, any such person, and

(3) Any corporation or partnership of which such person is an officer, director, partner or employee.

(b) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(c) The term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or sister.

(d) The time as of which any transaction, acquisition or holding occurs is the date upon which the transaction is entered into, the acquisition is made or the holding commences. If any transaction is entered into, or an acquisition is made, on or after the effective date of this exemption, or a renewal that requires the consent of Copley Investors, NEL or any affiliate of NEL occur on or after the effective date of this exemption, and the requirements of this exemption are satisfied at the time the transaction is entered into or renewed, respectively, or at the time the acquisition is made, the requirements will continue to be satisfied thereafter with respect to the transaction or acquisition and the exemption shall apply thereafter to the continued holding of the property so acquired. Notwithstanding the foregoing, this exemption shall cease to apply to a holding exempt by virtue of Section III(a)(1) at such time as the interest of the participating Plan exceeds the percentage interest limitation of Section III(a)(1), unless no portion of such excess results from an increase in the assets allocated to Copley Investors by the Participating Plan. For this purpose, assets allocated do not include the reinvestment of Copley Investors' earnings. Nothing in this subsection (d) shall be construed as exempting a transaction entered into by Copley Investors which becomes a transaction described in section 406 of the Act or section 4975 of the Code while the transaction is continuing, unless the conditions of the exemption were met either at the time the transaction was entered into or at the time the transaction would have become prohibited but for this exemption.

(e) Each Participating Plan shall be considered to own the same proportionate undivided interest in each asset of Copley Investors as its proportionate interest in the total assets of Copley Investors as calculated on the most recent preceding valuation date of Copley Investors.

Summary of Facts and Representations

1. NEL is a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts and subject to supervision and examination by the Insurance Commissioner of the Commonwealth of Massachusetts. Among the wide variety of insurance and financial products and services it offers, NEL provides funding, asset management and other services for hundreds of employee benefit plans subject to the provisions of Title I of the Act.

2. NEL represents that it has had more than 50 years of experience in real estate investments and has been involved in joint venture developmental property investments since 1967. Of the more than $7 billion of total assets held by NEL at year-end 1981, the general account held mortgage loan assets with a book value in excess of $2.1 billion and real estate assets with a book value in excess of $450 million. NEL estimates that the real estate portfolio which it owns (either outright or in some cases jointly with co-venturers) has a current fair market value of approximately $1.95 billion.

3. NEL proposes to form Copley Investors to provide Participating Plans and other investors with an opportunity to invest in a portfolio of income-producing and developmental real estate investments, at least half of which will consist of existing properties, some complete and others in various stages of development. Copley Investors will be established as a limited partnership under the laws of the State of Delaware. Unless extended, Copley Investors will have a stated term of 15 years.The general partner of Copley Investors will be Management L.P. The managing general partner of Management L.P. will be Copley Advisors, Inc. (Advisors), a subsidiary of Copley Investors, which, in turn, is an indirect subsidiary of NEL. NEL will be the only limited partner in Management L.P. Mr. James R. Knapp (Knapp) and Mr. Bradford H. Miller (Miller) will serve as individual general partners (the Individual General Partners) of Management L.P. Copley Investors will have two classes of limited partners: Class A (represented by ownership of Class A Units), consisting of NEL and Management L.P.; and Class B (represented by ownership of Class B Units), consisting of the outside investors (the Investors). Class A and Class B Units will each constitute approximately 50 percent of the total Units (the Units) of Copley Investors. Each Unit represents one of the equal parts into which the partners' interests in Copley Investors is divided. In the aggregate, the Class A limited partners will have essentially equal voting power with Class B limited partners regarding most decisions that may have to be made by a vote of Copley Investors' partners. Under the Copley Investors limited partnership agreement, certain decisions will have to be approved by: (1) The general partner, (2) a majority of the votes cast by the Class A limited partners and (3) a majority of the votes cast by the Class B limited partners. These decisions include: (a) Amendment of the limited partnership agreement, (b) dissolution of the partnership, (c) extension of the term of the partnership (requires at least 75 percent of votes cast by Class B limited partners), (d) election of a liquidator, and (e) approval of the sale of all or substantially all of the partnership's assets. In addition, election of a successor general partner(s) requires a unanimous decision of Class A and B Limited Partners.

4. The decision for any pension plan to participate in Copley Investors will be made by a Participating Plan sponsor or other Participating Plan fiduciary (other than NEL or any of its affiliates). Participating Plan sponsors and fiduciaries, prior to making a decision to participate in Copley Investors, will receive a detailed private placement offering that describes all of the material aspects of the private placement offering, the portfolio of real estate properties and the valuation thereof and the establishment, operations and affiliations of Copley Investors. Based on this, the applicant represents that the decision for any Participating Plan to invest in Copley Investors will be made by a fiduciary who is independent of NEL or any of its affiliates based on full disclosure of all material information regarding the investment.

5. The applicant represents that the private placement memorandum of the Class B Units will provide that the Class B Units will be offered only to accredited investors (Accedited Investors). An Accredited Investor will be defined as "any qualified plan and any tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code, which has total assets in

excess of $20,000,000. In addition, no qualified plan will be premitted to purchase units for an aggregate amount exceeding 20 percent of its net worth." Each Participating Plan that participates in Copley Investors will be required to represent that it is such an Accredited Investor. In addition, no Participating Plan (together with any other plans maintained by the same employer or employee organization) may acquire or hold more than 20 percent of the Class B Units.

6. In establishing Copley Investors, NEL and Management L.P. will contribute certain properties (the Investments) in exchange for all of the Class A Units. The Investments transferred to Copley Investors by NEL will be selected from investments currently owned by NEL's general account. Management L.P., as general partner of Copley Investors, will acquire partnership units in Copley Investors in exchange for contributing some of the Investments (and, possibly, cash) to Copley Investors. These Investments will be contributed to Management L.P. by NEL and by the Individual General Partners of Management L.P. in connection with the organization of Copley Investors. The Individual General Partners will receive their proportionate share of the distributions from Management L.P. In addition, the Individual General Partners will each receive $35,000 per year from Management L.P. for serving as general partners of Copley Investors. After 1984, such $35,000 payment will be adjusted annually in accordance with changes in the Consumer Price Index. The applicant represents that such compensation is intended to be an inducement for Knapp and Miller to transfer their ownership in the "Brookhollow Project" to Management L.P. and that such compensation will not be paid from assets of Copley Investors, nor will it affect, or be affected by, any of the distributions from Copley Investors to which Management L.P. is entitled as the general partner of Copley Investors. The applicant represents that Knapp and Miller will provide services in connection with the Brookhollow Project. In addition, Knapp and Miller as compensation for such services may receive an annual fee not to exceed 3 percent of gross revenue for such project and may occupy, without the payment of rent, not in excess of 6,500 square feet of space in such project as long as they serve as managers of the project.[2]

7. It is contemplated that NEL will transfer a major portion of the Investments directly to Copley Investors in exchange for all of the Class A Units in Copley Investors. The remaining Investments will be transferred to Copley Investors by Management L.P. as the general partner in Copley Investors. Management L.P. will have obtained these Investments by means of contributions from NEL, its limited partner, and Advisors and the Individual General Partners, its general partners, in exchange for partnership units in Management L.P. (NEL and Advisors will have at least an 80 percent ownership interest in Management L.P.). It is expected that the remaining partnership units in Copley Investors will be offered to the Investors, pursuant to a private placement offering of Class B Units which will describe all the material terms of the offering, including descriptions of each property which will be contributed to Copley Investors and the aggregate value assigned to the Investments. The transfer of the Investments in exchange for the Class A Units will take place when a sufficient number of Class B Units have been subscribed to. If the offering is fully subscribed, NEL and Management L.P., and the Investors will each hold approximately 50 percent of the Units issued by Copley Investors.

Notwithstanding the number of Class B Units that are subscribed to, NEL will contribute the Investments in their entirety to Copley Investors. Many of the Investments will be interests in real estate joint ventures in which NEL and an independent real estate developer or manager participate. Where NEL owns a 50 percent or greater interest in a joint venture, NEL will, in general, convey a 49 percent interest to Copley Investors initially and will agree to convey the balance of its interest to Copley Investors approximately 13 months thereafter. At the initial closing of Copley Investors, NEL will receive Class A Units equal in value to its initial contribution of investments. At the tme of the follow-up transfer of the remaining untransferred interests, NEL will receive additional Class A Units equal to the then independently determined value of its second contribution. During the intervening 13-month period, NEL will exercise its rights with respect to its retained interests in these joint ventures as directed by Copley Investors. The applicant represents that this procedure is being used because transfers of an interest of 50 percent or more in the capital and profits of a partnership joint venture within 12 months may be deemed to cause the partnershp to be terminated for federal income tax purposes.

8. The Investors will contribute cash to Copley Investors in exchange for their Class B Units. Copley Investors will use the cash proceeds to purchase and develop new real estate investments and, if needed, to finance the further development of existing Investments or to provide financing for existing Investments. Neither NEL nor Management L.P. will receive any cash in consideration for the transfer of the Investments to Copley Investors. Under the Management L.P. limited partnership agreement, Advisors will have complete authority and discretion to manage Management L.P. Advisors will also serve as investment manager for Copley Investors and will be responsible for investing the assets of Copley Investors and managing the day-to-day business affairs of Copley Investors pursuant to the terms of an investment management contract. Advisors will register as an investment adviser under the Investment Advisers Act of 1940.

9. It is contemplated that after five years and annually thereafter, Copley Investors will distribute accumulated cash flow to the Investors to the extent funds have not been re-invested. Copley Investors may, but is not obligated to, distribute sale and re-financing proceeds from time to time to the extent such funds are available for distribution.

10. The applicant represents that any Class B limited partner may, subject to certain ministerial requirements, assign any of its Class B Units at any time more than three years after such Class B Unit was purchased. This assignment delivers to the purchaser all the economic benefits from the assigned Class B Units. The assignee will be admitted as a limited partner provided that the general partner consents to the substitution and certain other requirements are satisfied.[3] If a Class B limited partner desires to sell his Class B Units and cannot locate a purchaser, such Class B limited partner may send a notice (Repurchase Notice) to Copley Investors specifying the number of Class B Units to be disposed of. For a period of 90 days from the receipt of the Repurchase Notice by Management LP,

[2] The applicant represents that Knapp and Miller are not acting in a fiduciary capacity with respect to the above described services and use of office space. Accordingly, the Department is not providing exemptive relief beyond that provided in section 408(b)(2) of the Act for the above described services and use of office space.

[3] For example, an opinion of counsel must be provided to Management LP to the effect that the proposed assignment will not cause Copley Investors to suffer any liability under the Act. Moreover, no assignment will be effective if it would cause the assignee to be the holder of more than 10% of the outstanding partnership units.

Management LP will use its best efforts to attempt to assist the Class B limited partner in selling this Class B Units. In addition, Management LP will refer prospective purchasers to selling limited partners in the order in which their respective Repurchase Notices are received by Management LP. Before NEL may sell any of its Class A Units to a third party it must give the Class B limited partners a 30 day notice of its intent to sell Class A Units and in effect allow them to opportunity to sell their Class B Units to the prospective purchaser before NEL may sell its Class A Units to the third party. If, after the 30 day notification, there are outstanding Repurchase Notices for more than 50% of the Class B Units, NEL will be prohibited from transferring any of its Class A Units. If, after the 30 day notificatioin period, there are outstanding Repurchase Notices for less than 50% of the Class B Units, Management LP will be obligated to refer prospective purchasers first to the Class B limited partners whose Repurchase Notices were received by Management LP before that of NEL. In any case, NEL must at all times retain at least 25% of all the outstanding limited partnership units.

11. The offering price of the Class B Units has been determined by Brooks Harvey and Co. Inc. (Brooks Harvey) a subsidiary of Morgan Stanley & Co. Inc. (Morgan Stanley) which will be the manager of the offering of the Class B Units. The applicant represents that Brooks Harvey is not affiliated with NEL or its affiliates and is one of the nation's leading firms in the design and placement of financing for major domestic real estate projects. The applicant represents that Brooks Harvey based its determinations on information provided for the most part by NEL. The applicant further represents that while Brooks Harvey did not audit of the information with which its was provided, all such information including the lease agreements, rent rolls, construction and mortgage loan agreements, joint venture agreements and other operating and financial information relating to the properites was made available to the satisfaction of Brooks Harvey. The information came from the regular business files that NEL has used to monitor its investment in each of the Investments involved. Much of this information has been provided to NEL over various periods of time by developers or property managers or co-joint venturers. The applicant represents that NEL had a very strong interest in ensuring that this information be accurate since it was primarily through its receipt and review of this material that it could oversee its investments and be sure of their financial success. Further, the applicant represents that NEL uses the information contained in its regular business files to prepare reports for various government agencies, including the Internal Revenue Service, the Securities and Exchange Commission, and state insurance commissioners. The applicant also represents that large segments of the property information were reviewed by Brooks Harvey. In this regard, the major leases for all of the projects were reviewed in detail by Brooks Harvey. Brooks Harvey also reviewed the rent rolls provided by the property managers of each of the projects, as well as the terms of each of the construction and mortgage loans. Further, Brooks Harvey personnel conducted extensive, on-site inspection of each of the Investments during which they verified the leasing status and physical conditions of the projects and discussed the condition, operation and quality of the projects with the respective developers or property managers of the Investments.

12. Prior to the initial or follow-up transfer of the Investments from the general account of NEL to Copley Investors and the acquisition by the Participating Plans of the Class B Units, the applicant represents that an independent review committee (the Review Committee) will approve: (1) The determination by Brooks Harvey of the aggregate fair market value of the Investments to be transferred to Copley Investors by NEL and Management L.P.; (2) the overall appropriateness of the Investments as investments for pension plans; and (3) the total number of Class B Units to be issued where each Class B Unit will be offered at $10,000 per Class B Unit. The applicant represents that the Review Committee will consist of three persons, all of whom are unaffiliated with NEL, Copley Investors, Morgan Stanley or Brooks Harvey and cannot be removed except upon a unanimous vote of the other members of the Review Committee. The three members of the Review Committee are Mr. Robert W. Draine, a real estate investor and past Executive Vice President of Coldwell Banker Real Estate Group whose office is located in Pacific Palisades, California; Mr. Raymond L. Watson, President of Watson, Eberling & Lund which is located in Newport Beach, California, and is a partnership of individuals involved in large-scale real estate investment; and Mr. Marshall Bennett a partner in Marshall Bennett Enterprises which is located in Chicago, Illinois, and is a real estate development firm. The applicant represents that NEL will indemnify members of the Review Committee with respect to any action taken in connection with his service on the Review Committee including a breach of or failure by such Review Committee member to perform a responsibility, obligation or duty under the Act.

13. The Review Committee represents that it followed the following procedures in performing its review of the Investments and the Brooks Harvey evaluation.

A. Individually, each member of the Review Committee read and reviewed the economic and financial summaries of each project provided to them by Brooks Harvey.

B. Once assembled as a group, the three members of the Review Committee compared notes and again reviewed the economic and financial material provided by Brooks Harvey.

C. As a group, the members of the Review Committee visited and inspected each Investment site. During the tour of the Investments, the Review Committee members met with, questioned, and evaluated the individual joint venture partners responsible for each Investment. They discussed and evaluated current market conditions, the overall market competition and conditions of the region affecting the individual Investments and the quality of the individual properties in the respective marketplaces. They also compared the respective properties against the projected rents, the overall marketplaces as observed in the general area, and their own experiences relative to similar projects.

D. Following the tour and review of all the Investments, the members of the Review Committee met as a committee, compared notes and collectively reached opinions relative to the quality of projects' managements, the respective Investments, the competitive market and then applied this evaluation to the economic projections and summaries provided to the Review Committee by Brooks Harvey.

14. Based on the above, the Review Committee represents that, in summary, it concurs with the Brooks Harvey evaluations of the Investments relative to the value of NEL's share of the total value and the initial offering. It is the Review Committee's opinion that the actual values of the contributed Investments is in excess of the valuations indicated and reviewed by the Review Committee.

15. The Review Committee concludes that the locations, types of uses, property management, and diversity of

real estate offerings are individually and collectively appropriate as investments by pension funds who are interested in a mixture of cash flow and capital appreciation. The Review Committee further represents that in the experience of the individual Review Committee members, the Review Committee members were impressed with all the Investments and particularly the diversified nature of them. Furthermore, it is the judgment of the Review Committee that in the aggregate, the real estate portfolio represented by these Investments is an excellent real estate investment fund.

16. In several instances, NEL has issued stand-by interim financing commitments to take out construction financing with respect to some of the Investments. The applicant represents that it is contemplated that Copley Investors will assume NEL's obligations under any stand-by financing commitments issued with respect to such Investments. Because the construction lending institutions relied on the commitment of NEL in making their loans with respect to these Investments, it is expected to be necessary that NEL agree to remain secondarily liable on these commitments.

17. In addition, NEL has made long-term mortgage loans from its general account to some joint ventures in which the general account currently has an equity interest. Also, with respect to some properties wholly-owned by NEL, long-term mortgage loans have been made by NEL to lessees of the properties under long-term net leases. In these cases, the lessee's leasehold interest is used to secure the mortgage loan. NEL's equity interest in some of these joint ventures and properties may be transferred to Copley Investors. Because most of the mortgage loans in these cases were made several years ago, the interest rates on the loans are generally lower than interest rates on mortgage loans currently being made. Accordingly, the applicant represents that it would generally be in the interests of any investor in these properties to have the mortgage loan remain in effect. In connection with the continuation of any outstanding mortgage loans held by NEL's general account with respect to any of the Investments, if an event of default occurs with respect to any of these loans, the mortgagee (NEL) may exercise its rights upon such default. A default is specifically defined under the original loan agreement. In addition, NEL may not modify any of the terms and conditions of the original loan agreement.

18. In reaching its conclusions, the Review Committee noted that NEL has long-term mortgages of approximately $82 million on a number of the buildings in the Investments. None of those mortgages has an interest rate in excess of 12 percent per year, and most of them are below 10 percent. Relative to the question of whether it is appropriate for NEL to continue to hold these mortgages, it is the Review Committee's opinion that it is appropriate. The Review Committee represents that such mortgages are below current commercial long-term mortgage rates, and it is the Review Committee's opinion the Investments would benefit by the continuation of these mortgages. The Review Committee also reviewed the Stand-by Commitments that NEL currently has and which will be assumed by Copley Investors. The Review Committee represents that it is appropriate for Copley Investors to assume the Stand-by Commitments as they specifically benefit the Investments and appropriately should be assumed and become the responsibility of the Copley Investors. The Review Committee represents, that it reviewed these obligations with officers of Copley Investors and believes they fully understand the obligations to NEL, to Copley Investors, and the benefits that would accrue to the particular Investments.

19. In summary, the applicant represents that the proposed transactions will satisfy the criteria of section 408(a) because: (1) The Class B Units will be offered only to Accredited Investors; (2) the decision for any Participating Plan to invest in Copley Investors will be made by a fiduciary who is independent of NEL or any of its affiliates; (3) the Review Committee will approve: (a) The aggregate fair market value of the Investments to be transferred to Copley Investors; (b) the overall appropriateness of the Investments as investments for pension plans; and (c) the total number of Class B Units to be issued where each Unit will be offered at $10,000 per Unit; (4) the Participating Plans will have an opportunity to invest in a portfolio of income-producing and developmental real estate investments.

20. The exemption proposed herein would cover only those transactions specifically described. NEL and its affiliates understand that they would be proceeding without the protection afforded by an exemption from ERISA section 406(b), except with respect to the transactions expressly exempted from section 406(b) (1) and (2) under sections II and III of the proposed exemption.

For Further Information Contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirements of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogration of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 24th day of February, 1984.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 84-5477 Filed 2-28-84; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-373]

Commonwealth Edison Company (La Salla County Station, Unit 1); Order Confirming Licensee Commitments on Emergency Response Capability

I

Commonwealth Edison Company (CECo) is the holder of Operating License No. NPF-11 which authorizes the operation of the La Salle County Station, Unit No. 1 (the facility) at steady-state power levels not in excess of 3,323 megawatts thermal. The facility is a boiling water reactor (BWR) located in Brookfield Township, La Salle County, Illinois.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and

(2) A descriptio n of plans for phased implementation and integration of emergency response activities including training.

III

CECo responded to Generic Letter 82-33 by letter dated April 14, 1983. By letter dated August 25, 1983, CECo modified several dates as a result of negotiations with the NRC staff. In these submittals, CECo made commitments to complete the basis requirements. The attached Table summarizing CECo's schedular commitments or status was developed by the NRC staff from the Generic Letter and the information provided by CECo.

CECo's commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed CECo's April 14, 1983, letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee modified certain dates by letter dated August 25, 1983. The NRC staff finds that the modified dates are reasonable, achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of CECo's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensee shall:

Implement the specific items described in the Attachment to this Order in the manner described in CECo's submittals noted in Section III herein no later than the dates in the Attachment.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 21st day of February 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's Completion schedule (or status)
1. Safety Parameter Display System (SPDS)[1]	1a. Submit a safety analysis and an implementation plan to the NRC	Complete.
	1b. SPDS fully operational and operators trained	Complete.
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC	Complete.
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Nov. 1, 1985.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	Complete

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737—Continued

Title	Requirement	Licensee's Completion schedule (or status)
4. Upgrading Emergency Operating Procedures (EOPs)	3b. Implement (installation or upgrade) requirements	Aug. 1, 1986.
	4a. Submit a Procedures Generation Package to the NRC	Sept 30, 1984.
	4b. Implement the upgraded EOPs	Sept. 30, 1985.
5. Emergency Response Facilities	5a. Technical Support Center fully functional	Complete[2]
	5b. Operational Support Center fully functional	Complete
	5c. Emergency Operations Facility fully functional	Complete[2]

[1] Consistent with Items I.A.1. and I.b of Attachment A of the November 15, 1983 letter from Cordell Reed to Harold Denton.
[2] Modifications and construction of the structures are complete as required by Amendment No. 7 to the license condition. The TSC and EOF are not considered fully functional until the changes resulting from the R.G. 1.97 and human factors review are implemented, and all testing and training are complete.

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[Docket No. 50-409]

Dairyland Power Cooperative (La Crosse Boiling Water Reactor); Order Confirming Licensee Commitments on Emergency Response Capability

I

Dairyland Power Cooperative (DPC) (the licensee) is the holder of Provisional Operating License No. DPR-45 which authorizes the operation of the La Crosse Boiling Water Reactor (the facility) at steady-state power levels not in excess of 165 megawatts thermal. The facility is a boiling water reactor (BWR) located in Vernon County, Wisconsin.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and

(2) A description of plans for phased implementation and integration of emergency response activities including training.

III

DPC responded to Generic Letter 82-33 by letter dated April 8, 1983. By letter dated August 11, 1983, as modified by letter dated December 5, 1983 DPC provided several dates as a result of negotiations with the NRC staff. In these submittals, DPC made commitments to complete the basic requirements but with some deviations. The attached Table summarizing DPC's schedular commitments or status of deviation requests was developed by the NRC staff from the Generic Letter and the information provided by DPC.

DPC's commitments include (1) dates for providing required submittals to the NRC, and (2) dates for implementing certain requirements. If the licensee's deviation requests are not approved, additional implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed DPC's April 8, 1983 letter and entered into negotiations with the licensee regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. As a result of these negotiations, the licensee provided certain dates by letter on August 11, 1983, as modified by letter dated December 5, 1983. The NRC staff finds that these dates are reasonable and achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of DPC's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensee shall:

Implement the specific items described in the Attachment to this Order in the manner described in DPC's submittals noted in Section III herein no later than the dates of the Attachment.

Extension of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 22d day of February 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LA CROSSE BOILING WATER REACTOR.—LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC	September 1984.
	1b. SPDS fully operational and operators trained	*Note: NRC review of Safety Analysis may determine that Item 1b. is not necessary.
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC	Completed.
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Completed.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	July 1985.
	3b. Implement (installation or upgrade) requirements	*Note: NRC review of report may determine that Item 3b. is not necessary.
4. Upgrade Emergency Operating Procedures (EOPs)	4a. Submit a Procedures Generation Package to the NRC	Submit detailed deviation request—December 31, 1984.
	4b. Implement the upgraded EOPs	*Note: NRC review of licensee submittal may conclude that Item 4b. is not necessary.
5. Emergency Reponse Facilities	5a. Technical Support Center fully functional	Completed.
	5b. Operational Support Center fully functional	Completed.
	5c. Emergency Operational Facility fully functional	Completed.

*If the licensee's deviation requests are not approved, additional implementation dated will be reviewed, negotiated and confirmed by a subsequent order.

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BILLING CODE 7590-01-M

[Docket No. 50-341]

Detroit Edison Company et al.; Issuance of Amendment to Construction Permit Enrico Fermi Atomic Power Plant, Unit No. 2

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Construction Permit No. CPPR-87 for Fermi 2. The Amendment deletes the reference to the respective percentage ownership shares between The Detroit Edison Company and Wolverine Power Supply Cooperative, Inc. Detroit Edison Company will retain sole responsibility for the licensing, design, procurement, construction, operation and all related functions with respect to the facility. The amendment is effective as of the date of issuance.

The Enrico Fermi Atomic Power Plant, Unit No. 2 (the facility) is located in Frenchtown Township, Monroe County, Michigan.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment, dated December 6, 1983 and cover letter, dated December 20, 1983; (2) the Fifth Amendment to the Participation Agreement, dated December 16, 1983, and cover letter, dated February 2, 1984; (3) Amendment No. 3 to Construction Permit CPPR-87; and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection in the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C. 20555 and in the Monroe County Library, Reference Department, 3700 South Custer Road, Monroe, Michigan 48161. Items 2 and 3 may be requested by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of February 1984.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 84-5455 Filed 2-28-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-70-OLR, ASLBP No. 83-481-01 OLR]

General Electric Company (GETR Vallecitos); Hearing

February 22, 1984.

Notice

Please take notice that the prehearing conference in the above captioned proceeding scheduled to commence on Tuesday, March 6, 1984, has been cancelled. This conference will be rescheduled in the near future.

Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

John H. Frye III,

Chairman, Administrative Judge.

[FR Doc. 84-5456 Filed 2-28-84; 8:45 am]

BILLING CODE 7590-01-M

Power Authority of the State of New York (Indian Point Nuclear Generating Unit No. 3); Order Confirming Licensee Commitments on Emergency Response Capability

[Docket No. 50-286]

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64 which authorizes the operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) at steady-state power levels not in excess of 3025 megawatts thermal. The facility is a pressurized water reactor (PWR) located in Westchester County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability,

emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and

(2) A description of plans for phased implementation and integration of emergency response activities including training.

III

The licensee responded to Generic Letter 82-33 by letters dated April 18, 1983, and August 23, 1983. In these submittals, the licensee made commitments to complete the basic requirements. The attached Table, summarizing the licensee's schedular commitments or status, was developed by the NRC staff from the Generic Letter and the information provided by the licensee.

The licensee's commitments include (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. These latter implementation dates will be reviewed, negotiated and confirmed by a subsequent order.

The NRC staff reviewed the licensee's April 18, 1983 letter and entered into negotiations regarding schedules for meeting the requirements of Supplement 1 to NUREG-0737. Subsequently, the licensee submitted modified dates by letter dated August 23, 1983. The NRC staff finds that the dates are reasonable, achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule initially proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of the licensee's commitments is required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensee shall:

Implement the specific items described in the licensee's submittals noted in Section III herein no later than the dates in the Attachment.

Extensions of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 21st day of February 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737[1]

[Cycle 4/5 reload mid-1985]

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC	6 months prior to cycle 4/5 refueling outage.
	1b. SPDS fully operational and initial operator training complete	Cycle 4/5 refueling outage
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC	9 months prior to cycle 4/5 refueling outage.
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Cycle 4/5 refueling outage.
3. Regulatory Guide 1.97—Application to Emergency Response Facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have been or will be met.	June 30, 1984.
	3b. Implement (installation or upgrade) requirements	Submit implementation schedule by June 30, 1984.
4. Upgrade Emergency Operating Procedures (EOPs)	4a. Submit a Procedures Generation Package to the NRC	9 months prior to cycle 4/5 refueling outage.
	4b. Implement the upgraded EOPs	Cycle 4/5 refueling outage.
5. Emergency Reponse Facilities	5a. Technical Support Center fully functional	Cycle 4/5 refueling outage.
	5b. Operational Support Center fully functional	Cycle 4/5 refueling outage.
	5c. Emergency Operational Facility fully functional	Cycle 4/5 refueling outage.

[1] Cycle 4/5 refueling outage is presently scheduled for mid-1985.

[FR Doc. 84-5457 Filed 2-28-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361, 50-362]

Southern California Edison Co., et al. (San Onofre Nuclear Generating Station, Units 2 and 3); Order Confirming Licensee Commitments on Emergency Response Capacity

I

Southern California Edison Company (SCE), San Diego Gas and Electric Company, The City of Anaheim, California, and The City of Riverside, California (the licensees) are the holders of Operating Licenses No. NPf-10 and NPF-15 which authorize the operation of the San Onofre Nuclear Generating Station, Unit Nos. 2 and 3 (the facilities) at steady-state power levels not in excess of 3390 megawatts thermal. The facilities are pressurized water reactors (PWRs) located in San Diego County, California.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and

on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The requirements are set forth in NUREG–0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modifications, and specific information, to be submitted.

On December 17, 1982, a letter (Generic Letter 82–33 was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG–0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG–0737, and

(2) A description of plans for phased implementation and integration of emergency response activities including training.

III

SCE responded to Generic Letter 82–33 by letters dated April 13, 1983, May 13, 1983, and September 1 and 14, 1983. In these submittals, SCE made commitments to complete the basic requirements. The attached table summarizing SCE's schedular commitments or status was developed by the NRC staff from the Generic Letter, the information provided by SCE, and the conditions of the operating licenses.

SCE's commitments include (1) dates for providing required submittals to the NRC, and (2) dates for implementing certain requirements.

The NRC staff has reviewed the facility operating licenses and SCE's April 13, 1983, May 13, 1983 and September 1 and 14, 1983 letters and finds that the dates are reasonable, achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensees will provide timely upgrading of the licensees' emergency reponse capability.

In view of the foregoing, I have determined that the implementation of SCE's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that the licensees shall:

Implement the specific items described in the Attachment to this Order in the manner described in SCE's submittals noted in Section III herein no later than the dates in the Attachment.

Extensions of time for completing these items that are not license conditions may be granted by the Director, Division of Licensing, for good cause shown. Extensions of time for completing license conditions would require amendment of the license(s), after all the requirements for such amendments have been met.

V

The licensees may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensees should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 23d day of February, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE'S COMMITMENTS ON SUPPLEMENT 1 TO NUREG–0737

Title	Requirement	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1a. Submit a safety analysis and an implementation plan to the NRC	Units 2 and 3: First refueling for unit 2.[1]
	1b. SPDS fully operational and operators trained	Units 2 and 3: First refueling [2] for the unit.
2. Detailed Control Room Design Review (DCRDR)	2a. Submit a program plan to the NRC	Units 2 and 3: Complete (January 31, 1984).
	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Units 2 and 3: Complete (January 31, 1984).
3. Regulatory Guide 1.97—Application to emergency response facilities.	3a. Submit a report to the NRC describing how the requirements of Supplement 1 to NUREG-0737 have bean or will be met.	Units 2 and 3: Complete (May 12, 1982) as required by license conditions for units 2 and 3.
	3b. Implement (installation or upgrade) requirements	Unit 2: First refueling [1] for unit 2. Unit 3: First refueling for unit 3 per existing license condition.
4. Upgrade Emergency Operating Procedures (EOP's)	4a. Submit a procedures generation package to the NRC	3 months before first refueling for the respective unit.[2]
	4b. Implement the upgraded EOP's	First refueling for the respective unit as required by existing license conditions for units 2 and 3.
5. Emergency Reponse Facilities	5a. Technical support center fully functional	Complete (Jan. 1, 1983) as required by existing license conditions for Units 2 and 3.
	5b. Operational support center fully functional	Complete (Jan. 1, 1984) as required by existing license conditions for Units 2 and 3.
	5c. Emergency operational facility fully functional	Complete (Jan. 1, 1984) for implementation of additional measures required as result of staff review of EOF completed by January 1, 1983.

[1] Approximately September 1984.
[2] Approximately September 1984 for Unit 2 and June 1985 for Unit 3.

[FR Doc. 84–5458 Filed 2–28–84; 8:45 am]
BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 15–17, 1984, in Room 1046, 1717 H Street, NW., Washington, D.C. Notice of this meeting was published in the Federal Register on February 22, 1984.

The agenda for the subject meeting will be as follows:

Thursday, March 15, 1984

8:30 A.M.–8:45 A.M.: Chairman's Report (Open)—The ACRS Chairman will report briefly to the Committee regarding items of current interest.

8:45 A.M.–12 Noon: Quality Assurance/Quality Control Initiatives (Closed)—The Committee members will hear and discuss a report from the NRC regarding a proposed report to the United States Congress on proposed NRC Quality Assurance/Quality Control Initiatives required by Pub. L. 97–415, NRC Authorization Act for FY 1982–83.

This portion of the meeting will be closed to discuss information the premature release of which would be likely to significantly frustrate implementation of proposed agency action.

1:00 P.M.–2:00 P.M.: Probabilistic Risk Assessment (Open)—The members will hear and discuss a report by representatives of the NRC Staff regarding NUREG–1050 (Draft), Probabilistic Risk Assessment (PRA): Status Report for Regulatory Application.

2:00 P.M.–3:00 P.M.: Containment Performance Guidelines (Open)—The Committee members will hear and discuss a report by representatives of the NRC Staff regarding a proposed Task Action Plan for containment performance guidelines.

3:00 P.M.–5:00 P.M.: Maintenance Policies and Practices (Open/Closed)—The members will hear and discuss a report by representatives of the NRC Staff regarding maintenance policies and practices at nuclear power plants in the United States and in foreign countries.

Portions of this session will be closed as necessary to discuss information provided in confidence by a foreign source.

5:00 P.M.–6:00 P.M.: Differing Professional Opinion (Closed)—The members will hear and discuss the differing professional opinion of Mr. R. B. A. Licciardo, NRC Staff, regarding the Westinghouse Corporation Safety Parameter Display System. Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility.

Friday, March 16, 1984

8:30 A.M.–12:15 P.M.: Braidwood Station Units 1 and 2 (Open)—The members will meet with representatives of the NRC Staff and the applicant regarding the request for operation of the Braidwood Nuclear Power Station.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility.

1:15 P.M.–2:00 P.M.: ACRS Meeting with NRC Commissioners (Open).—Discuss proposed ACRS comments/position regarding topics to be discussed with the NRC Commissioners related to the NRC Safety Research Program and Budget for FY 1985, QA/QC activities in the regulatory process, and consideration of an NTSB type board for nuclear power plant accidents.

2:00 P.M.–3:30 P.M.: ACRS Meeting with NRC Commissioners (Open).—Members of the ACRS will meet with members of the Nuclear Regulatory Commission to discuss the items noted above.

3:30 P.M.–4:15 P.M.: Severe Accident Policy Statement (Open).—The members will discuss the status of the proposed NRC severe accident policy statement with representatives of the NRC Staff.

4:15 P.M.–5:00 P.M.: BWR Primary System Integrity (Open).—The members will hear and discuss a report from the NRC Staff representatives regarding the status of activities regarding stress corrosion cracking in BWR primary system piping.

5:00 P.M.–5:30 P.M.: Reactor Operating Experience (Open).—The members will hear a report regarding recent reactor operating experience including the failure of the RHR system to function properly at the Browns Ferry Nuclear Power Station.

5:30 P.M.–6:00 P.M.: NRC Enforcement Policy (Open).—The members will discuss proposed ACRS comments regarding proposed reevaluation of NRC enforcement policy.

Saturday, March 17, 1984

8:30 A.M.–12:00 Noon: Preparation of ACRS Reports to the NRC (Open/Closed).—The members of the Committee will discuss proposed reports to the NRC regarding matters considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information, information involved in an adjudicatory proceeding, information provided in confidence by a foreign source, and information the premature release of which would be likely to significantly frustrate the agency in the performance of its statutory function.

12:00 Noon.–12:30 P.M.: Future ACRS Activities (Open).—The members will discuss anticipated activities of ACRS Subcommittees and items proposed for consideration by the full Committee.

1:30 P.M.–2:00 P.M.: ACRS Subcommittee Activities (Open).—The members will hear and discuss ACRS Subcommittee activities in designated areas including occupational exposures and emergency planning at TMI–1.

2:00 P.M.–4:30 P.M.: Preparation of ACRS Reports to NRC (Open/Closed).—The Committee members will complete preparation of and discussion of items considered during this meeting. Portions of this session will be closed as necessary to discuss Proprietary Information, information involved in an adjudicatory proceeding, information provided in confidence by a foreign source, and information the premature release of which would be likely to significantly frustrate the agency in the performance of its statutory function.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on September 28, 1982 (48 FR 44291). In accordance with these procedures, 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 Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected

portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director, R.F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), information involved in an adjudicatory proceeding (5 U.S.C. 552b(c)(10)), information provided in confidence by a foreign source (5 U.S.C. 552b(c)(4)) and information the premature release of which would be likely to significantly frustrate the agency in the performance of its function (5 U.S.C. 552b(c)(9)(B)).

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 can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. est.

Dated: February 23, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84–5461 Filed 2–28–84; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Qualification Program for Safety-Related Equipment; Rescheduled Meeting

The ACRS Subcommittee on Qualification Program for Safety-Related Equipment scheduled for February 29, 1984, Room 1046, 1717 H Street, NW, Washington, DC has been *rescheduled for March 29, 1984.* Notice of this meeting was published February 7, 1984 (49 FR 4569) and February 21, 1984 (49 FR 6421).

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 alloted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Alan Wang (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 23, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84–5462 Filed 2–28–84; 8:45 am]

BILLING CODE 7590–01–M

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.23, Revision 1, "In Situ Assay of Plutonium Residual Holdup," describes procedures acceptable to the NRC staff for the in situ assay of plutonium residual holdup. Residual holdup is the inventory component remaining in and about process equipment and handling areas after those collection areas have been prepared for the inventory of special nuclear materials required by the Commission's regulations.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland, this 21st day of February 1984.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 84–5459 Filed 2–28–84; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Revision—Rule 15c3–3, No. 270–87

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq*), the Securities and Exchange Commission has submitted for OMB approval a revision of Rule 15c3–3 under the Securities Exchange Act of 1934 (15 U.S.C. 78(a) *et seq*), which would revise the definition of customers to exclude household members and other persons related to broker-dealer principals or affiliated with a broker-dealer. In addition, the Rule would impose a concentration charge where a broker-dealer's margin account receivable with a single customer exceeds a specific percentage of the aggregate of all such receivable with all customers of the broker-dealer.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 272–7231, Office of Information and Regulatory Affairs, Room 3235, Washington, D.C. 20503.

Shirley E. Hollis,

Assistant Secretary.

February 23, 1984.

[FR Doc. 84–5429 Filed 2–28–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 13785; 812–5663]

Aetna Life Insurance and Annuity Co. and Variable Annuity Accounts B and C of Aetna Life Insurance and Annuity Co.; Application for an Order Granting Exemptions

Notice is hereby given that Aetna Life Insurance and Annuity Company ("Aetna"), 151 Farmington Avenue, Hartford, Connecticut 06156, and Variable Annuity Accounts B and C of Aetna (registered under the Investment

Company Act of 1940 ("Act") as unit investment trusts issuing variable annuities) ("Accounts") (collectively, "Applicants") filed an application on January 18, 1984 for an order pursuant to section 6(c) of the Act granting exemptions from the provisions of section 26(a)(2)(C) and 27(c)(2) of the Act to the extent necessary to permit the imposition of charges described in the application. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant provisions.

Applicants request relief from sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit them, effective May 1, 1984, and in connection with all new Deferred Sales Charge Contracts ("contracts") and all new individual accounts established in connection with existing group contracts, (1) to deduct an asset charge for administrative services of not more than .25% on an annual basis, and (2) to impose a charge of up to $10 for each transfer between management companies underlying the Accounts in excess of four transfers in any calendar year. Applicants represent that these charges represent no more than actual expenses which will be incurred and contain no element of profit.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 16, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this 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 motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-5431 Filed 2-28-84; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-6002]

Computer Data Systems, Inc. Common Stock, $.10 Par Value; Application To Withdraw From Listing and Registration

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withidrawing this security from listing and registration include the following:

On December 20, 1983, the common stock of Computer Data Systems, Inc. ("Company") was designated a National Market System security ("NMS security"). Pursuant to Rule 11Aa2-1 under the Act, a security cannot be an NMS security and continue to be listed and registered on a national securities exchange. Therefore, the Company wishes to delist its security from the BSE. In addition, trading in the Company's stock has been minimal on the BSE. The BSE has posed no objection in this matter.

Any interested person may, on or before March 15, 1984, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-5424 Filed 2-28-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13783; 812-5705]

Scandinavian Bank Corp.; Filing of Application

Notice is hereby given that Scandinavian Bank Corporation ("Applicant"), c/o Roger M. Zaitzeff, Esquire, Seward & Kissel, Wall Street Plaza, 88 Pine Street, New York, New York 10005, 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 (the "Act"), exempting Applicant from all provisions of the Act. 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 the Act and the rules thereunder for the provisions thereof which are relevant to a consideration of the application.

Applicant states that it is a Delaware corporation and that all of its outstanding capital stock is owned by Scandinavian Bank Limited (the "Bank"), a commercial bank organized under the laws of England. According to Applicant, the Bank was granted an order, pursuant to Section 6(c), exempting the Bank from the provisions of the Act and enabling it to sell commercial paper in the United States. (Investment Company Act Release No. 10918 (October 29, 1979)) (the "1979 Order"). It is stated that a description of the Bank, its business, and the extensive supervision and regulation to which it is subject, is included in the Bank's application requesting the 1979 Order, which application is on file with the Commission. (File No. 812-4492).

Applicant represents that its sole business will consist of issuing and selling short-term negotiable promissory notes, generally referred to as commercial paper notes (the "Notes") and advancing the net proceeds of sale thereof to the Bank and to subsidiaries of the Bank (the "Advances"). According to Applicant, the Notes will be exempt from registration under Section 3(a)(3) of the Securities Act of 1933 (the "1933 Act"). Applicant states that it will not market any Notes prior to receiving an opinion of counsel that the proposed offering is so exempt. Applicant does not request Commission review or approval of such opinion, and the Commission expresses no opinion as to the availability of such exemption. Applicant further states that the Notes will be sold in minimum denominations of $100,000, have maturities not exceeding 270 days, and neither be payable on demand prior to maturity nor eligible for any extension, renewal, or automatic "rollover" at the option of either the holders of the Notes or Applicant.

Applicant represents that the Notes will be offered publicly, through one or more major dealers, only to sophisticated and largely institutional investors. Applicant undertakes to insure that each dealer will furnish to each offeree of the Notes a

memorandum (the "Offering Memorandum") describing the businesses of the Bank and Applicant and providing the most recent annual audited financial statements, together with a brief description of the material differences between the English accounting principles utilized in preparation of the financial statements of the Bank and generally accepted accounting principles as applied in the United States. Applicant further represents that the Offering Memorandum will be at least as comprehensive as memoranda customarily used in offering commercial paper in the United States and will be updated as promptly as practicable to reflect material adverse changes in the financial status of Applicant or the Bank which are material to investors.

According to Applicant, it will select, and the Bank will consent to, the appointment of a major commercial bank to act as issuing and paying agent for the Notes. The application states that the Bank will either guarantee payment of the Notes to the holders or unconditionally agree to pay to Applicant such amounts as are necessary to satisfy Applicant's obligations under the Notes and other liabilities with respect to the transaction. According to the application, if the Bank unconditionally agrees to pay to Applicant such amounts necessary to satisfy its obligations under the Notes (the functional equivalent of a guarantee by the Bank), the Bank will expressly consent to the enforcement of such agreement directly by the holders of the Notes. The application states that the Bank's obligations to the holders of the Notes under a guarantee or in respect of its liabilities to Applicant (including its liabilities in respect to its obligations under the Notes) will rank *pari passu* and equally with all deposit liabilities and other unsecured, unsubordinated indebtedness of the Bank and superior to any subordinated indebtedness of the Bank and to claims of holders of the Bank's capital stock.

According to Applicant, the Bank will submit to the jurisdiction of any State or Federal Court in the City of New York, and will authorize an agent in The City of New York to accept service of process, in any action based upon its obligations to Applicant as described in the application. Applicant states that such consent to jurisdiction and such appointment of an authorized agent to accept service of process will be irrevocable until all amounts due and to become due with respect to the Advances and all obligations of the Bank and its subsidiaries to Applicant as described in the application have been paid by the Bank or its subsidiaries.

Applicant states that it may, from time to time, offer its debt securities other than the Notes for sale in the United States. According to Applicant, the proceeds of any such debt securities would be loaned or advanced to the Bank and its subsidiaries in a similar manner to the Advances. Applicant further states that its obligations in respect of any such debt securities will be supported by the Bank's guarantee or by such other unconditional agreement on the part of the Bank to pay the obligations of Applicant in connection with such debt securities as would be the functional equivalent of a guarantee of such debt securities. Applicant represents that, if the Bank unconditionally agrees to pay the obligations of Applicant in connection with such debt securities, the Bank will expressly consent to the enforcement of such agreement directly by the holders of the debt securities.

Applicant undertakes that it will not issue or sell in the future any of its debt securities in the United States unless Applicant has received an opinion of United States counsel or a "no-action" letter issued by the Staff of the commission to the effect that the proposed offering is in compliance with, or entitled to an exemption from, the registration requirements of the 1933 Act, or unless the offering is made pursuant to a registration statement under the 1933 Act. Applicant also undertakes that any such future offering will be effected on the basis of disclosure documents at least as comprehensive in their description of Applicant or the Bank, their businesses, and their financial statements as the Offering Memorandum. However, the application states, in the case of an offering made pursuant to a registration statement under the 1933 Act, the offering will be made on the basis of disclosure documents appropriate for such registration.

Applicant affirms that the Bank will, in connection with any future offering of Applicant's debt securities in the United States, appoint an agent to accept service of process in any suit, action, or proceeding brought against the Bank on its obligations under its guarantee (or functionally equivalent obligation) of the debt securities of Applicant and instituted in any State of Federal court by the holder of any such debt securities. Applicant represents that the Bank will expressly submit to the jurisdiction of any State or Federal court located in the City of New York with respect to any such suit, action, or proceeding. Such appointment of an agent for service or process and such consent to jurisdiction shall be irrevocable until all amounts due and to become due in respect of such issuance of debt securities have been paid.

Applicant represents that the proposed issue of the Notes and any future issue of its debt securities shall have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized investment rating organizations and the Applicant's counsel in the United States shall have certified that such rating has been received.

Applicant states that no such rating will be required to be obtained if, in the opinion of United States counsel for the Applicant, such counsel having taken into account the doctrine of integration for the purpose thereof, an exemption from registration is available with respect to such issuance under Section 4(2) of the 1933 Act or Regulation D thereunder.

Applicant concedes that its rights to receive repayments by the Bank and its subsidiaries of amounts owed in respect of the Advances or in respect of loans of the proceeds of the future issuances of debt securities of Applicant in accordance with this application, which would consist of virtually all of Applicant's assets, could be deemed to be securities and Applicant could be deemed to be an investment company subject to the Act's registration requirements. Applicant contends, however, that its sole business will be to operate as a financing vehicle for the Bank and its subsidiaries and that the requested exemption should be granted because Applicant's proposed activities are in the public interest and consistent with the protection of investors and the purposes of the Act.

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 interest, the reasons for his 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-5426 Filed 2-28-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13784; 812-5660]

Templeton Funds, Inc., et al.; Application

Notice is hereby given that Templeton Funds, Inc. ("Company"), 405 Central Avenue, P.O. Box 3942, St. Petersburg, Florida 33731, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, and Eternity Ltd. ("Eternity") (Company and Eternity together, "Applicants"), a corporation organized under the laws of the Cayman Islands, filed an application on January 11, 1984, requesting an order of the Commission pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act, the proposed sale by Eternity of certain portfolio securities of Templeton World Fund ("World Fund"), registered under the Act as an open-end, diversified management company and constituting one of the two series outstanding of the Company's shares, at a value determined by the current market prices of such securities, without payment of brokerage commissions, and the purchase by Eternity of shares issued by World Fund at their current public offering price in consideration of the payment by Eternity to World Fund of the proceeds of Eternity's previous sale of portfolio securities to World Fund. 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 the applicable statutory provisions.

Applicants represent that John M. Templeton ("Templeton") is president and director of the company, sole shareholder, president and a director of Templeton Investment Counsel Limited ("TICL"), a Cayman Island corporation which is the investment manager of World Fund, and sole shareholder, president and a director of Eternity. Consequently, Applicants state, Eternity is an "affiliated person" of the Company and World Fund within the meaning of Section 2(a)(3) of the Act.

Applicants further represent that the investment objective of World Fund is long-term capital growth attained through a flexible policy of investing in stocks and debt obligations of companies and governments of any nation. Applicants state that Templeton, through Eternity, owns shares of stock of certain issuers in which World Fund has also invested. Templeton, it is asserted, does not wish his personal interest in such securities ever to conflict with the interests of World Fund, and therefore Eternity has offered to sell such securities to World Fund at their current market prices, undertaking as well to invest the entire proceeds of such sale in shares of World Fund at the current public offering price thereof.

Applicants state that as of December 30, 1983, the fair market value of the portfolio securities was approximately $4,341,229. As of the same date, it is stated, the value of the aggregate net assets of World Fund was $1,423,927,839, and accordingly, if all portfolio securities listed above had been acquired by World Fund as of December 30, 1983, such acquisition would have caused an aggregate increase in the net assets of World Fund not greater than approximately 0.3%.

Applicants state, in addition, that the purchase price for the portfolio securities proposed to be acquired by World Fund from Eternity will be equivalent to their current market value at the close of trading on the date of sale, as provided for certain "inter-fund" transactions by Rule 17a-7 under the Act. More specifically, all such securities issued by United States companies will be valued (a) at the last sale price reported for such securities in the Consolidated Transactions Reporting System in the case of "reported securities" as defind in Rule 11Aa3.1 under the Securities Exchange Act of 1934, Applicants state, or (b) the average of the highest current independent bid and lowest current independent offer reported on Level 1 of the National Association of Securities Dealers Automated Quotations ("NASDAQ") in the case of securities that are not "reported securities". The shares of Hitachi Limited (a Japanese issuer) to be sold in the proposed transaction will be valued at the last sale price of such shares on the Tokyo Stock Exchange, which is the principal exchange on which those shares are traded, Applicants state. It is further stated, however, that if the number of shares of any of the portfolio securities involved in the proposed transaction should be greater than the daily sales volume of that issue on more than seven of the twenty-one consecutive trading days immediately preceding the date of sale, then such issue will be valued at $0.125 (⅛ point) below the last sale price (or the average of the highest current independent bid and lowest independent current offer). Moreover, any of the portfolio securities to be transferred in the proposed transaction which shall not have been traded on at least 15 of the 21 consecutive trading days preceding the date of sale will be eliminated from the transaction and not purchased by World Fund, Applicants state. It is represented that Applicants received opinions from two reputable securities firms—Dominion Securities Ames Limited and Merrill Lynch, Pierce, Fenner & Smith, Inc.—attesting to the propriety of the aforesaid discount formulation and the requirement that any security proposed to be sold in the transaction have been traded on at least 15 or the 21 consecutive trading days preceding the sale date.

Applicants state that no brokerage costs will be paid by either Eternity or World Fund in effectuating the proposed sale, and that, in further accord with the conditions imposed by Rule 17a-7 for inter-fund transactions, the proposed transaction will be executed pursuant to the following procedures; (1) the purchase price will be paid by World Fund in cash against delivery by Eternity of the portfolio securities; (2) the proposed transaction will be consistent with the investment policies of World Fund as recited in its registration statement and reports filed under the Act; and (3) records will be maintained to the extent they are relevent, namely, a description of the portfolio securities being sold and the terms of the sale transactions, including the fair market value of such securities. Applicants state that they intend to consummate the proposed sale as soon as practicable but in no event later than 30 days after the issuance of the order applied for herein.

It is stated, in addition, that Eternity has undertaken to apply all proceeds from its sale to World Fund of the portfolio securities to the purchase of World Fund redeemable securities at the current public offering price of such shares, which price includes a sales commission not exceeding 8.50% of the offering price, subject to reduction according to scale for purchases of specified quantities. Thus, Applicant states, the entire proceeds of the sale of portfolio securities by Eternity proposed herein would revert to World Fund as an agreed-to component of the composite transaction.

Applicants further state that it will be a separate condition to the sale of each

issue of the securities proposed to be acquired by World Fund from Eternity that TICL deliver to World Fund a written statement, dated as of the date of sale, to the effect that such securities are freely tradeable and marketable; the acquisition of such securities is consistent with the investment policies of World Fund and will not conflict with its investment restrictions; World Fund is not in the process of selling any securities owned by it of the same issue as any of the securities it proposes to acquire from Eternity; TICL intends to recommend that World Fund retain for an interim period, with no present intent to dispose of them all its present holdings of the issues of securities that are the subject of the proposed transaction, as well as the additional shares of such issues to be acquired from Eternity; acquisition of such securities at their current market value, without payment of brokerage commissions, would be in the best interests of World Fund.

It is represented, in addition, that the board of directors of the Company has determined that the acquisition of the portfolio securities by World Fund on the basis proposed is consistent with the investment policies and restrictions of the Company and that, upon the terms offered by Eternity, will be advantageous to World Fund, independently of any advantage to Templeton in avoiding potential conflicts, and that the profit, if any, which Templeton (through Eternity) might derive from the proposed sale could in no event exceed that which he could expect to receive from a sale on the open market, apart from a saving in brokerage expense of the same kind as World Fund would receive in the proposed transaction.

It is further stated that in light of the foregoing, Applicants believe that the proposed transaction satisfies the critieria of Section 17(b) of the Act in that its terms, including the consideration to be paid by the parties, are reasonable and fair and do not involve overreaching on the part of any person concerned; it is consistent with the general purposes of the Act. Accordingly, Applicants request that an order be issued granting the exemption requested.

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 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-5432 Filed 2-28-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20692; File No. SR-CBOE-84-8]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc.

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 February 6, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change sets forth a revised CBOE policy with regard to granting exemptions to position and exercise limits under CBOE Rules 4.11 and 4.12. Among other things, the revised exemption policy specifies the standards governing the granting of an exemption request and the procedures for reviewing and approving or disapproving the requests. Under the revised policy, all exemption requests will be considered by a Panel appointed by the Chairman of the Exemption Committee. Previously, exemption requests would only be considered by the CBOE if certain criteria were met. In addition, the revised policy provides for the consideration of instant exemption requests for extraordinary situations, such as the existence of a large customer order which cannot be filled because of position and exercise limit restrictions or the existence of highly unusual market conditions.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 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 Act.

Interested persons are invited to submit written data, views and aruments concernign the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-CBOE-84-8.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-5421 Filed 2-28-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20676; SR-MSE-83-7]

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

The Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Illinois 60603, submitted on December 30, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend Article VIII, Rule 15 of the Exchange's rules to increase the exemptive level of reportable gratuities which may be given to any one employee of an MSE member organization during a calendar year from $50 to $100. Rule 15(a) also requires a member or member organization that gives any compensation to an employee of the Exchange or of another member or member organization or other

financial concern to first obtain written consent of the recipient's employer and to retain such consent for a minimum of 3 years. Currently, gratuities valued at $50 or less in total given to any one person specified in Rule 15(a) are exempt from the rule's consent and retention requirements. The amended rule will continue to require that a record of all gratuities be retained and remain available for inspection for at least three years.

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. 20549, January 11, 1984) and by publication in the **Federal Register** (49 FR 2036, January 17, 1984). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and, regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-5427 Filed 2-28-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20677; SR-NASD-83-20]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD") 1735 K Street, NW., Washington, D.C. 20006, submitted on October 20, 1983, a proposed rule change and an amendment thereto on January 4, 1984, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder to amend Section 13 of Schedule E under Article IV, Section 2 of the NASD's By-Laws. Schedule E of the By-Laws establishes certain restrictions on the sale of securities issued by an NASD member. Section 13 provides an exemption to the NASD Board of Governors' Interpretation With Respect to "Free-Riding And Withholding" for sales of securities by a member or an affiliate of a member to its employees. The proposed rule change would make it clear that the exemption in Section 13 is only available with respect to those issues of securities which are treated by Schedule E as an issue by a member of its own securities. Second, the NASD wishes to clarify that all persons associated with a member are included within the scope of the exemption provided by Section 13. In addition, the NASD has amended Section 13 to impose a six month holding period on securities purchased pursuant to Section 13 in an offering of equity securities for which a *bona fide* independent market does not exist. The NASD believes that persons related to members should not be permitted to purchase unlimited amounts of the member's securities in initial public offerings and immediately resell those securities at a premium.

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. 20548, January 11, 1984) and by publication in the **Federal Register** (49 FR 2177, January 18, 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, specifically the requirement that an Association's rules be designed to protect investors and the public interest.

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).

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-5428 Filed 2-28-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20693; SR-NYSE-83-37]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Amended Filing and Order Granting Accelerated Approval of Proposed Rule Change

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, submitted on September 12, 1983 [1] and February 8, 1984, respectively, a proposed rule change and amendment thereto pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder. As amended, the proposed rule change permits customers to use certain secured bank letters of guarantee as cover, in lieu of margin, for their short options positions, including broad-based index options positions.

Under the NYSE amended proposal, margin would not be required for short put and call positions on broad-based stock index options, provided the customer furnished to the member organization carrying its account an appropriate letter of guarantee issued by a bank or trust company approved by the NYSE. The rule change requires the letter of guarantee to certify that the guarantor is holding for the account of the customer, as security for each call index option contract written, "qualified securities" of at least 10 difference issuers,[2] the aggregate market value of which equals or exceeds the product of the current index value and the index multiplier, computed at the time the put or call option contract was written. Under the rule, no single qualified security may represent more than 15 percent of the total collateral. In addition, the letter of guarantee must include a commitment by the bank or trust company that it will promptly pay the member organization the exercise settlement amount in the event of exercise.

A put option contract on a broad-based stock index option would require the guarantor to certify that it is holding for the account of the customer, as security for each such contract, cash or cash equivalents which have an aggregate market value equal to or in excess of the exercise settlement amount of the put. The guarantor's commitment promptly to pay the member organization the appropriate amount in the event of exercise is applicable to all types of option contracts.

The proposed rule does not specifically require the value of the securities deposited with the bank issuing the letter of guarantee to track changes in the index value with any degree of precision. This deviates somewhat from traditional concepts of

[1] *See* Securities Exchange Act Release No. 20184 (September 15, 1983), 48 FR 43477 (September 23, 1983).

[2] Essentially, a "qualified security" is one traded on the NYSE or any other national securities exchange that substantially meets the original listing requirements of the exchange or one enumerated in the current list of Over-the-Counter Margin Stocks, published by the Board of Governors of the Federal Reserve System. *See* File No. SR-NYSE-83-37, Amendment No. 1 (February 8, 1984)

cover, in which the instrument deposited as cover is required to be deliverable upon exercise of the options contract, thereby ensuring that the cover will always be adequate to satisfy the option writer's obligations under the options contract. The Commission does not believe, however, that this should impede approval of the proposal primarily because traditional forms of cover were not intended to apply to financial instruments settled in cash. With respect to instruments subject to cash settlement, the securities deposited with the guarantor, as collateral for the letter of guarantee, would in no event be deliverable. Moreover, a covering deposit which included each stock represented by a market index would be infeasible. In addition, particularly with respect to broad-based stock index options, to the extent the index tracks market performance and the securities deposited as collateral are representative of the market, in general, these securities will generally fluctuate in correspondence to the index. Under these circumstances, the cover would be adequate to satisfy the writer's obligations under the options contract.

Furthermore, since the proposal requires that the deposited securities be equal to the current index value times the index multiplier, except in the most unusual circumstances this should assure that their value will remain far greater than the obligation of a call option writer to deliver upon exercise the difference between the current index value (times the index multiplier) and the exercise price of the option. The proposal also requires that securities of 10 different issuers be deposited, with none of those securities representing more than 15 percent of the collateral. This should assure that even substantial decreases in the price of one or two of the deposited securities should not endanger the sufficiency of the collateral. In any event, since the deposited securities must equal the underlying index value at the time the option is written, the proposal should ensure that letters of guarantee are not used to obtain increased leverage or to otherwise evade exchange and Federal Reserve Board margin requirements.

Second, the guarantor, like the member firm who is responsible for paying the exercise settlement amount to the Options Clearing Corporation, has a financial interest of its own in assuring that the securities deposited are adequate to secure that obligation. In the absence of experience to the contrary, it appears preferable to rely on the oversight of the pledging bank rather than to impose on the industry a rigid set of guidelines that might insure adequate cover but only at substantial expense and inconvenience to the industry. Practical experience with a system of index cover will provide indications of what, if any, further refinements are necessary to assure the adequacy of the securities deposited as collateral under the letter of guarantee. In this regard, the Commission expects to work with the NYSE and the other exchanges adopting similar index cover rules to monitor the functioning of the rule in the months ahead.[3]

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–NYSE–83–37.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the 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 proposed rule change prior to the thirtieth day after the date of publication of notice of amendment of the filing thereof in that the public has had before it for more than four months the fundamental issue of covering index options by means of bank escrow receipts based on securities having a value matching that underlying the option contract. No member of the public submitted a comment on the initial rule proposal, and the Commission's concerns, largely of a technical nature, have been addressed by the amendments noticed herewith. Under these circumstances, additional delay in establishing a concept of cover for cash-settled index call options would not be justified.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84–5422 Filed 2–28–84; 8:45 am]

BILLING CODE 8010–01–M

[3] We note that the staff of the Federal Reserve Board considered a substantially similar rule proposed by the Chicago Board Options Exchange, Incorporated ("CBOE"). In their view, the escrow agreement, in the form provided for in the CBOE proposal, could be used as cover in a cash account under Section 220.8(a)(4)(i) of Regulation T, 12 CFR 220.8(a)(4)(i). *See* letter of January 27, 1984, from Laura Homer, Securities Credit Officer, Board of Governors of the Federal Reserve System, to Richard Ketchum, Associate Director, Division of Market Regulation.

We believe that all of the critical terms of the NYSE letter of guarantee are substantially the same as those approved in the CBOE escrow arrangement. Accordingly, we also believe that the letter of guarantee, in the form provided for in the NYSE proposal, could also be used as cover in a cash account under § 220.8(a)(4)(i) of Regulation T.

[Release No. 20678; File Nos. PCC–84–1 and SR–PSDTC–84–2]

Self-Regulatory Organizations; Filing of Proposed Rule Changes by Pacific Clearing Corp. and Pacific Securities Depository Trust Co.

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 February 2, 1984, the Pacific Clearing Corporation ("PCC") and Pacific Securities Depository Trust Company ("PSDTC") filed with the Securities and Exchange Commission the proposed rule changes as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

PCC and PSDTC are proposing to implement a pilot program using modified procedures in connection with tender and exchange offers involving securities eligible for the Continuous Net Settlement ("CNS") system at PCC and for bookentry services at PSDTC. The modified procedures would extend the time period for submission of liability notices to PCC and instructions to PSDTC. That time period would be

changed from one day prior to the expiration date of the offer to the fifth business day following expiration of the offer. Those tender and exchange offers that will be selected for the pilot program must provide for both a stated expiration date and an eight-day protect period following the expiration date of the offer.

According to PCC and PSDTC, the proposed rule changes would reduce the physical movement of securities by allowing PCC members to settle trades in a CNS environment through the offer period and PSDTC participants to accept an offer within a bookentry environment. For this reason, PCC and PSDTC believe the proposed rule changes are consistent with Section 17A(b)(3)(F) of the Act.

In order to assist the Commission in determining whether to approve the proposed rule changes or institute proceedings to determine whether the proposed rule changes should be disapproved, interested persons are invited to submit written data, views and agruments concerning the submissions within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to Nos. SR–PCC–84–1 and SR–PSDTC–84–2.

Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filings and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84–5423 Filed 2–28–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 20688; SR–PSDTC–84–01]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by The Pacific Securities Depository Trust Co.

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 February 3, 1984, Pacific Securities Depository Trust Company ("PSDTC") filed with the Commission a proposed rule change as described herein. On February 21, 1984, PSDTC filed with the Commission an amendment to the proposed rule change. The proposal establishes PSDTC's eligibility standards for registered municipal bonds. The Commission is publishing this notice to solicit comments from persons interested in the proposed rule change.

The proposal, as amended, includes the following eligibility criteria for registered municipal bonds:

(a) Each issue must be fully registered;

(b) The transfer agent for each issue must comply with the Commission's transfer turnaround rules, which generally require transfers to be completed in 72 hours;[1]

(c) Each issuer's certificate of ownership must conform to the requirements established by the American National Standards Committee;

(d) Multi-purpose or multi-service bonds must be assigned separate CUSIP numbers;

(e) Each issue must be in denominations of $1,000 or more; and

(f) The transfer agent must make principal and interest payments to PSDTC promptly.

The proposal also includes a form on which PSDTC participants may notify PSDTC of additional issues that they believe meet the eligibility standards.

The proposal is PSDTC's first step in making available to its participants fully automated clearing agency services for registered municipal securities.[2] To facilitate this process, PSDTC established a pilot program to determine appropriate eligibility standards for registered municipal bonds. Under that pilot, PSDTC already has made depository-eligible approximately 3500 registered municipal bond issues.

The proposed rule change has become effective under Section 19(b)(3)(A) of the Act and Rule 19b–4 thereunder. At any time within sixty days of the filing of such proposed rule change, the Commission can summarily abrogate the rule change if the Commission decides that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

If you wish to comment on the proposal, please submit your written comments to the Commission within twenty-one days from the date this notice is published in the **Federal Register.** Please file six copies of your comments with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Please make sure that your comments refer to File No. PSDTC–84–01.

Copies of the filing, exhibits, and comments can be inspected at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing also are available at PSDTC's principal office.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84–5430 Filed 2–28–84; 8:45 am]

BILLING CODE 8010–01–M

[1] *See* Securities Exchange Act Rules 17Ad–1 through 17Ad–7, 17 CFR 240.17Ad–1 through 17Ad–7. PSDTC has discretion in applying this criterion where PSDTC believes that the transfer agent is making a good faith effort to comply with the turnaround performance standards of Rule 17Ad–2.

[2] PSDTC's proposal is its initial response to a recent Commission release approving a proposed rule change by the Municipal Securities Rulemaking Board ("MSRB"). Securities Exchange Act Release No. 20365 (November 14, 1983), 48 FR 52351 (November 18, 1983), approving File No. SR–MSRB–83–13. That rule change, in a two-phased approach, will require municipal securities dealers, brokers, and customers participating in registered clearing agencies to use the facilities of a registered clearing agency to compare, confirm, affirm and settle by book-entry their municipal securities transactions. The first phase, *i.e.*, comparison, confirmation and affirmation, will be effective on August 1, 1984. The second phase, *i.e.*, book-entry settlement, will be effective on February 1, 1985.

Self-Regulator Organizations; Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

February 23, 1984.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

American Information Technologies Corporation

Common Stock, $1 Par Value (File No.

7–7375)
Bell Atlantic Corporation
Common Stock, $1 Par Value (File No. 7–7376)
BellSouth Corporation
Common Stock, $1 Par Value (File No. 7–7377)
Kaiser Steel Corporation (DE)
Common Stock, $0.66⅔ Par Value (File No. 7–7378)
NYNEX Corporation
Common Stock, $1 Par Value (File No. 7–7379)
Pacific Telesis Group
Common Stock, $.10 Par Value (File No. 7–7380)
Southwestern Bell Corporation
Common Stock, $1 Par Value (File No. 7–7381)
U.S. West, Inc.
Common Stock, No Par Value (File No. 7–7382)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 15, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84–5425 Filed 2–28–84; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 5–84]

Series R–1986 Notes; Interest Rates

Washington, February 23, 1984.

The Secretary announced on February 22, 1984, that the interest rate on the notes designated Series R–1986, described in Department Circular—Public Debt Series—No. 5–84 dated February 16, 1984, will be 10⅞ percent. Interest on the notes will be payable at the rate of 10⅞ percent per annum.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84–5378 Filed 2–28–84; 8:45 am]

BILLING CODE 4810–40–M

Public Information Collection Requirements Submitted to OMB for Review

February 24, 1984.

On February 24, 1984, the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535–6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0026
Form Number: IRS Form 926
Type of Review: Revision
Title: Return by a Transferor of Property to a Foreign Corporation, Foreign Estate or Trust, or Foreign Partnership

OMB Number: 1545–0582
Form Number: IRS Form 1139
Type of Review: Revision
Title: Corporation Application for Tentative Refund

OMB Number: 1545–0099
Form Number: IRS Form 1065 and Schedules D, K and K–1 (1065)
Type of Review: Revision
Title: U.S. Partnership Return of Income, Capital Gains and Losses, Partners' Shares of Income, Credits, Deduction, etc., Partner's Share of Income, Credits, Deductions, etc.

OMB Number: 1545–0012
Form Number: IRS Form 11
Type of Review: Revision
Title: Special Tax Return and Application for Registry

OMB Number: 1545–0214
Form Number: IRS Form 5695
Type of Review: Existing Collection
Title: Residential Energy Credit

OMB Reviewer: Norman Frumkin (202) 395–6880 Office of Management and Budget Room 3208, New Executive Office Building Washington, D.C. 20503

Office of the Secretary

OMB Number: None
Form Number: TFAC 1, 5, 23, & 27
Type of Review: Existing Collection
Title: Foreign, Cuban and Iranian Assets Control Regulations; Transaction Control Regulations; Foreign Funds Control Regulations; Rhodesian Sanctions Regulations

OMB Reviewer: Judy McIntosh (202) 395–6880 Office of Management and Budget Room 3208, New Executive Office Building Washington, D.C. 20503

Gary Kowalczyk,

Department Reports Management Office.

[FR Doc. 84–5472 Filed 2–28–84; 8:45 am]

BILLING CODE 4810–25–M

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 503]

Winegrape Varietal Names Advisory Committee; Open Meeting

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

ACTION: Notice of open meeting.

SUMMARY: An open meeting of the Winegrape Varietal Names Advisory Committee will be held beginning at 9:00 am on March 27, 1984, in Room 5041, 1200 Pennsylvania Avenue, NW, Washington, DC.

SUPPLEMENTARY INFORMATION: The Committee's agenda includes (a) review of the Committee's proposals for the future addition of varietal names to the recognized list, as revised following the last meeting; (b) further clarification of the way "acceptable alternative" varietal names could be used; and (c) a subcommittee report on proposals for the use of the designations "Gamay," "Gamay Beaujolais," and "Napa Gamay." The meeting will be open to the public. Any person who wishes to furnish written information or to address the Committee should submit the information or the request to appear to the Committee Manager at the address shown below. Requests to appear before the Committee should specify the purpose of the presentation, the subject matter to be covered, and the amount of time desired.

FOR FURTHER INFORMATION CONTACT: Melvin T. Bruce, Manager, Winegrape Varietal Names Advisory Committee, Room 6213, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202–566–7568).

Signed: February 22, 1984.

Stephen E. Higgins,

Director.

[FR Doc. 84-5357 Filed 2-28-84; 8:45 am]

BILLING CODE 4810-31-M

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report of Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Availability of Report on Closed Meetings of the Art Advisory Panel.

SUMMARY: The Report is not available.

Pursuant to 5 U.S.C. app. I section 10(d), the Federal Advisory Committee Act; and 5 U.S.C. 552b, the Government in the Sunshine Act; and Treasury Directive 10-06.E section 12b (9-2-77): A report summarizing the closed meeting activities of the Art Advisory Panel during 1983 has been prepared. A copy of this report has been filed with the Assistant Secretary of the Treasury for Administration and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, NW., Washington, D.C. 20224, (202) 566-3070.

Requests for copies, at $1.20 each, should be addressed to: Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, D.C. 20044.

This document does not meet the criteria for significant regulations set forth in paragraph B of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52122).

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:C:E:V:4, 1111 Constitution Avenue, NW., Room 2575, Washington, D.C. 20224, Telephone (202) 566-4138 (not a toll free telephone number).

James I. Owens,

Acting Commissioner.

[FR Doc. 84-5475 Filed 2-28-84; 8:45 am]

BILLING CODE 4830-01-M

Art Print Panel of the Commissioner of Internal Revenue; Availability of Report on Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Availability of Report on Closed Meetings of the Art Print Panel.

SUMMARY: The Report is now available.

Pursuant to 5 U.S.C. app. I section 10(d), the Federal Advisory Committee Act; and 5 U.S.C. section 552b, the Government in the Sunshine Act; and Treasury Directive 10-06.E section 12b (9-2-77): A report summarizing the closed meeting activities of the Art Print Panel during 1983 has been prepared. A copy of this report has been filed with the Assistant Secretary of the Treasury for Administration and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, NW., Washington, D.C. 20224, (202) 566-3070.

Requests for copies, at $1.20 each, should be addressed to: Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, D.C. 20044.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52122).

FOR FURTHER INFORMATION CONTACT: Wiley Grant, CC:C:E:V, 1111 Constitution Avenue, NW., Room 2575, Washington, D.C. 20224, Telephone (202) 566-4138. (Not a toll free telephone number).

James I. Owens,

Acting Commissioner.

[FR Doc. 84-5474 Filed 2-28-84; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and the Delegation of Authority from the Director, USIA (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibit, "Van Gogh in Arles" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibit without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the Metropolitan Museum of Art and foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Metropolitan Museum of Art, New York, N.Y., beginning on or about October 3, 1984, to on or about December 3, 1984, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: February 23, 1984.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 84-5374 Filed 2-28-84; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains a proposed extention and lists the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Public Law 96-511 applies.

ADDRESSES: Copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items or this list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 389-6880.

DATES: Comments of the form should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: February 24, 1984.

By direction of the Administration.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extension

(1) Department of Veterans Benefits
(2) Disabled Veterans Application for Vocational Rehabilitation
(3) VA Form 28–1900
(4) On occasion
(5) Individuals or households
(6) 50,000 responses
(7) 12,500 hours
(8) Not applicable

[FR Doc. 84–5393 Filed 2–28–84; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 41
Wednesday, February 29, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL RIGHTS COMMISSION

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

DATE AND TIME: Monday, March 5, 1984, 9:00–12:00 noon, 1:30–5:00 p.m.

STATUS OF MEETING: 9:00–10:30 a.m., Session closed to public 10:30 a.m.–12:00 noon, 1:30–5:00, Open to public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Staff Director's Report
  A. Status of Funds
  B. Personnel Report
  C. Office Directors' Reports
IV. Review of Comparable Worth Proposal
V. Review of School Desegregation Proposal
VI. Report on Faith Christian School, Louisville, Nebraska
VII. Civil Rights Developments in the Mid-Atlantic Region

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division, (202) 376–8312.

Lawrence B. Glick,
Solicitor, 376–8339

[FR Doc. 84–5567 Filed 2–27–84; 3:54 pm]
BILLING CODE 6335–01–M

2

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 3954.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Tuesday, February 28, 1984.

CHANGES IN THE MEETING:

Delete from the agenda the Rule Enforcement Review
Add to the agenda: Programs, Plans, and Priorities for the Enforcement Division Surveillance Matter

Jane K. Stuckey,
Secretary of the Commission.
February 23, 1984.

[FR Doc. 84–5527 Filed 2–27–84; 1:40 pm]
BILLING CODE 6351–01–M

3

FEDERAL COMMUNICATIONS COMMISSION

February 23, 1984.

FCC to Hold Open Commission Meeting, Thursday, March 1, 1984

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 1, 1984, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Policy Regarding Character Qualifications in Broadcast Licensing (Gen. Docket No. 81–500); Amendment of Rules of Broadcast Practice and Procedure Relating to Written Responses to Commission Inquiries and the Making of Misrepresentations to the Commission by Permittees and Licensees (BC Docket No. 78–108). *Summary:* The Commission will consider whether to adopt a Report, Order and Policy Statement resolving the issues raised in the above-referenced proceedings.

General—2—*Title:* Notice of Proposed Rulemaking Concerning a Further Policy Statement on Comparative Broadcast Hearings. *Summary:* The Commission will consider whether to initiate a rulemaking proceeding looking into modification of the comparative factors utilized in evaluating mutually exclusive broadcast applicants in order to improve the performance of the comparative hearing process.

Private Radio—1—*Title:* Future Public Safety Telecommunications Requirements. *Summary:* The Commission will consider initiating a Notice of Inquiry to solicit and obtain information regarding the future requirements of the Public Safety Radio Services and the Special Emergency Radio Service.

Video—1—*Title:* Application for Review filed by Sara Diaz Warren for review of Bureau action returning as unacceptable for filing Warren's application for a CP for a new TV station on channel 9, Secaucus, New Jersey. *Summary:* The Commission will consider whether the Bureau acted properly in returning as unacceptable for filing the Warren application on the grounds that the channel was licensed to WOR–TV, Secaucus, New Jersey.

Policy—1—*Title:* Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments. *Summary:* The Commission will consider six petitions for reconsideration of actions taken in the Report and Order in BC Docket No. 80–90.

Policy—2—*Title:* Implementation of BC Docket 80–90. *Subject:* The Commission will consider assigning FM channels throughout various parts of the United States as a first stage of implementation of BC Docket 80–90.

Policy—3—*Title:* Deregulation of Radio. *Summary:* The Commission will consider what information regarding nonentertainment programming we should require radio broadcasters to keep and to make available to the public and the Commission in view of the new regulatory scheme for commercial radio.

Enforcement—1—*Title:* Response filed by Triad Broadcasting Company, licensee of WSEZ(FM), Winston-Salem, North Carolina to a Notice of Apparent Liability, FCC 83–261, issued on June 3, 1983 for willful and repeated violation of the Commission's Rules. *Summary:* The Commission will consider whether to affirm, cancel or reduce the forfeiture amount.

Enforcement—2—*Title:* Application for Review filed by David McCalden of the Mass Media Bureau's ruling of June 3, 1983. *Summary:* The Commission will consider whether or not to reverse the Bureau's ruling with respect to a broadcast licensee's obligations under the Fairness Doctrine.

Enforcement—3—*Title:* License Renewal Applications for WKNT/WNIR(FM), Kent, WJW, Cleveland, and WDBN–FM, Medina, Ohio; and WWWW(FM), Detroit, Michigan. *Summary:* The Commission considers a petition to deny filed by the National Black Media Coalition and others against the license renewal applications for the named stations on the ground that the stations violated the Commission's EEO rule.

Enforcement—4—*Title:* License Renewal Application of Metroplex Communications of Florida, Inc. for Station WHYI(FM), Fort Lauderdale, Florida. *Summary:* Linda Silverstein filed a petition to deny alleging that the licensee misclassified female employees and engaged in discriminatory employment practices. The Commission considers petitioner's allegations.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

William J. Tricarico,

Federal Communications Commission.

[FR Doc. 84–5407 Filed 2–24–84; 4:35 pm]

BILLING CODE 6710–01–M

4

FEDERAL COMMUNICATIONS COMMISSION

February 23, 1984.

FCC to Hold a Closed Commission Meeting Thrusday, March 1, 1984

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, March 1, 984 following the Open Meeting, which is scheduled to commence at 9:30 a.m. in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Applications for Review and related pleadings in the Wichita, Kansas, comparative television proceeding (BC Docket Nos. 81–103 and 81–104).

Hearing—2—Petition for reconsideration in the Waco, Texas UHF televisions comparative proceeding (Docket Nos. 79–286 to 79–289).

Hearing—3—Application for Review and Petition to Enlarge Issues in the Burbank, California, AM radio comparative renewal proceeding (Docket No. 20629 and BC Docket No. 79–65).

These items are closed to the public because they concern Adjudicatory Matters (See 47 CFR 0.603 (j)).

The following persons are expected to attend:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission February 22, 1984. Commissioners Fowler, Chairman; Quello, Dawson, Rivera, and Patrick voting to consider these items in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtain from Maureen Peration, FCC Public Affairs Office, telephone number (202) 254–7674.

William J. Tricarico,

Federal Communications Commission.

[FR Doc. 84–5408 Filed 2–24–84; 4:35 pm]

BILLING CODE 6712–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Director will meet in open session at 10:00 a.m. on Monday, March 5, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Pawnee Community Bank, a proposed new bank to be located at 707 Douglas Street, Pawnee, Illinois.

Application for consent to establish a remote service facility:

Ford City Bank and Trust Co., Chicago, Illinois, for consent to establish a remote service facility at Walgreen's, 9503 South Cicero, Oak Lawn, Illinois.

Memorandum and resolution re: Final amendments to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control," which: (1) Delegate to the Board of Review authority to withdraw any notice of charges and of hearing or any notice of assessment of civil money penalty issued by it pursuant to authority delegated by the Board of Directors; and (2) delegate to the Director, Division of Bank Supervision, and the Deputy General Counsel for Open Bank Regulation and Supervision, Legal Division, the authority to issue and order to cease and desist pursuant to section 8(b) of the Federal Deposit Insurance Act where such proposed order, as approved by the Board of Directors, has been agreed to without change by the respondent.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 – 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 27, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–5568 Filed 2–27–84; 3:53 pm]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Monday, March 5, 1984, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated, these matters will be resolved with a single vote unless a member of the Board of Directors request that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance for a United States branch of a foreign bank:

National Bank of Greece S.A. Athens, Greece, for Federal deposit insurance of deposits received at and recorded for the accounts of its United States branch to be located at 2067–2095 Massachusetts Avenue, Cambridge, Massachusetts.

Request for modification of a previous order granting Federal deposit insurance:

Universal Trust Company, San Juan, Puerto Rico, and operating noninsured bank.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: United States National Bank, San Diego, California.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 27, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–5569 Filed 2–27–84; 3:54 pm]

BILLING CODE 6714–01–M

7

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: 10:00 a.m., Monday, March 5, 1984.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any item carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: February 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–5526 Filed 2–27–84; 1:40 pm]

BILLING CODE 6210–01–M

8

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Thursday, March 8, 1984.

PLACE: Board Hearing Room 8th Floor, 1425 K Street, NW., Washington D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of February, 1984.

2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523–5920.

DATE OF NOTICE: February 24, 1984.

Rowland K. Quinn, Jr.,

Executive Secretary, National Mediation Board.

[FR Doc. 84–5550 Filed 2–27–84; 2:46 pm]

BILLING CODE 7550–01–M

9

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–84–8]

TIME AND DATE: 9 a.m., Tuesday, March 6, 1984.

PLACE: Conference Rooms 8ABC, 8th Floor, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Western Helicopters, Inc., Bell UH–1B, N87701, Valencia, California, July 23, 1982.

2. *Aircraft Accident Report*—Sierra Pacific Airlines, deHavilland DHC–6–300, N361V, Hailey, Idaho, February 15, 1983.

3. *Recommendations* to Federal Aviation Administration regarding Federal flight attendant emergency training, lifevest standards, and FAA maintenance surveillance activities from the Eastern Air Line's L–1011 near-ditching on May 3, 1983.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382–6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

February 24, 1984.

[FR Doc. 84–5482 Filed 2–27–84; 9:02 am]

BILLING CODE 4910–58–M

10

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–84–7]

TIME AND DATE: 9 a.m., Thursday, February 23, 1984.

PLACE: NTSB Board Room, 8th Floor, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A majority of the Board determined by recorded vote that the business of the Board required holding this meeting at this time and that no earlier announcement was possible.

1. *Proposed Safety Objective Plan*—Rail Rapid Transit Safety.

2. *NTSB Responses* to Industry Recommendations Emanating from the Aviation Accident Investigation Symposium, Springfield, Virginia, April 26, 1983.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382–6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

February 23, 1984.

[FR Doc. 84–5483 Filed 2–27–84; 9:02 am]

BILLING CODE 4910–58–M

11

POSTAL SERVICE

Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 1:00 p.m. on Monday, March 5, 1984, in Washington, D.C., and at 8:30 a.m. on Tuesday, March 6, 1984, in the Benjamin Franklin Room, 11th floor, Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, D.C. As indicated in the following paragraph, the March 5 meeting is closed to public observation. The March 6 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, David F. Harris, at (202) 245–3734.

At its meeting on February 8, 1984, the Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for March 5. (See 49 FR 6436, February 21, 1984.) The agenda items of the meeting to be closed concern (1) strategic planning in connection with collective bargaining negotiations involving

parties to the 1981 National Agreements, between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July 1984; and (2) consideration of the Postal Rate Commission Recommended Decision on E–COM rates.

Agenda

Monday Session, March 5 (Closed)

1. Strategic Planning—Collective Bargaining.
2. Consideration of Postal Rate Commission Recommended Decision of February 24, 1984, on E–COM Rate and Classification Changes [Docket No. R83–1].

Tuesday Session, March 6 (Open)

1. Minutes of the Previous Meeting, February 8–9, 1984.
2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the Members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board is brought up under this item.)
3. Report on Law Department. (Mr. Hughes, Acting General Counsel, will brief the Board on developments in the Law Department.)
4. Capital Investment Projects:
   a. 756 2½ Ton Parcel Delivery Vans.
   b. 1,824 5 and 7 Ton Cargo Vans.
5. Consideration of a Tentative Agenda for the April 2–3, 1984, meeting of the Board in Memphis, TN.

David F. Harris,

Secretary.

[FR Doc. 84–5507 Filed 2–27–84: 10:09 am]

BILLING CODE 7710–12–M

12

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 March 5, 1984, at 450 Fifth Street, NW., Washington, D.C.

An open meeting will be held on Tuesday, March 6, 1984 at 10:00 a.m., in Room 1C30, followed by a closed meeting.

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 open meeting scheduled for Tuesday, March 6, 1984, 10:00 a.m., will be:

Consideration of whether to adopt a proposed amendment to Rule 10a–1 under the Securities Exchange Act of 1934 (17 CFR 240.10a–1) allowing certain short sales by block positioners without complying with the "tick" provisions of the rule. For further information, please contact M. Blair Corkran at (202) 272–2853.

The subject matter of the closed meeting scheduled for Tuesday, March 6, 1984, following the 10:00 a.m. open meeting, will be:

Institution of administrative proceeding of an enforcement nature and injunctive action. Litigation matter.

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: Bruce Kohn at (202) 272–3195.

George A. Fitzsimmons,

Secretary.

Shirley E. Hollis,

Assistant Secretary.

February 24, 1984.

[FR Doc. 84–5481 Filed 2–27–84: 9:02 am]

BILLING CODE 8010–01–M

federal register

Wednesday
February 29, 1984

Part II

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustments Factors

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-84-1332; FR-1837]

Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice updating Contract Rent Annual Adjustment Factors.

SUMMARY: The United States Housing Act of 1937 requires that the assistance contracts signed by owners participating in the Department's section 8 Housing Assistance Payments Programs provide for annual or more frequent adjustment in the maximum monthly rentals for units covered by the contract to reflect changes in the average market rents prevailing in a particular market area or based on a reasonable formula. This Notice announces revised Annual Adjustment Factors, which are based on a formula using rent and utility data from the Consumer Price Index and the Bureau of the Census Annual Housing Surveys. The revised Factors are to be used to adjust current rents in the section 8 Housing Assistance Payments Programs.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Cecelia D. Livingston, Existing Housing Division, Office of Existing Housing and Moderate Rehabilitation (202) 755-5353; James Tahash, Program Planning Division, Office of Multifamily Housing (202) 755-5654; for technical information regarding the development of the schedules for specific areas or the method used for calculating the Adjustment Factor, Ellis V. St. Clair, Economic and Market Analysis Division, Office of Policy Development and Research (202) 755-5590. Mailing address for above persons: Department of Housing and Urban Development, 451 Seventh Street, SW., Washington D.C. 20410 (Telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f) requires the Department to provide for adjustments in the maximum monthly rents for units covered by section 8 Housing Assistance Payments (HAP) Contracts. Adjustments must reflect changes in the market rents prevailing in particular market areas or be based on a reasonable formula.

This Notice establishes revised Annual Adjustment Factors (AAFs), based on a formula using rent and utility dat from the Consumer Price Index (CPI) and the Bureau of the Census Annual Housing Surveys (AHS). The revised Factors are to be used to adjust current rents under the section 8 Housing Assistance Payments Programs. HUD regulations (see 24 CFR 888.202) provide for annual publication of these Factors in the **Federal Register.** The annual anniversary date for publication of the Factors is November 8.

These Factors apply to all section 8 units whose HAP Contracts have anniversary dates that fall on or after the publication of this Notice, except for section 8 subsidies under the Loan Management and Property Disposition provisions of 24 CFR Part 886, Subparts A and C or section 8 units assisted under 24 CFR 882.110(d). (For the method of computing rent adjustments for these programs see 24 CFR 207.19 (e)(2)(i) and (e)(4), published in the April 19, 1983 **Federal Register,** 48 FR 16670, 16673.) In addition, owners of section 8 projects (other than projects assisted under the section 8 Existing Housing Finders-Keepers Program or the FmHA section 8 Program) who have contracts with anniversary dates between November 8 and the publication date of these Factors may request that the Factors be applied retroactively to the anniversary date of their Contracts. Retroactivity is permitted to avoid any detriment to owners because of HUD's delay in the annual publication of the Factors as required by 24 CFR 888.202. Owners of projects assisted under the section 8 Existing Housing Finders-Keepers and FmHA Programs may not apply the Factors retroactively, because HUD program regulations require that these owners use the Factors most recently published in the **Federal Register** on the renewal date of their contracts.

Different Adjustment Factors are provided for the four Census Regions and each of the 77 metropolitan areas covered by the CPI.

On June 27, 1983, the Office of Management and Budget (OMB) announced revised definitions of the Nation's metropolitan statistical areas, which replaced the Standard Metropolitan Statistical Areas (SMSAs) definition on June 30, 1983. The Department used these new definitions of Metropolitan Statistical Areas (MSAs) and Primary Metropolitan Statistical Areas (PMSAs) for the first time on September 23, 1983, when it published new Fair Market Rents for the section 8 Existing Housing and Moderate Rehabilitation Programs (including space rentals by owners of manufactured homes). (See 48 FR 43578.) The Annual Adjustment Factors published in this Notice are based on the new OMB metropolitan area definitions. Factors are provided for the four Census Regions, eight MSAs and 69 PMSAs. A list of the counties (and cities and towns in New England) that are included in each metropolitan area is being published as part of this Notice.

The formula for calculating the Adjustment Factors for each area was developed as follows: (1) The increases in the residential rent and the fuel and utilities components of the CPI were calculate for the most recent 12-month period; (2) a shelter rent increase factor was calculated by eliminating the effect of units in the CPI residential rent index that includes heating costs, as determined by Bureau of Labor Statistics data; (3) a gross rent increase factor for each of the metropolitan areas covered by the CPI and for each of the four Census Regions was calculated by weighting the shelter rent and utility increases in accordance with Census Regional weights of these component parts of rent, as derived from 1981 AHS data; (4) Adjustment Factors for Contract rents including the highest cost utility were calculated to reflect differences for rent ranges developed from 1981 AHS data; and (5) Adjustment Factors for Contract rents (excluding the highest cost utility) were calculated by developing shelter rents by rent ranges and then comparing the current year's estimate with that of the previous year. Adjustment Factors have been developed for each $50 rent interval, covering Contract rents from less than $200 per month to Contract rents of $600 or more per month. The new Adjustment Factors apply to rental units of all bedroom sizes in each rent interval. The Adjustment Factors (excluding utilities) apply to manufactured home space rents at each rent interval.

Under the section 8 Moderate Rehabilitation Progam, the Public Housing Agency should use the base rent, not the Contract rent, to select the correct AAF to apply to the base rent.

Each AAF applies to a particular geographical area, as indicated in the Tables at the end of this document. However, application of a Factor may not result in material differences between the rents charged for assisted and comparable unassisted units as determined by the Secretary. (See 42 U.S.C. 1437f, and applicable program regulations in 24 CFR Chapter VIII.)

Thus, an AAF for an entire PMSA may not be uniformly applicable to all rental housing within that geographical area, if the rent comparability test cannot be met.

In some cases, however, the AAF established for a particular area may result in rents that are substantially lower than rents charged for comparable units not receiving assistance under the section 8 program. If this occurs, a PHA or private owner may apply to the Field Office for a revised Adjustment Factor for the area, as provided for in 24 CFR 888.204.

Authority: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); Section 8(c)(2)(A), U.S. Housing Act of 1937 (42 U.S.C. 1437(f)).

Dated: February 14, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

Schedule C—Contract Rent Annual Adjustment Factors, Section 8 Housing Assistance Payments Programs

TABLE NO. 1—ANNUAL ADJUSTMENT FACTORS FOR CONTRACT RENTS INCLUDING HIGHEST COST UTILITY—BY RENT RANGE

Area	Under $200	$200 to $249	$250 to $299	$300 to $349	$350 to $399	$400 to $449	$450 to $499	$500 to $549	$550 to $599	$600 plus
Northeast Census Region	1.098	1.078	1.066	1.061	1.056	1.053	1.050	1.049	1.046	1.044
Northcentral Census Region	1.078	1.061	1.052	1.048	1.044	1.042	1.039	1.039	1.037	1.035
South Census Region	1.085	1.067	1.056	1.052	1.048	1.046	1.043	1.042	1.040	1.038
West Census Region	1.096	1.076	1.064	1.059	1.055	1.052	1.048	1.048	1.045	1.043
PMSA Akron, OH	1.095	1.075	1.063	1.059	1.054	1.051	1.048	1.047	1.045	1.043
PMSA Alton-Granite City, IL	1.082	1.064	1.054	1.050	1.046	1.044	1.041	1.040	1.038	1.037
PMSA Anaheim-Santa Ana, CA	1.127	1.100	1.085	1.078	1.072	1.069	1.064	1.063	1.060	1.057
MSA Anchorage, AK	1.223	1.175	1.148	1.137	1.127	1.120	1.112	1.110	1.105	1.100
PMSA Ann Arbor, MI	1.065	1.051	1.043	1.040	1.037	1.035	1.033	1.032	1.031	1.029
MSA Atlanta, GA	1.112	1.088	1.075	1.069	1.064	1.061	1.057	1.056	1.053	1.050
PMSA Aurora-Elgin, IL	1.102	1.080	1.068	1.063	1.058	1.055	1.051	1.050	1.048	1.046
MSA Baltimore, MD	1.098	1.077	1.065	1.060	1.056	1.053	1.049	1.048	1.046	1.044
PMSA Beaver County, PA	1.114	1.090	1.076	1.070	1.065	1.061	1.057	1.056	1.054	1.051
PMSA Bergen-Passaic, NJ	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Boston, MA	1.105	1.082	1.070	1.064	1.060	1.057	1.053	1.052	1.049	1.047
PMSA Boulder-Longmont, CO	1.110	1.087	1.074	1.068	1.063	1.060	1.056	1.055	1.052	1.049
PMSA Brazoria, TX	1.049	1.039	1.033	1.030	1.028	1.027	1.025	1.024	1.023	1.022
PMSA Bridgeport-Milford, CT	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Brockton, MA	1.105	1.082	1.070	1.064	1.060	1.057	1.053	1.052	1.049	1.047
PMSA Buffalo, NY	1.092	1.072	1.061	1.056	1.052	1.050	1.046	1.045	1.043	1.041
PMSA Chicago, IL	1.102	1.080	1.068	1.063	1.058	1.055	1.051	1.050	1.048	1.046
PMSA Cincinnati, OH-KY-IN	1.090	1.070	1.060	1.055	1.051	1.048	1.045	1.044	1.042	1.040
PMSA Cleveland, OH	1.095	1.075	1.063	1.059	1.054	1.051	1.048	1.047	1.045	1.043
PMSA Dallas, TX	1.142	1.112	1.095	1.087	1.081	1.077	1.072	1.070	1.067	1.064
PMSA Danbury, CT	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Denver, CO	1.110	1.087	1.074	1.068	1.063	1.060	1.056	1.055	1.052	1.049
PMSA Detroit, MI	1.065	1.051	1.043	1.040	1.037	1.035	1.033	1.032	1.031	1.029
PMSA East St. Louis-Belleville, IL	1.082	1.064	1.054	1.050	1.046	1.044	1.041	1.040	1.038	1.037
PMSA Fort Lauderdale-Hollywood-Pompano Beach, FL	1.050	1.039	1.033	1.031	1.028	1.027	1.025	1.025	1.023	1.022
PMSA Fort Worth-Arlington, TX	1.142	1.112	1.095	1.087	1.081	1.077	1.072	1.070	1.067	1.064
PMSA Galveston-Texas City, TX	1.049	1.039	1.033	1.030	1.028	1.027	1.025	1.024	1.023	1.022
PMSA Gary-Hammond, IN	1.102	1.080	1.068	1.063	1.058	1.055	1.051	1.050	1.048	1.046
PMSA Hamilton-Middletown, OH	1.090	1.070	1.060	1.055	1.051	1.048	1.045	1.044	1.042	1.040
MSA Honolulu, HI	1.062	1.049	1.042	1.038	1.036	1.034	1.031	1.031	1.029	1.028
PMSA Houston, TX	1.049	1.039	1.033	1.030	1.028	1.027	1.025	1.024	1.023	1.022
PMSA Jersey City, NJ	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Joliet, IL	1.102	1.080	1.068	1.063	1.058	1.055	1.051	1.050	1.048	1.046
PMSA Kansas City, KS	1.107	1.084	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Kansas City, MO	1.107	1.084	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Kenosha, WI	1.102	1.080	1.068	1.063	1.058	1.055	1.051	1.050	1.048	1.046
PMSA Lake County, IL	1.102	1.080	1.068	1.063	1.058	1.055	1.051	1.050	1.048	1.046
PMSA Lawrence-Haverhill, MA-NH	1.105	1.082	1.070	1.064	1.060	1.057	1.053	1.052	1.049	1.047
PMSA Lorain-Elyria, OH	1.095	1.075	1.063	1.059	1.054	1.051	1.048	1.047	1.045	1.043
PMSA Los Angeles-Long Beach, CA	1.127	1.100	1.085	1.078	1.072	1.069	1.064	1.063	1.060	1.057
PMSA Lowell, MA-NH	1.105	1.082	1.070	1.064	1.060	1.057	1.053	1.052	1.049	1.047
PMSA Miami-Hialeah, FL	1.050	1.039	1.033	1.031	1.028	1.027	1.025	1.025	1.023	1.022
PMSA Middlesex-Somerset-Hunterdon, NJ	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Milwaukee, WI	1.090	1.071	1.060	1.055	1.051	1.049	1.045	1.044	1.042	1.040
MSA Minneapolis-St. Paul, MN-WI	1.056	1.044	1.037	1.034	1.032	1.030	1.028	1.028	1.026	1.025
PMSA Monmouth-Ocean, NJ	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Nashua, NH	1.105	1.082	1.070	1.064	1.060	1.057	1.053	1.052	1.049	1.047
PMSA Nassau-Suffolk, NY	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA New York, NY	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Newark, NJ	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Niagara Falls, NY	1.092	1.072	1.061	1.056	1.052	1.050	1.046	1.045	1.043	1.041
PMSA Norwalk, CT	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Oakland, CA	1.104	1.082	1.069	1.064	1.059	1.056	1.053	1.052	1.049	1.047
PMSA Orange County, NY	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Oxnard-Ventura, CA	1.127	1.100	1.085	1.078	1.072	1.069	1.064	1.063	1.060	1.057
PMSA Philadelphia, PA-NJ	1.113	1.089	1.075	1.069	1.064	1.061	1.057	1.056	1.053	1.051
PMSA Pittsburgh, PA	1.114	1.090	1.076	1.070	1.065	1.061	1.057	1.056	1.054	1.051
PMSA Portland, OR	1.018	1.014	1.012	1.011	1.010	1.010	1.009	1.009	1.009	1.008
PMSA Racine, WI	1.090	1.071	1.060	1.055	1.051	1.049	1.045	1.044	1.042	1.040
PMSA Riverside-San Bernardino, CA	1.127	1.100	1.085	1.078	1.072	1.069	1.064	1.063	1.060	1.057
PMSA St. Louis, MO-IL	1.082	1.064	1.054	1.050	1.046	1.044	1.041	1.040	1.038	1.037
PMSA Salem-Gloucester, MA	1.105	1.082	1.070	1.064	1.060	1.057	1.053	1.052	1.049	1.047
MSA San Diego, CA	1.097	1.077	1.065	1.060	1.055	1.053	1.049	1.048	1.046	1.044
PMSA San Francisco, CA	1.104	1.082	1.069	1.064	1.059	1.056	1.053	1.052	1.049	1.047
PMSA San Jose, CA	1.104	1.082	1.069	1.064	1.059	1.056	1.053	1.052	1.049	1.047
PMSA Santa Cruz, CA	1.104	1.082	1.069	1.064	1.059	1.056	1.053	1.052	1.049	1.047

TABLE NO. 1—ANNUAL ADJUSTMENT FACTORS FOR CONTRACT RENTS INCLUDING HIGHEST COST UTILITY—BY RENT RANGE—Continued

Area	Under $200	$200 to $249	$250 to $299	$300 to $349	$350 to $399	$400 to $449	$450 to $499	$500 to $549	$550 to $599	$600 plus
PMSA Santa Rosa-Petaluma, CA	1.104	1.082	1.069	1.064	1.059	1.056	1.053	1.052	1.049	1.047
MSA Scranton—Wilkes-Barre, PA	1.103	1.081	1.069	1.063	1.059	1.056	1.052	1.051	1.048	1.046
PMSA Seattle, WA	1.030	1.024	1.020	1.018	1.017	1.016	1.015	1.015	1.014	1.013
PMSA Stamford, CT	1.108	1.085	1.072	1.066	1.061	1.058	1.054	1.053	1.051	1.048
PMSA Tacoma, WA	1.030	1.024	1.020	1.018	1.017	1.016	1.015	1.015	1.014	1.013
PMSA Trenton, NJ	1.113	1.089	1.075	1.069	1.064	1.061	1.057	1.056	1.053	1.051
PMSA Vallejo-Fairfield-Napa, CA	1.104	1.082	1.069	1.064	1.059	1.056	1.053	1.052	1.049	1.047
PMSA Vancouver, WA	1.018	1.014	1.012	1.011	1.010	1.010	1.009	1.009	1.008	1.008
PMSA Vineland-Millville-Bridgeton, NJ	1.113	1.089	1.075	1.069	1.064	1.061	1.057	1.056	1.053	1.051
MSA Washington, DC-MD-VA	1.102	1.081	1.068	1.063	1.058	1.055	1.052	1.051	1.048	1.046
PMSA Wilmington, DE-NJ-MD	1.113	1.089	1.075	1.069	1.064	1.061	1.057	1.056	1.053	1.051

TABLE NO. 2—ANNUAL ADJUSTMENT FACTORS FOR CONTRACT RENTS EXCLUDING HIGHEST COST UTILITY—BY RENT RANGE

Area	Under $200	$200 to $249	$250 to $299	$300 to $349	$350 to $399	$400 to $449	$450 to $499	$500 to $549	$550 to $599	$600 plus
Northeast Census Region	1.092	1.079	1.069	1.064	1.058	1.056	1.052	1.049	1.049	1.048
Northcentral Census Region	1.025	1.025	1.025	1.0 25	1.024	1.024	1.024	1.023	1.023	1.023
South Census Region	1.052	1.047	1.043	1.040	1.037	1.037	1.035	1.033	1.033	1.033
West Census Region	1.084	1.067	1.060	1.054	1.051	1.047	1.046	1.044	1.041	1.041
PMSA Akron, OH	1.026	1.026	1.026	1.026	1.026	1.026	1.026	1.026	1.026	1.026
PMSA Alton-Granite City, IL	1.030	1.029	1.028	1.028	1.026	1.026	1.026	1.025	1.025	1.025
PMSA Anaheim-Santa Ana, CA	1.060	1.056	1.053	1.051	1.048	1.048	1.046	1.044	1.044	1.044
MSA Anchorage, AK	1.170	1.149	1.134	1.124	1.114	1.111	1.105	1.099	1.099	1.099
PMSA Ann Arbor, MI	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
MSA Atlanta, GA	1.092	1.080	1.072	1.066	1.061	1.059	1.055	1.052	1.052	1.052
PMSA Aurora-Elgin, IL	1.056	1.051	1.047	1.045	1.042	1.042	1.040	1.038	1.038	1.038
MSA Baltimore, MD	1.087	1.075	1.066	1.061	1.056	1.054	1.051	1.047	1.047	1.047
PMSA Beaver County, PA	1.031	1.031	1.031	1.031	1.031	1.031	1.031	1.031	1.031	1.031
PMSA Bergen-Passaic, NJ	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Boston, MA	1.105	1.089	1.079	1.072	1.065	1.062	1.058	1.055	1.054	1.053
PMSA Boulder-Longmont, CO	1.072	1.064	1.058	1.055	1.051	1.050	1.047	1.045	1.045	1.045
PMSA Brazoria, TX	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
PMSA Bridgeport-Milford, CT	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Brockton, MA	1.105	1.089	1.079	1.072	1.065	1.062	1.058	1.055	1.054	1.053
PMSA Buffalo, NY	1.042	1.039	1.037	1.036	1.034	1.034	1.033	1.031	1.031	1.031
PMSA Chicago, IL	1.056	1.051	1.047	1.045	1.042	1.042	1.040	1.038	1.038	1.038
PMSA Cincinnati, OH-KY-IN	1.044	1.041	1.038	1.037	1.034	1.034	1.033	1.032	1.032	1.032
PMSA Cleveland, OH	1.026	1.026	1.026	1.026	1.026	1.026	1.026	1.026	1.026	1.026
PMSA Dallas, TX	1.132	1.114	1.100	1.092	1.084	1.081	1.076	1.071	1.070	1.070
PMSA Danbury, CT	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Denver, Co	1.072	1.064	1.058	1.055	1.051	1.050	1.047	1.045	1.045	1.045
PMSA Detroit, MI	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
PMSA East St. Louis-Belleville, IL	1.030	1.029	1.028	1.028	1.026	1.026	1.026	1.025	1.025	1.025
PMSA Fort Lauderdale-Hollywood-Pompano Beach, FL	1.013	1.013	1.013	1.013	1.013	1.013	1.013	1.013	1.013	1.013
PMSA Fort Worth-Arlington, TX	1.132	1.114	1.100	1.092	1.084	1.081	1.076	1.071	1.070	1.070
PMSA Galveston-Texas City, TX	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
PMSA Gary-Hammond, IN	1.056	1.051	1.047	1.045	1.042	1.042	1.040	1.038	1.038	1.038
PMSA Hamilton-Middletown, OH	1.044	1.041	1.038	1.037	1.034	1.034	1.033	1.032	1.032	1.032
MSA Honolulu, HI	1.063	1.053	1.047	1.043	1.039	1.037	1.035	1.033	1.032	1.032
PMSA Houston, TX	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
PMSA Jersey City, NJ	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Joliet, IL	1.056	1.051	1.047	1.045	1.042	1.042	1.040	1.038	1.038	1.038
PMSA Kansas City, KS	1.070	1.063	1.057	1.054	1.049	1.049	1.046	1.044	1.044	1.044
PMSA Kansas City, MO	1.070	1.063	1.057	1.054	1.049	1.049	1.046	1.044	1.044	1.044
PMSA Kenosha, WI	1.056	1.051	1.047	1.045	1.042	1.042	1.040	1.038	1.038	1.038
PMSA Lake County, IL	1.056	1.051	1.047	1.045	1.042	1.042	1.040	1.038	1.038	1.038
PMSA Lawrence-Haverhill, MA-NH	1.105	1.089	1.079	1.072	1.065	1.062	1.058	1.055	1.054	1.053
PMSA Lorain-Elyria, OH	1.026	1.026	1.026	1.026	1.026	1.026	1.026	1.026	1.026	1.026
PMSA Los Angeles-Long Beach, CA	1.060	1.056	1.053	1.051	1.048	1.048	1.046	1.044	1.044	1.044
PMSA Lowell, MA-NH	1.105	1.089	1.079	1.072	1.065	1.062	1.058	1.055	1.054	1.053
PMSA Miami-Hialeah, FL	1.013	1.013	1.013	1.013	1.013	1.013	1.013	1.013	1.013	1.013
PMSA Middlesex-Somerset-Hunterdon, NJ	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Milwaukee, WI	1.046	1.042	1.039	1.038	1.035	1.035	1.034	1.032	1.032	1.032
MSA Minneapolis-St. Paul, MN-WI	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
PMSA Monmouth-Ocean, NJ	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Nashua, NH	1.105	1.089	1.079	1.072	1.065	1.062	1.058	1.055	1.054	1.053
PMSA Nassau-Suffolk, NY	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA New York, NY	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Newark, NJ	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Niagara Falls, NY	1.042	1.039	1.037	1.036	1.034	1.034	1.033	1.031	1.031	1.031
PMSA Norwalk, CT	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Oakland, CA	1.104	1.089	1.078	1.072	1.065	1.062	1.058	1.055	1.054	1.053
PMSA Orange County, NY	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Oxnard-Ventura, CA	1.060	1.056	1.053	1.051	1.048	1.048	1.046	1.044	1.044	1.044
PMSA Philadelphia, PA-NJ	1.108	1.093	1.081	1.075	1.068	1.065	1.061	1.057	1.057	1.056
PMSA Pittsburgh, PA	1.031	1.031	1.031	1.031	1.031	1.031	1.031	1.031	1.031	1.031
PMSA Portland, OR	1.008	1.008	1.007	1.007	1.007	1.007	1.006	1.006	1.006	1.006
PMSA Racine, WI	1.046	1.042	1.039	1.038	1.035	1.035	1.034	1.032	1.032	1.032
PMSA Riverside-San Bernardino, CA	1.060	1.056	1.053	1.051	1.048	1.048	1.046	1.044	1.044	1.044
PMSA St. Louis, MO-IL	1.030	1.029	1.028	1.028	1.026	1.026	1.026	1.025	1.025	1.025
PMSA Salem-Gloucester, MA	1.105	1.089	1.079	1.072	1.065	1.062	1.058	1.055	1.054	1.053

TABLE NO. 2—ANNUAL ADJUSTMENT FACTORS FOR CONTRACT RENTS EXCLUDING HIGHEST COST UTILITY—BY RENT RANGE—Continued

Area	Under $200	$200 to $249	$250 to $299	$300 to $349	$350 to $399	$400 to $449	$450 to $499	$500 to $549	$550 to $599	$600 plus
MSA San Diego, CA	1.048	1.045	1.042	1.040	1.038	1.038	1.036	1.035	1.035	1.035
PMSA San Francisco, CA	1.104	1.089	1.078	1.072	1.065	1.062	1.058	1.055	1.054	1.053
PMSA San Jose, CA	1.104	1.089	1.078	1.072	1.065	1.062	1.058	1.055	1.054	1.053
PMSA Santa Cruz, CA	1.104	1.089	1.078	1.072	1.065	1.062	1.058	1.055	1.054	1.053
PMSA Santa Rosa-Petaluma, CA	1.104	1.089	1.078	1.072	1.065	1.062	1.058	1.055	1.054	1.053
MSA Scranton—Wilkes-Barre, PA	1.094	1.081	1.072	1.066	1.060	1.058	1.054	1.051	1.051	1.050
PMSA Seattle, WA	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
PMSA Stamford, CT	1.103	1.088	1.078	1.071	1.065	1.062	1.058	1.055	1.054	1.054
PMSA Tacoma, WA	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
PMSA Trenton, NJ	1.108	1.093	1.081	1.075	1.068	1.065	1.061	1.057	1.057	1.056
PMSA Vallejo-Fairfield-Napa, CA	1.104	1.089	1.078	1.072	1.065	1.062	1.058	1.055	1.054	1.053
PMSA Vancouver, WA	1.008	1.008	1.007	1.007	1.006	1.006	1.006	1.006	1.006	1.006
PMSA Vineland-Millville-Bridgeton, NJ	1.108	1.093	1.081	1.075	1.068	1.065	1.061	*.057	1.057	1.056
MSA Washington, DC-MD-VA	1.059	1.054	1.049	1.047	1.043	1.043	1.041	1.039	1.039	1.039
PMSA Wilmington, DE-NJ-MD	1.108	1.093	1.081	1.075	1.068	1.065	1.061	1.057	1.057	1.056

SCHEDULE C—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS—DEFINITIONS OF CENSUS REGIONS AND METROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983

Code	Area title	Definition
	Northeast Census Region	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.
	North Central Census Region	Illinios, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.
	South Census Region	Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia (Puerto Rico and Virgin Islands use South Census Region factors).
	West Census Region	Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (Guam uses West Census Region factors).
80	Akron, OH PMSA	Portage and Summit Counties.
275	Alton-Granite City, IL PMSA	Jersey (added), and Madison Counties.
360	Anaheim-Santa Ana, CA PMSA	Orange County.
380	Anchorage, AK MSA	Anchorage Borough.
440	Ann Arbor, MI PMSA	Washtenaw County.
520	Atlanta, GA MSA	Barrow (added), Butts, Cherokee, Clayton, Cobb, Coweta (added), De Kalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Rockdale, Spalding (added), and Walton Counties.
620	Aurora-Elgin, IL PMSA	Kane and Kendall (added) Counties.
720	Baltimore, MD MSA	Anne Arundel, Baltimore, Carroll, Hartford, Howard, Queen Anne's (added) Counties, and Baltimore City.
845	Beaver County, PA PMSA	Beaver County.
875	Bergen-Passaic, NJ PMSA	Bergen and Passaic Counties.
1120	Boston, MA PMSA	Bristol County, MA (part): Mansfield town (added), Norton town, and Raynham town (added). Essex County, MA (part): Lynn city, Lynnfield town, Nahant town, and Saugus town. Middlesex County, MA (part): Acton town, Arlington town, Ashland town, Ayer town (added), Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Groton town (added), Holliston town, Hopkinton town (added) Hudson town (added), Lexington town, Lincoln town, Littleton town (added), Malden city, Marlborough city (added) Maynard town (added), Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town (added), Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown town, Wayland town, Weston town, Wilmington town, Winchester town, and Woburn city. Norfolk County, MA (part): Bellingham town, Braintree town, Brookline town, Canton town, Cohaset town, Dedham town, Dover town, Foxborough town, Franklin town, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, and Wrentham town. Plymouth County, MA (part): Carver town (added), Duxbury town, Hanover town, Hanson town, Hingham town, Hull town, Kingston town, Lakeville town, Marshfield town, Middleborough town (added), Norwell town, Pembroke town, Plymouth town (added, Plympton town (added), Rockland town, and Scituate town. Suffolk County, MA (part): Boston city, Chelsea city, Revere city, and Winthrop town. Worcester County, MA (part): Berlin town, Bolton town (added), Harvard town (added), Hopedale town (added), Lancaster town (added), Mendon town (added), Milford town (added), Southborough town (added), and Upton town.
1125	Boulder-Longmont, CO PMSA	Boulder County.
1145	Brazoria, TX PMSA	Brazoria County.
1160	Bridgeport-Milford, CT PMSA	Fairfield County, CT (part): Bridgeport city, Easton town, Fairfield town, Monroe town, Shelton city, Stratford town, and Trumbull town. New Haven County, CT (part): Ansonia city (added), Beacon Falls town, Derby city, Milford city, Oxford town (added), and Seymour town (added).
1200	Brockton, MA PMSA	Bristol County, MA (part): Easton town. Norfolk County , MA (part) Avon town. Plymouth County, MA (part) Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, West Bridgewater town, and Whitman town.
1280	Buffalo, NY PMSA	Erie County.
1600	Chicago, IL PMSA	Cook, DuPage, and McHenry Counties.
1640	Cincinnati, OH-KY-IN PMSA	Clermont, Hamilton, and Warren Counties, OH, Boone, Campbell, and Kenton Counties, KY, and Dearborn County, IN.
1680	Cleveland, OH PMSA	Cuyahoga, Geauga, Lake, and Medina Counties.
1920	Dallas,TX PMSA	Collins, Dallas, Denton, Ellis, Kaufman, and Rockwall Counties.
1930	Danbury, CT PMSA	Fairfield County, CT (part): Bethel town, Brookfield town, Danbury city, New Fairfield town, Newton town, Redding town, Ridgefield town (added), and Sherman town (added). Litchfield County, CT (part): Bridgewater town (added) and New Milford town.
2080	Denver, CO PMSA	Adams, Araphoe, Denver, Douglas, and Jefferson Counties (Gilpin County deleted).
2160	Detroit, MI PMSA	Lapeer, Livingston, Macomb, Monroe, Oaklard, St. Clair, and Wayne Counties.
2285	East St. Louis-Belleville, IL PMSA	Clinton and St. Clair Counties.
2680	Fort Lauderdale-Hollywood-Pompano Beach, FL PMSA.	Broward County.
2800	Fort Worth-Arlington,TX PMSA	Johnson, Parker, and Tarrant Counties (Hood and Wise Counties deleted).
2920	Galveston-Texas City,TX PMSA	Galveston County.
2960	Gary-Hammond, IN PMSA	Lake and Porter Counties.
3200	Hamilton-Middletown, OH PMSA	Butler County.
3320	Honolulu, HI MSA	Honolulu County.
3360	Houston,TX PMSA	Fort Bend, Harris, Liberty, Montgomery and Waller Counties.
3640	Jersey City, NJ PMSA	Hudson County.

SCHEDULE C—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS—DEFINITIONS OF CENSUS REGIONS AND METROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983—Continued

Code	Area title	Definition
3690	Joliet, IL PMSA	Grundy (added) and Will Counties.
3755	Kansas City, KS PMSA	Johnson, Leavenworth (added), Miami (added), and Wyandotte Counties.
3760	Kansas City, MO PMSA	Cass, Clay, Jackson, Lafayette (added), Platte and Ray Counties.
3800	Kenosha, WI PMSA	Kenosha County.
3965	Lake County, IL PMSA	Lake County.
4160	Lawrence-Haverhill, MA-NH PMSA	Essex County, MA (part): Amesbury town, Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen town, Newbury town (added), Newburyport city (added), North Andover town, Salisbury town, and West Newbury town. Rockingham County, NH (part): Atkinson town, Brentwood town (added), Danville town (added), Derry town, East Kingston town (added), Hampstead town, Kingston town, Newton town, Plaistow town, Salem town, Sandown town (added), Seabrook town (added), and Windham town.
4440	Lorain-Elyria, OH PMSA	Lorain County.
4480	Los Angeles-Long Beach, CA PMSA	Los Angeles County.
4560	Lowell, MA-NH PMSA	Middlesex County, MA (part): Billerica town, Chelsford town, Dracut town, Dunstable town (added), Lowell city, Pepperell town (added), Tewksbury town, Tyngsborough town, and Westford town. Hillsborough County, NH (part): Pelham town.
5000	Miami-Hialeah, FL PMSA	Dade County.
5015	Middlesex-Somerset-Hunterdon, NJ PMSA	Hunterdon (added), Middlesex, and Somerset Counties.
5080	Milwaukee, WI PMSA	Milwaukee, Ozaukee, Washington, and Waukesha Counties.
5120	Minneaplois-St Paul, MN-WI MSA	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti (added), Ramsey, Scott, Washington, and Wright Counties, MN, and St. Croix County, WI.
5190	Monmouth-Ocean, NJ PMSA	Monmouth and Ocean (added) Counties.
5350	Nashua, NH PMSA	Hillsborough County, NH (part): Amherst town, Brookline town (added), Hollis town (added), Hudson town, Litchfield town (added), Merrimack town, Milford town, Mont Vernon town (added), Nashua city, and Wilton town (added). Rockingham County, NH (part): Londonderry town.
5380	Nassau-Suffolk, NY PMSA	Nassau and Suffolk Counties.
5600	New York, NY PMSA	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, and Westchester Counties.
5640	Newark, NJ PMSA	Essex, Morris, Sussex (added), and Union Counties.
5700	Niagara Falls, NY PMSA	Niagara County.
5760	Norwalk, CT PMSA	Fairfield County, CT (part): Norwalk city, Weston town, Westport town, and Wilton town.
5775	Oakland, CA PMSA	Alameda and Contra Costa Counties.
5950	Orange County, NY PMSA	Orange County.
6000	Oxnard-Ventura, CA PMSA	Ventura County.
6160	Philadelphia, PA-NJ PMSA	Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, PA, Burlington, Camden, and Gloucester Counties, NJ.
6280	Pittsburg, PA PMSA	Allegheny, Fayette (added), Washington, and Westmoreland Counties.
6440	Portland, OR PMSA	Clackamas, Multnomah, Washington, and Yamhill (added) Counties.
6600	Racine, WI PMSA	Racine County.
6780	Riverside-San Bernardino, CA PMSA	Riverside and San Bernardino Counties.
7040	St. Louis, MO-IL PMSA	Franklin, Jefferson, St. Charles, and St. Louis Counties, MO, St. Louis city, MO, and Monroe County, IL.
7090	Salem-Gloucester, MA PMSA	Essex County, MA (part): Beverly city, Danvers town, Essex town (added), Gloucester city (added), Hamilton town, Ipswich town (added), Manchester town, Marblehead town, Middletown town, Peabody city, Rockport town (added), Rowley town (added), Salem city, Swampscott town, Topsfield town, and Wenham town.
7320	San Diego, CA MSA	San Diego County.
7360	San Francisco, CA PMSA	Marin, San Francisco, and San Mateo Counties.
7400	San Jose, CA PMSA	Santa Clara County.
7485	Santa Cruz, CA PMSA	Santa Cruz County.
7500	Santa Rosa-Petaluma, CA PMSA	Sonoma County.
7560	Scranton-Wilkes-Barre, PA MSA	Columbia (added), Lacawanna, Luzerne, Monroe, and Wyoming (added) Counties.
7600	Seattle, WA PMSA	King and Snohomish Counties.
8040	Stamford, CT PMSA	Fairfield County, CT (part): Darien town, Greenwich town, New Canaan town, and Stamford city.
8200	Tacoma, WA PMSA	Pierce County.
8480	Trenton, NJ PMSA	Mercer County.
8720	Vallejo-Fairfield-NAPA, CA PMSA	Napa and Solano Counties.
8760	Vineland-Millville-Bridgeton, NJ PMSA	Cumberland County.
8725	Vancouver, WA PMSA	Clark County, WA.
8840	Washington, DC-MD-VA MSA	District of Columbia, Calvert (added), Charles, Frederick (added), Montgomery, and Prince George's Counties, MD, Arlington, Fairfax, Loudoun, Prince William, and Stafford (added) Counties, VA, Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park cities, Va.
9160	Wilmington, DE-NJ-MD PMSA	New Castle County, DE, Salem County, NJ, and Cecil County, MD.

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federal register

Wednesday
February 29, 1984

Part III

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978; Notice

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 1074]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 23, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS

February 23, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ARKANSAS OIL & GAS COMMISSION									
-ARCO OIL AND GAS COMPANY		RECEIVED:		02/01/84		JA: AR			
8419046		0313100000		102-4		DALE A SAWYER #1	MASSARD	365.0	
8419049		0313100000		102-4		FANNIE I GORDON #1	MOSSARD	365.0	
8418949		0302711065		103		MAGNOLIA SMACKOVER POOL UNIT 3-I-1	MAGNOLIA	10.0	ARKANSAS LOUISIAN
8418953		0302711078		103		MAGNOLIA SMACKOVER POOL UNIT 3-M-1	MAGNOLIA	25.0	ARKANSAS LOUISIAN
8418952		0302711089		103		MAGNOLIA SMACKOVER POOL UNIT 4-J-1	MAGNOLIA	50.0	ARKANSAS LOUISIAN
8418954		0302711013		103		MAGNOLIA SMACKOVER POOL UNIT 4-N-2	MAGNOLIA	27.4	ARKANSAS LOUISIAN
8418950		0302711087		103		MAGNOLIA SMACKOVER POOL UNIT 4-P-3	MAGNOLIA	100.0	ARKANSAS LOUISIAN
8418947		0302711051		103		MAGNOLIA SMACKOVER POOL UNIT 4-0-2	MAGNOLIA	8.2	ARKANSAS LOUISIAN
8418951		0302711090		103		MAGNOLIA SMACKOVER POOL UNIT 5-N-1	MAGNOLIA	3.3	ARKANSAS LOUISIAN
8418955		0302710988		103		MAGNOLIA SMACKOVER POOL UNIT 5-P-3	MAGNOLIA	4.5	ARKANSAS LOUISIAN
8418948		0302711059		103		MAGNOLIA SMACKOVER POOL UNIT 5-0-1	MAGNOLIA	27.0	ARKANSAS LOUISIAN
8418945		0302711042		103		MAGNOLIS SMACKOVER POOL UNIT 3-J-1	MAGNOLIA	27.4	ARKANSAS LOUISIAN
8418938		0302711027		103		MAGNOLIS SMACKOVER POOL UNIT 4-M-1	MAGNOLIA	4.1	ARKANSAS LOUISIAN
8418946		0302711041		103		MAGNOLIS SMACKOVER POOL UNIT 4-N-3	MAGNOLIA	6.6	ARKANSAS LOUISIAN
8418944		0302711028		103		MAGNOLIS SMACKOVER POOL UNIT 5-S-2	MAGNOLIA	4.1	ARKANSAS LOUISIAN
-ARKLA EXPLORATION COMPANY		RECEIVED:		02/01/84		JA: AR			
8418895		0304710249		102-4		FLYNN #1	PETER PENDER	180.0	ARKANSAS LOUISIAN
8418983		0311510162		103		STANDRIDGE #1	DOVER	300.0	ARKANSAS LOUISIAN
-ARKOMA PRODUCTION CO		RECEIVED:		02/01/84		JA: AR			
8418963		0311510217		102-4		BOCKSNICK #1	ROSS	730.0	ARKANSAS LOUISIAN
8419005		0311510239		102-4		CROTTS #3	ROSS	700.0	ARKANSAS LOUISIAN
8418878		0304710262		103		WILSON #2 C (DUNN "A" -CSG)	AETNA	250.0	ARKANSAS LOUISIAN
8418901		0304710262		102-4		WILSON #2-UT	AETNA	50.0	ARKANSAS LOUISIAN
-B J BROWN		RECEIVED:		02/01/84		JA: AR			
8419090		0308310036		108		BARTLETT #1 25189	MANSFIELD	17.0	ARKANSAS LOUISIAN
8419089		0308310075		108		PRICE BROWN #1 26780	CHISMVILLE	10.0	ARKANSAS LOUISIAN
8419088		0308300000		108		WILLIAMS #1 26605	CHISMVILLE	0.0	ARKANSAS LOUISIAN
8419087		0308300000		103		WILLIAMS #2 26803	CHISMVILLE	70.0	ARKANSAS LOUISIAN
-BI-STATE ENERGY INC		RECEIVED:		02/01/84		JA: AR			
8418915		0314310031		108		DARRELL HUGHES #1	BRENTWOOD FIELD	11.0	ARKANSAS LOUISIAN
8418926		0314310080		103		DENNIS #1	BRENTWOOD FIELD	5.0	ARKANSAS LOUISIAN
8418922		0314310043		108		DONALD SONES #2	BRENTWOOD FIELD	8.0	ARKANSAS LOUISIAN
8418918		0314310034		108		E G BRADBERRY #2	BRENTWOOD FIELD	12.0	ARKANSAS LOUISIAN
8418916		0314310009		108		EARL UNDERHILL #1	BRENTWOOD FIELD	6.0	ARKANSAS LOUISIAN
8418913		0314310010		108		EARL UNDERHILL #2	BRENTWOOD FIELD	12.0	ARKANSAS LOUISIAN
8418917		0314310008		108		FRED BROWN #1	BRENTWOOD FIELD	15.0	ARKANSAS LOUISIAN
8418921		0314310015		108		FRED BROWN #2	BRENTWOOD FIELD	14.0	ARKANSAS LOUISIAN
8418927		0314310079		103		JOHN WARREN #1	BRENTWOOD	40.0	ARKANSAS LOUISIAN
8418914		0314310040		108		KEN BARTHOLOMEW #1	BRENTWOOD FIELD	15.0	ARKANSAS LOUISIAN
8418924		0314310067		103		MONTGOMERY #1	BRENTWOOD FIELD	20.0	ARKANSAS LOUISIAN
8418920		0314310016		108		ROBERT COLE #1	BRENTWOOD FIELD	8.0	ARKANSAS LOUISIAN
8418925		0314310078		103		ROBERTSON #1	BRENTWOOD FIELD	20.0	ARKANSAS LOUISIAN
8418919		0314310017		108		ROBIN RHODES #1	BRENTWOOD FIELD	12.0	ARKANSAS LOUISIAN
8418923		0314310064		103		TULLOCK #1	BRENTWOOD FIELD	15.0	ARKANSAS LOUISIAN
-BROCK HYDROCARBONS INC		RECEIVED:		02/01/84		JA: AR			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8418910		0304710183		102-4		ROBISON #1-4-C	PETER PENDER	0.0	ARKANSAS LOUISIAN
8418911		0304710183		102-4		ROBISON #1-4-T	PETER PENDER	0.0	ARKANSAS LOUISIAN
8419027		0303310101		102-4		WEATHERL #1-35	CECIL	0.0	ARKLA PIPE LINE C
-C & K PETROLEUM INC				RECEIVED:	02/01/84	JA: AR			
8418996		0311510165		102-4		MYERS #1-5	MORELAND	271.0	ARKANSAS LOUISIAN
8418982		0311510190		102-4		UTLEY "E" #1-C	NEW HOPE	292.0	
8418984		0311510190		102-4		UTLEY "E" #1-T	NEW HOPE	292.0	
-CARLYLE PETROLEUM INC				RECEIVED:	02/01/84	JA: AR			
8419037		0303300000		102-4		JUNE ALEXANDER #1-10	CECIL	600.0	ARKANSAS LOUISIAN
CHARLES E MCRAY DBA MCRAY AND ASSOC				RECEIVED:	02/01/84	JA: AR			
8418985		0311510171		103		DURL VIRDEN #1-16	MORELAND	18.0	ARKANSAS LOUISIAN
8418986		0311510171		103		DURL VIRDEN #1-16-T	MORELAND	548.0	ARKANSAS LOUISIAN
8419007		0311510207		102-4		JENNINGS LOVELESS #1-13	MORELAND	52.6	ARKANSAS LOUISIAN
8419006		0311510227		102-4		JERRY LOCK #1-17	MORELAND	178.2	ARKANSAS LOUISIAN
-CUMMINS & WALKER OIL CO INC				RECEIVED:	02/01/84	JA: AR			
8419023		0307300000		102-4		C W MCDONALD #1	KEOUN CREEK	600.0	GULF SOUTH PIPELI
8419024		0307300000		102-4		GLADYS BURTON MOORE #1	KEOUN CREEK	750.0	GULF SOUTH PIPELI
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	02/01/84	JA: AR			
8419123		0307110268		103		HURLEY ENTERPRISES INC #1-13	SPADRA	300.0	ARKANSAS LOUISIAN
8419124		0307110256		103		OZARK REAL ESTATE "D" #2-17	UNION CITY	102.0	ARKANSAS LOUISIAN
8419021		0311510182		102-4		POWERS #1-8	NEW HOPE	0.0	
8419079		0313110241		103		WILLIE TAYLOR #1-16	GRAGG	2555.0	ARKANSAS LOUISIAN
-ENSTAR PETROLEUM INC				RECEIVED:	02/01/84	JA: AR			
8419015		0311510198		102-4		PERMAN 1-2 (DUNN A&C)	FURGERSON	74.0	ARKANSAS-LOUISIAN
8419014		0311510198		102-4		PERMAN 1-2 (HALE) & BASIL HALE	FURGERSON	322.0	ARKANSAS-LOUISIAN
-ESSEX EXPLORATION INC				RECEIVED:	02/01/84	JA: AR			
8419091		0308310141		102-4		COOKSEY #1-15	CHISMVILLE	100.0	
8418958		0311510211		102-4		GUMLOG #19-2 (TOWNER PETROLEUM)	MORELAND	1000.0	ARKANSAS LOUISIAN
8419013		0311510205		102-4		MCLAREN #1-8	FERGUSON	913.0	ARKANSAS LOUISIAN
8418959		0311510238		102-4		REESE #1-9	FURGERSON	300.0	ARKANSAS LOUISIAN
8418957		0311510187		102-4		SINGLETON #1-C	FERGUSON	11.6	ARKANSAS LOUISIAN
8419019		0311510187		102-4		SINGLETON #1-3T	FERGUSON	1155.8	ARKANSAS LOUISIAN
8419020		0311510187		102-4		SINGLETON #1-3T	FERGUSON	1155.8	ARKANSAS LOUISIAN
8419016		0311510180		102-4		STANTON #1	MORELAND	0.0	ARKANSAS LOUISIAN
-EXXON CORPORATION				RECEIVED:	02/01/84	JA: AR			
8419067		0313110251		102-4		BAILEY-HARDING GAS UNIT #1L IT	BOONEVILLE	207.0	
8419068		0313110251		102-4		BAILEY-HARDING GAS UNIT #1U-1C	BOONEVILLE	207.0	
8419044		0313110250		102-4		BOONEVILLE GAS UNIT #1	BOONEVILLE	335.0	
8419092		0308310136		103		CHISMVILLE GAS UNIT 3 #1	CHISMVILLE	74.0	
8419093		0308310101		103		FRANCIS LEFTWICH #1-T	BOONEVILLE	265.0	COLUMBIA GAS TRAN
8419110		0308310101		102-4		FRANCIS LEFTWICH #1U-1C	BOONEVILLE	128.0	COLUMBIA GAS TRAN
8419085		0308310134		102-3		JAMES E WOODS UNIT #1	BOONEVILLE	1222.0	
8419094		0308310132		102-2		LITTLEFIELD GAS UNIT #1	WILDCAT	89.0	
8419075		0313110275		103		MARSHALL GAS UNIT #1	GRAGG	418.0	
8419084		0308310155		102-3		ROBERT E WILLIAMS GAS UNIT #1	CHISMVILLE	438.0	COLUMBIA GAS TRAN
8419071		0313110252		103		ROGERS - KOPLITZ GAS UNIT #1	GRAGG	907.0	
8419083		0308310126		102-2		TODD GAS UNIT #1 L	CHISMVILLE	412.0	COLUMBIA GAS TRAN
8419081		0308310126		102-2		TODD GAS UNIT #1U #1-C	CHISMVILLE	21.0	COLUMBIA GAS TRAN
-FRANKS PETROLEUM INC ETAL				RECEIVED:	02/01/84	JA: AR			
8418956		0313911468		102-4		RUSSELL ESTATE #1	SPRING BRANCH	545.0	ARKANSAS LOUISIAN
-GULF OIL CORPORATION				RECEIVED:	02/01/84	JA: AR			
8418885		0304710235		103		BESS OKANE #1-36	AETNA	572.0	ARKANSAS LOUISIAN
8419133		0307110286		103		MCALESTER FUEL #2-31	SCRANTON (HALE)	57.0	ARKANSAS LOUISIAN
8419120		0307110266		102-4		NEW JERSEY ZINC #2-8	SPADRA	286.0	ARKANSAS LOUISIAN
8419017		0311510170		103		NEWTON POWERS #2-16	DOVER (BARTON /A/)	0.0	ARKANSAS LOUISIAN
8419011		0311510170		103		NEWTON POWERS #2-16 T	DOVER (MIDDLE HALE)	0.0	ARKANSAS LOUISIAN
8419042		0303310114		103		R S PARKS #2-2	HOLLIS LAKE (HALE)	17.0	ARKANSAS LOUISIAN
-HADSON PETROLEUM CORP				RECEIVED:	02/01/84	JA: AR			
8419068		0313110216		102-4		PENDERGRASS #1-12 C LOWER CARPENTER	EWING	275.0	ARKANSAS LOUISIAN
8419069		0313110216		102-4		PENDERGRASS 1-12-T	BLOOMER	275.0	ARKANSAS LOUISIAN
-HAWKINS OIL & GAS INC				RECEIVED:	02/01/84	JA: AR			
8419116		0307110291		103		HARDGRAVE #2-8	ROSS	1194.0	
8419132		0307110291		102-4		HARDGRAVE #2-8	ROSS	1194.0	COLUMBIA GAS TRAN
8418935		0302910017		102-2		MASSINGILL #1-15-C	OLD HICKORY	2.0	
8418936		0302910017		102-2		MASSINGILL #1-15-T	OLD HICKORY	1148.0	
-HILLIARD OIL & GAS INC				RECEIVED:	02/01/84	JA: AR			
8418997		0311510184		102-4		HOGREFE #2	ROSS	990.0	ARKANSAS LOUISIAN
-HOLMES PAUL K & EDSON BURNHAM W				RECEIVED:	02/01/84	JA: AR			
8419031		0303310117		103		MCCLURE #1	SECTION TEN DEEP	60.0	ARKANSAS LOUISIAN
8419032		0303310118		103		R L GOODING #1	SECTION TEN DEEP FIEL	75.0	ARKANSAS LOUISIAN
-HOLMES PAUL K III				RECEIVED:	02/01/84	JA: AR			
8419034		0303310129		103		R L GOODING #2	SECTION 10 DEEP	60.0	ARKANSAS LOUISIAN
-JIM L HANNA DBA HANNA OIL AND GAS C				RECEIVED:	02/01/84	JA: AR			
8418886		0304710137		103		BOB SHEID #1-T	OZARK	250.0	ARKANSAS WESTERN
8419070		0313110256		103		PEARL GIPSON #2	GRAGG	0.0	ARKANSAS LOUISIAN
8419066		0313110256		103		PEARL GIPSON #2-T	GRAGG	0.0	ARKANSAS LOUISIAN
-JOE D DAVIS				RECEIVED:	02/01/84	JA: AR			
8419030		0303310132		103		GOINES #1		0.0	ARKANSAS LOUISIAN
8419122		0307110318		103		MOSS #2		0.0	ARKANSAS LOUISIAN
-K B JOINT VENTURE				RECEIVED:	02/01/84	JA: AR			
8418912		0314300000				AGNEW #1	BRENTWOOD	127.0	ARKLA GAS CO
8418930		0314300000		1		CHANDLER #1	BRENTWOOD	65.0	ARKANSAS LOUISIAN
8418931		0314300000		10		CHANDLER #2	BRENTWOOD	72.0	ARKLA GAS CO
8418932		0314300000		103		CHANDLER #3	BRENTWOOD	80.0	ARKLA GAS CO
8418933		0314300000		103		WRLTA #1	BRENTWOOD	36.0	ARKLA GAS CO
8418934		0314300000		103		WRLTA #2	BRENTWOOD	54.0	ARKLA GAS CO
-LADD PETROLEUM CORPORATION				RECEIVED:	02/01/84	JA: AR			
8418939		0302711030		103		ARTIE-NIPPER #2	DORCHEAT-MACEDONIA	46.5	J-W OPERATING CO
8418940		0302711058		103		FORMBY #2	DORCHEAT-MACEDONIA	191.6	J-W OPERATING CO
8418943		0302710989		103		WARNOCK #2	DORCHEAT-MACEDONIA	136.8	ARKANSAS-LOUISIAN
8418941		0302711045		103		WILLIS #2	DORCHEAT-MACEDONIA	205.3	ARKANSAS LOUISIAN
8418942		0302711075		103		WILLIS "A" #2	DORCHEAT-MACEDONIA	82.1	J-W OPERATING CO
-LEBEN OIL CORP				RECEIVED:	02/01/84	JA: AR			
8419117		0307110234		108		OZARK REAL ESTATE #3-21	SCRANTON	7.9	ARKANSAS LOUISIAN
-MID-AMERICA PETROLEUM EXPL INC				RECEIVED:	02/01/84	JA: AR			
8419035		0303310133		103		EDNA GREIG #1	SHIBLEY	74.0	ARKANSAS LOUISIAN
8419036		0303310141		103		MUDRA #1	SHIBLEY	74.0	ARKANSAS LOUISIAN
8419028		0303310134		103		PARKS #1	SHIBLEY	74.0	ARKANSAS LOUISIAN
8419029		0303310135		103		PARKS #2	SHIBLEY	74.0	ARKANSAS LOUISIAN
-MORAN EXPLORATION INC				RECEIVED:	02/01/84	JA: AR			
8418883		0304710128		102-2		FEDERAL #1-32	PARADISE	0.0	TENNESSEE GAS PIP
8418884		0304710195		102-2		FEDERAL #6-2	PARADISE	0.0	TENNESSEE GAS PIP
8418976		0315510164		103		RICKETT #1	KNOXVILLE	0.0	TENNESSEE GAS PIP
-NELSON OIL & GAS INC				RECEIVED:	02/01/84	JA: AR			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8419026		0307310916		102-4		WILLAMETTE-BURTON #1	ARKANA	180.0	ARKANSAS LOUISIAN
-OLD DOMINION OIL CORP				RECEIVED:	02/01/84	JA: AR			
8418960		0311510192		102-4		CARPENTER #1-35	MORELAND	525.0	ARKANSAS LOUISIAN
-OXLEY PETROLEUM CO				RECEIVED:	02/01/84	JA: AR			
8419118		0307110299		102-2		BERNICE HUNT #1	WILDCAT	346.3	ARKANSAS LOUISIAN
8418881		0304710220		103		FISHER #1	AETNA	66.9	ARKANSAS LOUISIAN
8419101		0308310096		103		PATES #1-C	SPADRA	616.7	ARKANSAS LOUISIAN
8419102		0308310096		103		PATES #1-T	SPADRA	0.0	ARKANSAS LOUISIAN
8419125		0307110313		103		RICHARD KIMBROUGH #1-C	WILDCAT (APPLICATION	163.5	ARKANSAS LOUISIAN
8419121		0307110313		103		RICHARD KIMBROUGH #1-T	WILDCAT (APPLICATION	28.1	ARKANSAS LOUISIAN
8418877		0304710242		103		SUNSTRONG #1	OZARK	277.8	ARKANSAS LOUISIAN
8419086		0308310133		103		TEBBEN #1	SCRANTON	195.2	ARKANSAS LOUISIAN
-REVERE CORP				RECEIVED:	02/01/84	JA: AR			
8419043		0313110254		103		ACEE MILK #2-3	BONANZA	332.0	ARKANSAS LOUISIAN
8418974		0311510232		102-4		CHEEK #1	OAK GROVE	823.0	ARKANSAS LOUISIAN
8419097		0308310131		103		HENDERSON 2-9	SPADRA	343.8	ARKANSAS LOUISIAN
8419078		0313110194		103		MITCHELL #1-C	BONANZA	239.0	ARKANSAS LOUISIAN
8419077		0313110194		103		MITCHELL #1-T	BONANZA	245.0	ARKANSAS LOUISIAN
-REYNOLDS METALS CO				RECEIVED:	02/01/84	JA: AR			
8419073		0313110227		103		TOMLIN #2-C	GRAGG	720.0	ARKANSAS LOUISIAN
8419072		0313110227		103		TOMLIN #2-T	GRAGG	144.0	ARKANSAS LOUISIAN
-SAMSON RESOURCES COMPANY				RECEIVED:	02/01/84	JA: AR			
8418937		0302710027		108		BODCAW UNIT #6	WELCOME	19.3	TEXAS GAS TRANSMI
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	02/01/84	JA: AR			
8419119		0307110297		103		CASTLEBERRY #1-7	ROSS	500.0	ARKANSAS LOUISIAN
-SEECO INC				RECEIVED:	02/01/84	JA: AR			
8418882		0304710229		103		KING-LAUGHLIN #1-36-C	WHITE OAK	0.0	
8418880		0304710229		103		KING-LAUGHLIN #1-36-T	WHITE OAK	0.0	
8418875		0304710211		103		MORSE 3-30-C	LONE ELM	0.0	ARKANSAS WESTERN
8419131		0307110261		102-4		WEST #2-7 C	ALTUS	0.0	
8419130		0307110261		103		WEST #2-7-T	ALTUS	0.0	
8418888		0304710259		102-4		WOOLSEY #3-12-C	WHITE OAK	0.0	
8418889		0304710259		102-2		WOOLSEY #3-12-T	WHITE OAK	0.0	
-STEPHENS PRODUCTION COMPANY				RECEIVED:	02/01/84	JA: AR			
8419099		0308310148		102-2		COCHRAN #1-4-C	GRAGG	100.0	ARKANSAS LOUISIAN
8419098		0308310148		102-2		COCHRAN #1-4-T	GRAGG	75.0	ARKANSAS LOUISIAN
8419038		0303310075		103		E L KIBLER #4-C	KIBLER-WILLIAMS	100.0	DELHI GAS PIPELIN
8419039		0303310075		102-4		E L KIBLER #4-7	KIBLER-WILLIAMS	350.0	DELHI GAS PIPELIN
8419041		0303310108		103		ETHEL HICKS #2-30-C	RUDY	250.0	DELHI GAS PIPELIN
8419040		0303310108		102-4		ETHEL HICKS #2-30-T	RUDY	125.0	DELHI GAS PIPELIN
8419056		0313110257		103		FRENCH #1-33-C	GRAGG	250.0	ARKANSAS LOUISIAN
8419057		0313110257		102-3		FRENCH #1-33-T	GRAGG	60.0	ARKANSAS LOUISIAN
8419051		0313110294		102-4		HARDSCRABBLE COUNTRY CLUB #3	MASSARD	500.0	DELHI GAS PIPELIN
8419100		0308310129		103		J B THOMAS #1-6	GRAGG	150.0	
8419095		0308310100		103		K B WHITNEY #1-5	GRAGG	30.0	TENNESSEE GAS PIP
8418887		0304710239		102-4		KATE PENDERGRASS #2-T	AETNA	250.0	ARKANSAS LOUISIAN
8419096		0308310123		102-2		ROBERT VIGUET #1-22	IONE	0.0	
8419054		0313110222		103		SHALE PIT #2-C	MASSARD	1000.0	DELHI GAS PIPELIN
8419053		0313110222		102-4		SHALE PIT #2-T	MASSARD	350.0	DELHI GAS PIPELIN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/01/84	JA: AR			
8419127		0307110296		103		WITTENAUER #1	KNOXVILLE	662.0	ARKANSAS-LOUISIAN
-TENNECO OIL COMPANY				RECEIVED:	02/01/84	JA: AR			
8418902		0304710252		102-4		BRASHEARS #1-34	UNDESIGNATED	250.0	TENNESSEE GAS PIP
8418903		0304710252		103		BRASHEARS 1-34	UNDESIGNATED	250.0	
8418890		0304710147		102-4		CARTER #1-4 C (DUNN C)	AETNA	238.0	TENNESSEE GAS PIP
8418900		0304710147		102-4		CARTER #1-4 T (2ND HALE)	AETNA	84.6	TENNESSEE GAS PIP
8418896		0304710214		102-4		MITCHELL #1-3	ALTUS EAST	197.0	TENNESSEE GAS PIP
8418893		0304710214		102-4		MITCHELL #1-3C	ALTUS EAST	211.0	TENNESSEE GAS PIP
8418962		0311510713		102-4		SMITH #1-28-C	DOVER	675.0	
8418978		0311510713		102-4		SMITH #1-28-T	DOVER	675.0	
-TOWNER PETROLEUM CO				RECEIVED:	02/01/84	JA: AR			
8418977		0311500000		102-4		PINEY FLAT #24-1	KNOXVILLE	0.0	ARKANSAS LOUISIAN
8418995		0311500000		102-4		RHEBA #20-1	MORELAND	0.0	ARKANSAS LOUISIAN
8419012		0311510156		102-4		SOUTHLAND #13-1	KNOXVILLE	0.0	ARKANSAS LOUISIAN
-TRIGG DRILLING COMPANY INC				RECEIVED:	02/01/84	JA: AR			
8418961		0311510127		103		HUDSON 1	KNOXVILLE	545.0	ARKLA GAS CO
-TXO PRODUCTION CORP				RECEIVED:	02/01/84	JA: AR			
8418899		0304710250		102-4		AEC #2	CECIL	297.2	ARKANSAS LOUISIAN
8419134		0307110300		102-4		ALLAM #1-C	SPADRA	182.4	DELHI GAS PIPELIN
8419126		0307110300		103		ALLAM #1-T	SPADRA	199.5	DELHI GAS PIPELIN
8419010		0311510200		103		ARKANSAS KRAFT #2	ROSS	420.0	
8419009		0311510197		102-4		ARKANSAS KRAFT "B" #1	ROSS	966.0	DELHI GAS PIPELIN
8418998		0311510162		102-4		ARKLA STANDRIDGE #1	DOVER	328.1	ARKANSAS LOUISIAN
8419082		0308310125		102-4		BAKER-HEMBREE #2	PARIS	190.4	
8418874		0304710225		103		BAUMGARTNER "A" #1	VESTA	165.4	
8419018		0311510126		102-4		BEARD "A" #1-C (AMENDED)	FURGERSON	479.9	COLUMBIA GAS TRAN
8418972		0311510189		102-4		BEWLEY #2	ROSS	41.3	COLUMBIA GAS DEVE
8419022		0311510206		103		BIBLER #2-C	ROSS	107.6	DELHI GAS PIPELIN
8418964		0311510206		102-4		BIBLER #2-T	ROSS	616.9	DELHI GAS PIPELIN
8418965		0311510177		102-4		BIBLER "B" #1	DOVER	433.1	DELHI GAS PIPELIN
8419136		0307110293		102-4		BRIGHT #1-C	ROSS	296.6	
8419135		0307110293		102-4		BRIGHT #1-T	ROSS	364.9	
8419080		0308310145		102-2		BUSS #1	SPADRA	43.3	
8419112		0308310127		102-4		DEAN "G" #1-C	PARIS	651.0	
8419111		0308310127		102-4		DEAN "G" #1-T	PARIS	91.9	
8419058		0313110280		103		DISMUKES #1	MANSFIELD	147.0	
8418898		0304710266		102-4		DOVE #1	BOONEVILLE	63.0	
8419113		0308310154		102-4		DUNHAM #1-C	AETNA	78.8	DELHI GAS PIPELIN
8419114		0308310154		102-4		DUNHAM #1-T	AETNA	91.9	DELHI GAS PIPELIN
8419060		0313110299		103		ECKLE #1	MANSFIELD	6562.5	
8419137		0307110284		102-4		FERGUSON "C" #1-C	ALTUS	206.1	COLUMBIA GAS TRAN
8419138		0307110284		103		FERGUSON "C" #1-T	ALTUS	141.8	COLUMBIA GAS TRAN
8418967		0311510251		102-4		FOREHAND #3-C	FURGERSON	3266.3	DELHI GAS PIPELIN
8418966		0311510251		102-4		FOREHAND #3-T	FURGERSON	1351.1	DELHI GAS PIPELIN
8419109		0308310138		102-4		FRANKLIN #1	PARIS	430.5	
8419115		0308328511		102-4		GRIST #1	PARIS	476.7	
8419107		0308310122		102-4		HEMBREE #1-C	AETNA	73.5	COLUMBIA GAS DEVE
8419108		0308310122		102-4		HEMBREE #1-T	AETNA	10.5	COLUMBIA GAS DEVE
8419128		0307110302		103		HICE #1	KNOXVILLE	236.3	
8418971		0311510195		102-4		HOLLAND "A" #2	ROSS	128.6	COLUMBIA GAS TRAN
8418968		0311510201		102-4		HOLLAND "A" #3	ROSS	223.1	COLUMBIA GAS TRAN
8418876		0304710254		103		HOLT "C" #1	AETNA	22.3	COLUMBIA GAS TRAN
8419025		0307310881		102-4		INTERNATIONAL PAPER COMPANY "F" #1	LAKE ERLING	194.3	
8418897		0304710269		102-4		JACOBS "H" #1	POSSUM TROT	823.7	DELHI GAS PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8419059		0313110282		103		JOHNNY CAKE #1	MANSFIELD	22.3	
8419008		0311510176		102-4		JOHNSON "O" #2-C	ROSS	112.9	
8418973		0311510176		102-4		JOHNSON "O" #2-T	ROSS	2.6	
8418879		0304710260		102-4		KEITH "A" #1	VESTA	156.2	COLUMBIA GAS TRAN
8419045		0313110260		102-4		KELLEY "A" #1	MASSARD	2699.9	
8419129		0307110292		103		KIMBROUGH #1	ROSS	94.5	
8419000		0311510196		102-4		KNOERNSCHILD #1	ROSS	1635.4	DELHI GAS PIPELIN
8419139		0307110271		102-4		KNUCKLES #1-T	ROSS	808.5	COLUMBIA GAS TRAN
8419076		0313110217		103		KOENIG #1	MASSARD	8.4	
8419004		0311510237		102-4		KYLE "A" #1-C	DOVER	493.5	DELHI GAS PIPELIN
8419003		0311510237		102-4		KYLE "A" #1-T	DOVER	945.0	DELHI GAS PIPELIN
8418894		0304710264		103		LAKE "A" #1	VESTA	89.3	
8419033		0303310076		102-4		LOVEGROVE #1-C	HOLLIS LAKE	787.5	ARKANSAS LOUISIAN
8418905		0304710247		102-4		MAIER #1-C	CECIL	84.3	
8418904		0304710247		102-4		MAIER #1-T	CECIL	0.0	
8418990		0311510204		102-4		MCBRIDE "E" #1-C	NEW HOPE	105.0	
8418989		0311510204		102-4		MCBRIDE "E" #1-T	NEW HOPE	589.3	
8418981		0307110301		103		MEE "A" #1	LUDWIG	136.5	
8419140		0307110283		102-4		OLES #1	UNION CITY	262.5	
8419061		0313110300		103		OXFORD #1	MANSFIELD	7.8	
8418999		0311510175		102-4		PELLHAM #2	DOVER	722.1	
8419106		0308310130		102-4		PERKINS "B" #1	BOONEVILLE	6.3	
8418908		0304710241		102-4		PIKE #1-C	ALTUS	20.5	COLUMBIA GAS DEVE
8418909		0304710241		102-4		PIKE #1-T	ALTUS	42.0	COLUMBIA GAS DEVE
8419050		0313110283		102-4		PORT AUTHORITY #1	MASSARD	1074.9	DELHI GAS PIPELIN
8419052		0313110276		102-4		PORTER "D" #1	MASSARD	1110.4	DELHI GAS PIPELIN
8419064		0313110296		103		PORTER "D" #2	MASSARD	147.0	DELHI GAS PIPELIN
8418987		0311510174		102-4		PRICE "G" #2-C	DOVER	2.7	COLUMBIA GAS TRAN
8418988		0311510174		102-4		PRICE "G" #2-T	DOVER	44.6	COLUMBIA GAS TRAN
8418906		0304710256		102-4		PRICE "N" #1	PETER PENDER	175.9	DELHI GAS PIPELIN
8418993		0311510199		102-4		RAINWATER "A" #1	MORELAND	115.5	DELHI GAS PIPELIN
8418907		0304710268		102-4		RIETMAN #1	PETER PENDER	141.8	DELHI GAS PIPELIN
8418992		0311510230		102-4		SEXTON #1-C	NEW HOPE	133.9	
8418991		0311510230		102-4		SEXTON #1-T	NEW HOPE	64.4	
8419001		0311510185		102-4		STRONG-TAYLOR #1-C	SILEX	31.5	
8419002		0311510185		102-4		STRONG-TAYLOR #1-T	SILEX	160.1	
8418994		0307110295		102-4		STUMBAUGH #1	SILEX	299.5	
8419074		0313110249		103		TOON #1-C	EWING	204.8	
8419047		0313110249		102-4		TOON #1-T	EWING	836.2	
8418970		0311510221		102-4		UTLEY "D" #1-C	FURGERSON	682.5	
8418969		0311510221		102-4		UTLEY "D" #1-T	FURGERSON	91.9	
8419141		0307110305		102-0		WEST "B" #1-C	LUDWIG	11.8	
8419142		0307110305		103		WEST "B" #1-T	LUDWIG	70.9	
8419105		0308310128		102-4		WIGGINS "A" #1	PARIS	892.5	DELHI GAS PIPELIN
-WEISER-BROWN OIL COMPANY				RECEIVED:	02/01/84	JA: AR			
8418980		0311510178		102-4		BEWLEY #1-11	DOVER	365.0	ARKANSAS LOUISIAN
8418892		0304710244		102-4		ES 10219 #1-9	ROCK CREEK	36.0	ARKANSAS WESTERN
8418891		0304710243		102-4		ES 12485 #1-33	ROCK CREEK	91.0	ARKANSAS WESTERN
8418975		0311510233		102-4		HELMS #1-3	KNOXVILLE	183.0	
-WESTLAND EXPLORATION CO				RECEIVED:	02/01/84	JA: AR			
8419063		0313110188		102-4		ARNOLD BARTLETT #1	EXCELSIOR	182.5	ARKANSAS LOUISIAN
8419065		0313110213		102-4		J W SMITH #1-36	EXCELSIOR	168.0	ARKANSAS LOUISIAN
8419055		0313110203		102-4		MOSCHER UNIT #1	EXCELSIOR	98.5	ARKANSAS LOUISIAN
8419062		0313110220		102-4		PLUNKETT #1	EXCELSIOR	654.3	ARKANSAS LOUISIAN
-WHITMAR EXPLORATION CO				RECEIVED:	02/01/84	JA: AR			
8418979		0311510188		102-4		DAVIS #1-20	OAK GROVE	0.0	ARKANSAS LOUISIAN
8419103		0308310113		102-4		FEATHERSTON #1-10-C	PARIS	0.0	ARKANSAS LOUISIAN
8419104		0308310113		102-4		FEATHERSTON #1-10-T	PARIS	0.0	ARKANSAS LOUISIAN
-WYTEX PRODUCTION CORPORATION				RECEIVED:	02/01/84	JA: AR			
8418928		0314310028		108		ELMER G GRIFFITH #1	BRENTWOOD	2.0	ARKANSAS LOUISIAN
8418929		0314310029		108		GROVER A GOAD #1	BRENTWOOD	0.5	ARKANSAS LOUISIAN

[FR Doc. 84-5306 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1075]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 23, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New Well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS

February 23, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-A J HODGES INDUSTRIES INC				RECEIVED:	02/01/84	JA: LA			
8419186	84-0028	1701521870		103		HG FREEDMAN #1 RDD RA SUE	SLIGO	72.0	UNITED GAS PIPE L
-AMOCO PRODUCTION CO				RECEIVED:	02/02/84	JA: LA			
8419226	83-1115	1702321549		103		GULF LAND A R/A C #219	EAST HACKBERRY	46.0	VALLEY GAS TRANSM
8419229	83-1116	1702321591		103		STATE LEASE 42 #169	WEST HACKBERRY	36.0	VALLEY GAS TRANSM
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:	02/01/84	JA: LA			
8419175	83-1355	1711122421		107-TF		CONTINENTAL FOR #1 CV DAVIS RB SUB	MIDDLEFORK	73.0	UNITED GAS PIPE L
8419174	83-1353	1711121897		107-TF		J A BURGESS #1 CV DAVIS RB SUE	MIDDLEFORK	350.0	UNITED GAS PIPE L
8419159	83-1392	1706120279		107-TF		R E ROBERSON #1 CV DAVIS RB SUS	MIDDLEFORK	110.0	UNITED GAS PIPE L
8419176	83-1356	1706120327		107-TF		R F ROBERSON #1 CV DAVIS RB SUT	MIDDLEFORK	145.0	UNITED GAS PIPE L
-CARMET OIL INC				RECEIVED:	02/01/84	JA: LA			
8419191	84-0005	1703122079		103		DEAN #1	GRAND CANE	0.0	LOUISIANA INTRAST
-CONOCO INC				RECEIVED:	02/01/84	JA: LA			
8419192	84-0006	1703920269		103		ORISE DEVILLE TR 2 #5D	VILLE PLATTE FIELD	2.0	LOUISIANA INTRAST
-CRYSTAL OIL AND LAND COMPANY				RECEIVED:	02/01/84	JA: LA			
8419189	84-0053	1704920197		102-4	107-TF	DAVIS BROTHERS "E" #1	VERNON	730.0	UNITED GAS PIPE L
-DAVIS OIL COMPANY				RECEIVED:	02/01/84	JA: LA			
8419188	84-0055	1705320731		102-4		DAVIS L LEJUENE #1	WILDCAT	0.0	LOUISIANA RESOURC
-DESPOT EXPLORATION INC				RECEIVED:	02/01/84	JA: LA			
8419187	84-0029	1707100000		103		DESPOT-S/L 3327 #1	LAKE ST CATHERINE	219.0	SOUTHERN NATURAL
-DORBERT OIL & GAS INC				RECEIVED:	02/01/84	JA: LA			
8419210	84-0025	1708320724		102-2		A J DEAL #3	SACKSONIA	200.0	MICHIGAN WISCONSI
-EXCALIBUR RESOURCES INC				RECEIVED:	02/01/84	JA: LA			
8419166	83-1416	1703121897		103	107-TF	LILA T OLIVER #1 JL RA SUM	BENSON	200.0	LOUISIANA INTRAST
-EXXON CORPORATION				RECEIVED:	02/01/84	JA: LA			
8419208	84-0021	1710121261		103		MIAMI CORP W #3	BAYOU CARLIN	40.0	TRUNKLINE GAS CO
-FORGOTSON JAMES M JR				RECEIVED:	02/01/84	JA: LA			
8419190	84-0056	1700100000		103		E J FRUGE #1	IOTA	250.0	LOUISIANA GAS SYS
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED:	02/01/84	JA: LA			
8419168	84-0169	1706120320		107-TF		GAD FEE #1 CV DAVIS RA SUD	UNIONVILLE (DAVIS SAN	365.0	TEXAS EASTERN TRA
-GEORGE R BROWN				RECEIVED:	02/01/84	JA: LA			
8419183	84-0086	1711321272		103		FRANK A GODCHAUX SR & JR #3	LIVE OAK	730.0	
-GETTY OIL COMPANY				RECEIVED:	02/01/84	JA: LA			
8419156	83-1391	1703121549		107-TF		PACE "A" #2 CV RA SUD	LOGANSPORT	1.0	TENNESSEE GAS PIP
8419182	84-0018	1712700000		103		USA 10-36 #2 SERIAL #183920	CALVIN	90.0	LOUISIANA INTRAST
-GRACE PETROLEUM CORPORATION				RECEIVED:	02/02/84	JA: LA			
8419228	83-0708	1703920202		103		LARRY LAFLEUR B-1	EAST BASILE	0.0	LOUISIANA GAS SYS
-GULF OIL CORPORATION				RECEIVED:	02/02/84	JA: LA			
8419223	83-1040	1708920362		103		DELTA SECURITIES CO INC #141	BAYOU COUBA	62.1	TRANSCONTINENTAL
-HAWTHORNE OIL & GAS CORPORATION				RECEIVED:	02/01/84	JA: LA			
8419178	83-0678	1701920911		102-4		KLUMPP #2 - 167284	SOUTH LAKE CHARLES	310.0	LOUISIANA GAS SYS
8419179	83-1321	1701920947		102-4		KLUMPP #3 CAM 3 RC SUA	SOUTH LAKE CHARLES	300.0	LOUISIANA GAS SYS
8419167	84-0170	1701921009		102-4		KLUMPP #5	SOUTH LAKE CHARLES	438.0	LOUISIANA GAS SYS
-HERD PRODUCING COMPANY INC				RECEIVED:	02/01/84	JA: LA			
8419171	84-0057	1702721108		103		BROOKS #1 U SMK A RA SUH	OAKS	113.0	LOUISIANA GAS INT
8419213	84-0016	1702721131		103		MOWER #1 U SMK A RA SUI	OAKS	137.0	LOUISIANA GAS INT

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-JEEMS BAYOU PRODUCTION CORP				RECEIVED:	02/01/84	JA: LA			
8419193	84-0007	1703122120		103		RAYFORD B FRANKLIN #6 PET RA SUN	TRENTON	337.0	LOUISIANA INTRAST
8419196	84-0013	1703122184		102-4		RIEMER CALHOUN D #1	RED RIVER-BULL BAYOU	0.0	LOUISIANA INTRAST
-JUSTISS OIL CO INC				RECEIVED:	02/01/84	JA: LA			
8419206	84-0022	1705922220		103		CROWN ZELLERBACH #1	SOUTH SUMMERVILLE	72.0	LOUISIANA INTRAST
-LGS EXPLORATION INC				RECEIVED:	02/01/84	JA: LA			
8419209	84-0019	1700920293		103		HAAS LAND CO (S T) #1	EOLA	0.0	
-MARATHON OIL COMPANY				RECEIVED:	02/01/84	JA: LA			
8419204	84-0026	1702721110		103		R L BOND #1 SMK C SUC	HAYNESVILLE (SMACKOVE	548.2	ARKANSAS LOUISIAN
-MICH-LA OIL & GAS EXPLORATION				RECEIVED:	02/01/84	JA: LA			
8419170	84-0058	1703122099		103		CROWN ZELLERBACH #1	GROGAN	168.0	TENNESSEE GAS PIP
-MID LOUISIANA GAS COMPANY				RECEIVED:	02/01/84	JA: LA			
8419207	84-0020	1711123870		108		MLGC FEE GAS # 1200	MONROE GAS FIELD	8.8	MID LOUISIANA GAS
8419211	84-0017	1711124087		103		MLGC FEE GAS #1244	MONROE GAS FIELD	16.2	MID LOUISIANA GAS
8419197	84-0014	1711124103		103		MLGC FEE GAS #1247	MONROE GAS FIELD	21.6	MID LOUISIANA GAS
8419181	84-0011	1711124104		103		MLGC FEE GAS #1248	MONROE GAS FIELD	22.7	MID LOUISIANA GAS
-MOSBACHER PRODUCTION CO				RECEIVED:	02/02/84	JA: LA			
8419227	83-0615	1707523122		103		S L 6054 #1-D LC RA SUA	LAKE CAMPO	430.0	SOUTHERN NATURAL
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/01/84	JA: LA			
8419173	83-1341	1711920257		107-TF		DAVIS "O" #3 CV RA SUB	ADA	510.0	SOUTHWESTERN ELEC
8419184	83-1358	1711920243		107-TF		DAVIS "V" #1 CV RA SUE	ADA	300.0	SOUTHWESTERN ELEC
8419169	84-0059	1711920530		103		GODDE A #1	NORTH SHONGALOO-RED R	34.0	TEXAS GAS TRANSMI
8419172	83-1339	1711020344		107-TF		MONZINGO "C" #1 CV RA SUC	ADA	900.0	SOUTHWESTERN ELEC
-PIONEER PRODUCTION CORPORATION				RECEIVED:	02/01/84	JA: LA			
8419158	83-1401	1708120400		107-TF		CROWN ZELLERBACH #1 TROY RA SUB	MARTIN	0.0	UNITED GAS PIPELI
8419157	83-1405	1708120381		107-TF		TEER #1-D TROY RA SUA	MARTIN	0.0	UNITED GAS PIPELI
-RELCO EXPLORATION CO INC				RECEIVED:	02/01/84	JA: LA			
8419194	84-0010	1707322006		103		PARKS #4	MONROE GAS	2.3	IMC PIPELINE CO I
-REMUDA OPERATING CO				RECEIVED:	02/01/84	JA: LA			
8419205	84-0023	1703121996		103		DE SOTO #1	RED RIVER BULL BAYOU	48.6	LUMAR GAS GATHERI
8419212	84-0015	1703121492		103		FLORES #2	GROGAN	63.0	LUMAR GAS GATHERI
-SHELL OFFSHORE INC				RECEIVED:	02/01/84	JA: LA			
8419185	84-0003	1772120301		103		SL 1011 #87 SPB 27 N1B RE SU	SOUTH PASS BLOCK 27	18.0	TENNESSEE GAS PIP
8419202	84-0027	1772120312		103		SL 1012 #293 SOUTH PASS BLOCK 27	SOUTH PASS BLOCK 27	182.0	TENNESSEE GAS PIP
8419199	84-0002	1772520217		103		SL 1353 #47 MPB 69 Q RA SU	MAIN PASS BLOCK 69 FI	75.5	TENNESSEE GAS PIP
-SHELL OFFSHORE INC				RECEIVED:	02/02/84	JA: LA			
8419225	83-1455	1772120360		103		SL 1012 #299 SPB 27 M6 RA SU	SOUTH PASS BLOCK 27 F	27.0	TENNESSEE GAS PIP
-SHELL OIL CO				RECEIVED:	02/01/84	JA: LA			
8419180	84-0009	1701920841		103		F HEYD #67	IOWA	100.0	UNITED GAS PIPE L
-SHELL OIL CO				RECEIVED:	02/02/84	JA: LA			
8419224	83-1467	1772120316		103		SL 1012 #294 SP 27 N2 RB SU	SOUTH PASS BLOCK 27 F	33.0	TENNESSEE GAS PIP
8419222	83-1567	1772520226		103		SL 1961 #81 MPB 35 R2 RA SU	MAIN PASS BLOCK 35 FI	25.0	TENNESSEE GAS PIP
-SUPERIOR OIL CO				RECEIVED:	02/01/84	JA: LA			
8419198	84-0004	1702321794		103		THE LACASSANE CO #2	SOUTH THORNWELL	800.0	TEXAS GAS TRANSMI
-TRANSCONTINENTAL OIL CORPORATION				RECEIVED:	02/01/84	JA: LA			
8419201	84-0001	1706120348		103		SHRINER HOSPITAL #1 (183707)	SIMSBORO	183.0	ARKANSAS LOUISIAN
-TXO PRODUCTION CORP				RECEIVED:	02/01/84	JA: LA			
8419162	83-1412	1706120300		107-TF		BAKER "E" #1 DAVIS RA SUK	CHOUDRANT	91.3	TEXAS EASTERN TRA
8419164	83-1414	1706120298		107-TF		COOK "L" #1 CV RA SUI	WEST SIMSBORO	201.1	UNITED GAS PIPELI
8419161	83-1411	1704920172		107-TF		DAVIS BROS "J" #1 CV RA SU Q	KELLEYS	149.7	DELHI GAS PIPELIN
8419177	83-1359	1706120315		107-TF		DONALD #1 DAVIS RA SUW	TREMONT	85.0	TEXAS EASTERN TRA
8419160	83-1410	1706120278		107-TF		DUGDALE #1 DAVIS SUT	TREMONT	985.7	DELHI GAS PIPELIN
8419195	84-0012	1706120357		103		FARLEY #1	HICO-KNOWLES	36.5	DELHI GAS PIPELIN
8419165	83-1415	1701724035		107-TF		SCHOBER #1 CV BOD RA SUA	GREENWOOD-WASKOM	146.0	UNITED GAS PIPE L
8419203	84-0024	1701320579		103		VERNON #1 U PET SUK	DRISCOLL	540.2	DELHI GAS PIPELIN
8419163	83-1413	1706120337		107-TF		YOUNG "L" #1	RUSTON	1058.5	DELHI GAS PIPELIN
-UNION TEXAS PETROLEUM				RECEIVED:	02/01/84	JA: LA			
8419200	83-1648	1733201680		103		S L 5024 #2	EAST MANCHAC POINT	42.0	SUGAR BOWL GAS CO
-UNION TEXAS PETROLEUM				RECEIVED:	02/02/84	JA: LA			
8419221	83-1647	1705320695		103		VAN GEFFEN #8 LAM CAM RB SU	LAKE ARTHUR	602.3	SUGAR BOWL GAS CO
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MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
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-SULLIVAN AND CO				RECEIVED:	02/01/84	JA: MI			
8419144		2104535960		102-4		JAMES GRUBER #1-6	HAMLIN #6	24.0	BATTLE CREEK GAS
8419145		2125361110		102-4		STEVENS #1-3	LEE #3	256.0	
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MONTANA BOARD OF OIL & GAS CONSERVATION									
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-DIAMOND SHAMROCK EXPLORATION CO				RECEIVED:	02/03/84	JA: MT			
8419219	1-84-18	2509121514		103		ANNA 41-15	COMERTOWN	0.0	PHILLIPS PETROLEU
-J BURNS BROWN OPERATING CO				RECEIVED:	02/03/84	JA: MT			
8419217	3-84-12	2500522083		102-4		RAMBERG 25-32-18	BLACK COULEE	50.0	NORTHERN NATURAL
8419214	1-84-16	2500522111		102-4		S-B RANCH 4-30-19	TIGER RIDGE	150.0	NORTHERN NATURAL
8419216	1-84-13	2500522093		102-2		SULLWOLD 10-32-18B	WILDCAT	90.0	NORTHERN NATURAL
-SHELL WESTERN E&P INC				RECEIVED:	02/03/84	JA: MT			
8419215	2-84-23	2502521244		103		UNIT 11-18B	PENNEL	15.1	MONTANA DAKOTA UT
-TRICENTROL UNITED STATES INC				RECEIVED:	02/03/84	JA: MT			
8419220	1-84-14	2500522273		102-4		BOGGESS 34-15	SHERARD	20.7	NORTHERN NATURAL
8419218	1-84-15	2501521511		102-4		PHILLIPS 8-3	SHERARD	18.7	NORTHERN NATURAL
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NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
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-AMOCO PRODUCTION CO				RECEIVED:	02/03/84	JA: NM			
8419315		3001523709		102-2		STATE "MA" COM #1	UNDESIGNATED ATOKA	1280.0	CABOT PIPELINE CO
-CORINNE GRACE				RECEIVED:	02/03/84	JA: NM			
8419300		3001500000		108		CITY OF CARLSBAD #1	UNDESIGNATED MORROW	0.0	TRANSWESTERN PIPE
-EL PASO NATURAL GAS COMPANY				RECEIVED:	02/03/84	JA: NM			
8419305		3003906246		108		JOHNSTON A #3 (CH & PC)	OTERO-CHACRA/SOUTH BL	17.0	EL PASO NATURAL G
8419323		3003906246		108-PB		JOHNSTON A #3 CH & PC	OTERO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8419308		3003920617		108		SAN JUAN 27-5 UNIT #152	TAPACITO - PICTURED C	6.0	EL PASO NATURAL G
-ENSTAR PETROLEUM INC				RECEIVED:	02/03/84	JA: NM			
8419301		3002528183		102-2		SCOTT #1	WILDCAT (STRAWN)	118.0	
-GULF OIL CORPORATION				RECEIVED:	02/03/84	JA: NM			
8419306		3002509468		108-PB		MANDA (NCT-C) #1	JALMAT GAS	17.8	NORTHERN NATURAL
-JAKE L HAMON				RECEIVED:	02/03/84	JA: NM			
8419302		3001523704		107-TF		STATE V-249 #1	SOUTH CARLSBAD MORROW	256.0	EL PASO NATURAL G
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	02/03/84	JA: NM			
8419303		3002563021		108		STATE M #6	VACUUM (YATES)	15.7	PHILLIPS PETROLEU
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	02/03/84	JA: NM			
8419304		3004523682		107-TF		SAN JUAN 32-7 UNIT #58	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
-PETRO-LEWIS CORPORATION				RECEIVED:	02/03/84	JA: NM			
8419314		3001524045		103		NICHOLS #1	SOUTH CARLSBAD MORROW	730.0	TENNESSEE GAS PIP
-PIONEER PRODUCTION CORPORATION				RECEIVED:	02/03/84	JA: NM			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8419310		3004500000		108		FARMINGTON "C" COM #1	BASIN DAKOTA	0.0	WESTAR TRANSMISSI
8419309		3004500000		108		FEDERAL #1	BASIN DAKOTA	0.0	WESTAR TRANSMISSI
-SOUTHLAND ROYALTY CO				RECEIVED:	02/03/84	JA: NM			
8419307		3001523851		102-3		DINERO STATE COMM #1	DUBLIN RANCH	80.0	EL PASO NATURAL G
-TENNECO OIL COMPANY				RECEIVED:	02/03/84	JA: NM			
8419311		3002527597		103		STATE LF 20-1	KEMNITZ DEEP	0.0	TRANSWESTERN PIPE
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	02/03/84	JA: NM			
8419313		3002525246		108		H T MATTERN (NCT-B) #22	DRINKARD	5.5	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	02/03/84	JA: NM			
8419316		3001522287		107-RI		BLEVINS "IK" COM #1	KENNEDY FARMS-UPPER P	0.0	EL PASO NATURAL G
8419322		3001522328		107-RI		GULF "KC" STATE COM #1	EAGLE CREEK PERMO PEN	0.0	TRANSWESTERN PIPE
8419319		3001523321		107-TF		IRISH HILLS "KW" ST #2	PENASCO DRAW PERMO PE	0.0	TRANSWESTERN PIPE
8419321		3001523024		107-TF		MORRIS "MC" COM #1	EAGLE CREEK PERMO PEN	0.0	TRANSWESTERN PIPE
8419317		3001523976		103		RIO PENASCO "RI" COM #1	UND WOLFCAMP	0.0	TRANSWESTERN PIPE
8419312		3000561552		102-2	107-TF	SHADDEN "IN" #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8419320		3001523445		107-TF		STATE "JM" COM #2	PENASCO DRAW PERMO PE	0.0	TRANSWESTERN PIPE
8419318		3001524090		103	107-TF	TRIANGLE RANCH "RA" ST COM #2	ANTELOPE SINK UPPER P	0.0	TRANSWESTERN PIPE
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-CNG DEVELOPMENT CO				RECEIVED:	02/02/84	JA: PA			
8419237	21642	3706327516		103		SCOTT W LAMER CNGD #85	GRANT TOWNSHIP	52.0	
8419250	21819	3703321584		102-3		WOODROW DUNLAP #1 CNGD #82	BURNSIDE TWP	51.0	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/02/84	JA: PA			
8419230	20262	3703320930		108		JAMES B GRAHAM EST #1 WN-1777	PENN	8.0	GENERAL SYSTEM PU
-MARK RESOURCES CORP				RECEIVED:	02/02/84	JA: PA			
8419244	21783	3708520516		107-TF		G MCCONNELL #1	HERMITAGE	30.0	NATIONAL FUEL GAS
8419245	21784	3708520516		102-2		G MCCONNELL #1	HERMITAGE	30.0	NATIONAL FUEL GAS
-MERIDIAN EXPLORATION CORP				RECEIVED:	02/02/84	JA: PA			
8419259	21973	3703922005		102-2		BARBER #668-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8419260	21974	3703922005		107-TF		BARBER #668-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8419263	21977	3703922010		102-2		GOURLEY #675-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8419264	21978	3703922010		107-TF		GOURLEY #675-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8419265	21981	3703922039		102-2		HOLLAND #713-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8419266	21982	3703922039		107-TF		HOLLAND #713-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8419261	21975	3703922018		102-2		R H GOURLEY #674-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8419262	21976	3703922018		107-TF		R H GOURLEY #674-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION				RECEIVED:	02/02/84	JA: PA			
8419255	21875	3703922025		103		A MITCHELL UNIT #1 CRA-22025	MOSIERTOWN (MEDINA/WH	20.5	COLUMBIA GAS TRAN
8419256	21876	3703922025		107-TF		A MITCHELL UNIT #1 CRA-22025	MOSIERTOWN (MEDINA/WH	20.5	COLUMBIA GAS TRAN
8419253	21873	3703922079		103		J MOOK UNIT #1 CRA-22029	MOSIERTOWN (MEDINA/WH	27.4	COLUMBIA GAS TRAN
8419254	21874	3703922029		107-TF		J MOOK UNIT #1 CRA-22029	MOSIERTOWN (MEDINA/WH	27.4	COLUMBIA GAS TRAN
-NORTHWEST NATURAL GAS CO				RECEIVED:	02/02/84	JA: PA			
8419251	21822	3703921792		103		E & A POTTER #1	BEAVER CENTER	0.0	NATIONAL FUEL GAS
8419252	21828	3703921792		107-TF		E & A POTTER #1	BEAVER CENTER	0.0	NATIONAL FUEL GAS
-PNB PETROLEUM CORP				RECEIVED:	02/02/84	JA: PA			
8419257	21880	3708520547		103		ROLLIE SMITH #3	DEER CREEK	30.0	TENNESSEE GAS PIP
8419258	21881	3708520547		107-TF		ROLLIE SMITH #3	DEER CREEK	30.0	TENNESSEE GAS PIP
-QUAKER STATE OIL REFINING CORP				RECEIVED:	02/02/84	JA: PA			
8419272	22036	3712321811		108		JENKS-LOT 447-032	GLADE	0.0	NATIONAL FUEL GAS
8419273	22037	3712327812		108		JENKS-LOT 447-033	GLADE	0.5	NATIONAL FUEL GAS
8419274	22038	3712327813		108		JENKS-LOT 447-034	GLADE	0.5	NATIONAL FUEL GAS
8419275	22039	3712321814		108		JENKS-LOT 447-035	GLADE	0.5	NATIONAL FUEL GAS
8419276	22040	3712327815		108		JENKS-LOT 447-036	GLADE	0.5	NATIONAL FUEL GAS
8419267	22031	3712300000		108		JENKS-LOT 448-041	GLADE	0.5	NATIONAL FUEL GAS
8419268	22032	3712328021		108		JENKS-LOT 448-042	GLADE	0.5	NATIONAL FUEL GAS
8419269	22033	3712300000		108		JENKS-LOT 448-043	GLADE	0.5	NATIONAL FUEL GAS
8419270	22034	3712300000		108		JENKS-LOT 448-044	GLADE	0.5	NATIONAL FUEL GAS
8419271	22035	3712328024		108		JENKS-LOT 448-045	GLADE	0.5	NATIONAL FUEL GAS
8419291	22055	3712321551		108		JENKS-LOT 448-046	GLADE	0.5	NATIONAL FUEL GAS
8419282	22046	3712328031		108		JENKS-LOT 448-053	GLADE	0.5	NATIONAL FUEL GAS
8419283	22047	3712328032		108		JENKS-LOT 448-054	GLADE	0.5	NATIONAL FUEL GAS
8419284	22048	3712328033		108		JENKS-LOT 448-055	GLADE	0.5	NATIONAL FUEL GAS
8419285	22049	3712327553		108		JENKS-LOT 448-056	GLADE	0.5	NATIONAL FUEL GAS
8419286	22050	3712327712		108		JENKS-LOT 448-057	GLADE	0.5	NATIONAL FUEL GAS
8419287	22051	3712327713		108		JENKS-LOT 448-058	GLADE	0.5	NATIONAL FUEL GAS
8419288	22052	3712328034		108		JENKS-LOT 448-059	GLADE	0.5	NATIONAL FUEL GAS
8419289	22053	3712328035		108		JENKS-LOT 448-060	GLADE	0.5	NATIONAL FUEL GAS
8419290	22054	3712328036		108		JENKS-LOT 448-061	GLADE	0.5	NATIONAL FUEL GAS
8419277	22041	3712328040		108		JENKS-LOT 448-067	GLADE	0.5	NATIONAL FUEL GAS
8419278	22042	3712321555		108		JENKS-LOT 448-068	GLADE	0.5	NATIONAL FUEL GAS
8419279	22043	3712321536		108		JENKS-LOT 448-069	GLADE	0.5	NATIONAL FUEL GAS
8419280	22044	3712327557		108		JENKS-LOT 448-070	GLADE	0.5	NATIONAL FUEL GAS
8419281	22045	3712327715		108		JENKS-LOT 448-071	GLADE	0.0	NATIONAL FUEL GAS
8419292	22056	3712327558		108		JENKS-LOT 448-073	GLADE	0.5	NATIONAL FUEL GAS
8419293	22057	3712328042		108		JENKS-LOT 448-074	GLADE	0.5	NATIONAL FUEL GAS
8419294	22058	3712321554		108		JENKS-LOT 448-075	GLADE	0.5	NATIONAL FUEL GAS
8419295	22059	3712328043		108		JENKS-LOT 448-076	GLADE	0.5	NATIONAL FUEL GAS
8419297	22061	3712327399		108		JENKS-019	GLADE	0.5	NATIONAL FUEL GAS
8419296	22060	3712327401		108		JENKS-038	GLADE	0.5	NATIONAL FUEL GAS
8419298	22062	3712328035		108		JENKS-060	GLADE	0.5	NATIONAL FUEL GAS
8419299	22063	3712327101		108		JENKS-092	GLADE	0.5	NATIONAL FUEL GAS
-WAINOCO OIL & GAS CO				RECEIVED:	02/02/84	JA: PA			
8419241	21672	3703921975		107-TF		BEULAH MUIR #1 (W-153A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419242	21673	3703921975		102-2		BEULAH MUIR #1 (W-153A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419240	21671	3703921978		102-2		CHARLES V & V B KNAPP #1 W-178A	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419243	21674	3703921978		107-TF		CHARLES V & V B KNAPP #1 W-178A	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419236	21633	3703921982		107-TF		EARL A BACCUS #1 (W-199A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419235	21632	3703921982		102-3		EARL L BACCUS #1 (W-199A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419248	21802	3703921976		102-3		HAROLD KNAPP #1 (W-157A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419249	21803	3703921976		107-TF		HAROLD KNAPP #1 (W-157A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419233	21630	3703921981		102-2		KARL L BRUCKNER #1 (W-197A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419234	21631	3703921981		107-TF		KARL L BRUCKNER #1 (W-197A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419231	21626	3703921973		102-2		MILDRED R MERRY #4 (W-207A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419232	21627	3703921973		107-TF		MILDRED R MERRY #4 (W-207A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419246	21800	3703921996		107-TF		O LAUGHLIN & L HOPKINS #1 W-135A	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419247	21801	3703921996		102-3		O LAUGHLIN & L HOPKINS #1 W-135A	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419238	21669	3703921980		102-3		RICHARD E HENTON #2 (W-181A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8419239	21670	3703921980		107-TF		RICHARD E HENTON #2 (W-181A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
TEXAS RAILROAD COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	02/03/84	JA: TX			
8419454	F-8A-077511	4221934034		103		CENTRAL MALLET UNIT #323	SLAUGHTER	49.0	AMOCO PRODUCTION

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8419460	F-8A-077519	4207931747		103		DEAN "B" OPERATING AREA UNIT #154
8419456	F-8A-077514	4221933878		103		FRAZIER UNIT #128
8419453	F-8A-077510	4221934011		103		LEVELLAND UNIT #787
8419497	F-8A-077608	4221933907		103		LEVELLAND UNIT #788
8419461	F-8A-077520	4221934019		103		LEVELLAND UNIT #800
8419455	F-8A-077513	4221934043		103		SLAUGHTER ESTATE UNIT #3-58
8419459	F-8A-077518	4250132461		103		WASSON ODC UNIT #546
8419457	F-8A-077515	4250132427		103		WASSON ODC UNIT #561
8419458	F-8A-077516	4250132435		103		WASSON ODC UNIT #580
-APPLE NATHAN L				RECEIVED:	02/03/84	JA: TX
8419338	F-7B-072599	4213335036		102-4		WESLEY WARREN #28
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/03/84	JA: TX
8419359	F-03-074132	4219931811		102-4		BANKSTON FEE #1
-ATWOOD EXPLORATION CO				RECEIVED:	02/03/84	JA: TX
8419325	F-04-066063	4224931639		102-4		H J MOSSER #4
-BAYTECH INC				RECEIVED:	02/03/84	JA: TX
8419377	F-7C-075289	4246132045		103		MCGILL 49 #1
-BED OIL & GAS INC				RECEIVED:	02/03/84	JA: TX
8419386	F-03-075779	4247730507		102-2		LUCKY #1
8419385	F-03-075778	4228731122		102-2		MADIE BLUE UNIT #1 (15584)
-BRIGHT & COMPANY				RECEIVED:	02/03/84	JA: TX
8419419	F-04-076705	4221531379		102-4	103	ATLANTIC HAMMAN GAS UNIT #1
-BRINKERHOFF OIL CO				RECEIVED:	02/03/84	JA: TX
8419393	F-04-076186	4240900000		107-PE		JACKSON RANCH #4 ID#051650
-BRUNER OIL & GAS INC				RECEIVED:	02/03/84	JA: TX
8419413	F-7B-076532	4242932763		103		SHALOR COPELAND "B" #3
-BTA OIL PRODUCERS				RECEIVED:	02/03/84	JA: TX
8419389	F-08-075885	4217331472		102-4		7613 JV-P CALVERLEY 26 #3
-CAPULIN OIL & GAS INC				RECEIVED:	02/03/84	JA: TX
8419486	F-10-077563	4206531528		103		EAKIN "A" #1(ID# 05571)
-CHAMBERS OIL & GAS INC				RECEIVED:	02/03/84	JA: TX
8419418	F-08-076657	4237133923		103		SANFORD GRAY "P" #1
8419417	F-08-076656	4237133930		103		SANFORD GRAY "P" #2
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/03/84	JA: TX
8419388	F-03-075883	4204100000		102-2		PRESTON RUFFINO "B" #1
-CONOCO INC				RECEIVED:	02/03/84	JA: TX
8419334	F-10-071533	4206500000		108		MARY POPE #1
-CPC EXPLORATION INC				RECEIVED:	02/03/84	JA: TX
8419415	F-04-076584	4224731553		102-4		LOPEZ-CANALES #1
-CRYSTAL OIL AND LAND COMPANY				RECEIVED:	02/03/84	JA: TX
8419380	F-06-075437	4206730439		102-4	103	BLANCHARD "A" #1-U
8419378	F-06-075310	4206730437		102-4		CRYSTAL RAMBO #2-U
-DON H HANVEY OIL INTERESTS INC				RECEIVED:	02/03/84	JA: TX
8419423	F-7B-076949	4213334627		102-4		GEORGE FEE ESTATE #1
-DON R ORMAND				RECEIVED:	02/03/84	JA: TX
8419326	F-08-067318	4237134082		103		HUNT 'C'-#1
-DRENNAN & PETERSON				RECEIVED:	02/03/84	JA: TX
8419381	F-09-075454	4223735311		102-4		HAMILTON-KUYKENDALL #1
8419382	F-09-075455	4223735470		102-4		HAMILTON-RHODES #1
-DYCO PETROLEUM CORPORATION				RECEIVED:	02/03/84	JA: TX
8419340	F-10-072796	4221131481		107-DP		FILLINGHAM 2-20
-ENRE CORP				RECEIVED:	02/03/84	JA: TX
8419354	F-7B-073541	4213334419		102-4		MITCHAM "I" #1 (108247)
8419355	F-7B-073542	4205934235		102-4		SNYDER MINERAL TR "143' #2 108088
-EXXON CORPORATION				RECEIVED:	02/03/84	JA: TX
8419374	F-8A-075239	4249531597		103		BROWN-ALTMAN B #39
8419450	F-04-077501	4204730864		102-4		D J SULLIVAN "B" 49 (10344)
8419472	F-04-077544	4227331351		102-4		KING RANCH ALAZAN 332 (10350)
8419364	F-08-074479	4200333563		103		MEANS-QUEEN #1 OIL UNIT #1407
8419414	F-8A-076541	4216532638		103		ROBERTSON CLEARFORK UNIT #2601
8419391	F-04-075980	4221531108		102-4		SANTA FE RANCH 70 (108036)
8419473	F-04-077545	4204731231		102-4		SANTA FE RANCH 87-D (10345)
8419451	F-04-077502	4204730856		102-4		SCOTT & HOPPER 34-F (10346)
-FARGO ENERGY CORP				RECEIVED:	02/03/84	JA: TX
8419372	F-03-075224	4214931596		102-2		BOEHNKE "F" #1
-FARGO EXPLORATION CO				RECEIVED:	02/03/84	JA: TX
8419488	F-7B-077565	4208333475		102-4		C THOMPSON #1 (105494)
8419489	F-7C-077566	4239932050		103		WILKINSON-MCCORD #1 (09295)
-FOREE CO				RECEIVED:	02/03/84	JA: TX
8419428	F-7B-077067	4204900000		102-4		YORK #11
-GHR ENERGY CORP				RECEIVED:	02/03/84	JA: TX
8419331	F-04-071191	4247933531		102-4	107-TF	VERGARA C-1-T
-GRACE PETROLEUM CORPORATION				RECEIVED:	02/03/84	JA: TX
8419324	F-06-065680	4234730692		103		IRWIN A-1
-GULF OIL CORPORATION				RECEIVED:	02/03/84	JA: TX
8419463	F-08-077535	4247532874		103		ESTES E W #254
8419464	F-08-077536	4247533061		103		ESTES W A #119
8419465	F-08-077537	4213534305		103		GOLDSMITH C A #1412
8419466	F-08-077538	4213534307		103		GOLDSMITH C A #1420
8419468	F-08-077540	4213534272		103		GOLDSMITH SAN ANDRES UNIT #B-178
8419467	F-08-077539	4213534338		103		GOLDSMITH SAN ANDRES UNIT #1415
8419462	F-08-077534	4247533079		103		HUTCHINGS STOCK ASSN #1258
8419471	F-09-077543	4223735064		103		I G YATES #24
8419470	F-09-077542	4223735451		103		I G YATES #27
8419469	F-08-077541	4237134557		103		USM OIL COMPANY #6
8419399	F-08-076406	4210333022		103		W N WADDELL ETAL #1228 (TR A)
-GUS EDWARDS CO				RECEIVED:	02/03/84	JA: TX
8419329	F-03-070954	4205130611		102-2		SIMS UNIT #1
-H & S OPERATING INC				RECEIVED:	02/03/84	JA: TX
8419360	F-7B-074223	4236700000		103		CHRISTENBERRY #1
-HAMMAN OIL & REFINING CO				RECEIVED:	02/03/84	JA: TX
8419330	F-03-071006	4207131304		102-4		WILCOX HEIRS #4
-HARRISON INTERESTS LTD				RECEIVED:	02/03/84	JA: TX
8419507	F-7C-077623	4210233137		107-TF		JOHN W HENDERSON III "G" #13
8419505	F-7C-077621	4210533136		107-TF		JOHN W HENDERSON III "H" #16
8419506	F-7C-077622	4210533616		107-TF		JOHN W HENDERSON III "K" #14
8419503	F-7C-077619	4210533849		107-TF		JOHN W HENDERSON III "K" #26
8419504	F-7C-077620	4210533639		107-TF		JOHN W HENDERSON III "L" #22
8419502	F-7C-077618	4210533879		107-TF		JOHN W HENDERSON III "M" #27
-HENRY PETROLEUM CORP				RECEIVED:	02/03/84	JA: TX
8419327	F-7C-069909	4238300000		103		UNIVERSITY 21-1Y
-HILL INTERNATIONAL PRODUCTION CO				RECEIVED:	02/03/84	JA: TX
8419335	F-06-071630	4240131690		102-4		ANNE YOUNG #1
-HILL PRODUCTION CO-WISCONSIN				RECEIVED:	02/03/84	JA: TX

FIELD NAME	PROD	PURCHASER
SLAUGHTER	7.0	AMOCO PRODUCTION
SLAUGHTER	37.0	AMOCO PRODUCTION
LEVELLAND	20.0	AMOCO PRODUCTION
LEVELLAND	0.0	AMOCO PRODUCTION
LEVELLAND	106.0	AMOCO PRODUCTION
SLAUGHTER	35.0	AMOCO PRODUCTION
WASSON	42.0	SHELL OIL CO
WASSON	32.0	SHELL OIL CO
WASSON	117.0	SHELL OIL CO
WARREN (GARDNER)	30.0	LONE STAR GAS CO
BANKSTON	730.0	
PAISANO (5200)	220.0	NUE-WELLS PIPELIN
SPRABERRY (TREND AREA	14.6	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
MONTE CHRISTO (FRIO F	288.0	TECO PIPELINE CO
MATHIS EAST (4100)	1056.0	ESPERANZA TRANSMI
RANGER	0.0	SOUTHWESTERN GAS
BLALOCK LAKE S E (WOL	34.0	PHILLIPS PETROLEU
PANHANDLE CARSON	40.0	GETTY OIL CO
PECOS VALLEY (HIGH GR	0.0	APACHE GAS CORP
PECOS VALLEY (LOW GRA	0.0	APACHE GAS CORP
KURTEN (BUDA)	0.0	
WEST PANHANDLE	0.0	NORTHWEST CENTRAL
MESTENA GRANDE NE (QU	750.0	AMERICAN PIPELINE
RODESSA	182.0	BRECKENRIDGE GASO
RODESSA	794.0	BRECKENRIDGE GASO
ARDINGER (LAKE SAND U	120.0	EL PASO HYDROCARB
ABELL (CLEAR FORK UPP	180.0	INTRATEX GAS CO
PEAVY (CONGL 4500) FI	109.0	TEXAS UTILITIES F
PEAVY (CONGL 4500) FI	125.0	TEXAS UTILITIES F
WILDCAT	0.0	NATURAL GAS PIPEL
TEEJAY N (CONGL)	300.0	BENGAL GAS TRANSM
SMI (STRAWN)	220.0	BENGAL GAS TRANSM
EMPEROR DEEP	20.0	WESTAR TRANSMISSI
PITA (C-3 E)	87.0	TENNESSEE GAS PIP
HINOJOSA N (F-25)	110.0	ARMCO STEEL CORP
MEANS (QUEEN SAND)	8.0	PHILLIPS PETROLEU
ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
SANTA FE SOUTH (E-40)	1006.0	NATURAL GAS PIPEL
SANTA FE (D-37)	25.0	ARMCO STEEL CORP
SCOTT & HOPPER (7100)	47.0	TENNESSEE GAS PIP
GIDDINGS (AUSTIN CHAL	75.0	PHILLIPS PETROLEU
RHONE RANCH (MORRIS)	164.0	EL PASO HYDROCARB
CREWS SOUTH (DOG BEND	7.0	LONE STAR GAS CO
BYRD (FRY SAND)	4.0	EL PASO HYDROCARB
VERGARA (LOBO)	500.0	TRANSCONTINENTAL
GARRISON (PETTIT LO)	0.0	UNITED GAS PIPELI
WARD-ESTES NORTH	12.4	CABOT CORP
WARD-ESTES NORTH	3.1	CABOT CORP
GOLDSMITH (5600)	30.0	PHILLIPS PETROLEU
GOLDSMITH (CLEARFORK)	43.0	PHILLIPS PETROLEU
GOLDSMITH	10.0	PHILLIPS PETROLEU
GOLDSMITH	60.0	PHILLIPS PETROLEU
WARD-ESTES NORTH	3.4	CABOT CORP
BOONSVILLE/CADDO CONG	1.5	NATURAL GAS PIPEL
BOONSVILLE/CADDO CONG	26.9	NATURAL GAS PIPEL
USM/QUEEN	108.6	NORTHERN NATURAL
SAND HILLS (JUDKINS)	33.5	H T GATHERING CO
BIG "A" (TAYLOR)	0.0	CLAJON GAS CO
GRANT (STRAWN LOWER)	75.0	SOUTHWESTERN GAS
TRINITY RIVER DELTA (	300.0	UNITED TEXAS TRAN
OZONA S W (STRAWN)	72.0	INTRATEX GAS CO
OZONA S W (STRAWN)	22.0	INTRATEX GAS CO
OZONA S W (STRAWN)	72.0	INTRATEX GAS CO
OZONA S W (STRAWN)	16.0	INTRATEX GAS CO
OZONA S W (STRAWN)	120.0	INTRATEX GAS CO
OZONA S W (STRAWN)	96.0	INTRATEX GAS CO
SPRABERRY (TREND AREA	0.0	J L DAVIS
REDWINE (TRAVIS PEAK	0.0	DELHI GAS PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8419341	F-03-073018	4204130974		102-2		TALISMAN #1	KURTEN (BUDA) FIELD	0.0	FERGUSON CROSSINC
-HNG OIL COMPANY				RECEIVED:	02/03/84	JA: TX			
8419373	F-04-075237	4247900000		102-4	107-TF	HIRSCH ESTATE "858" #2	BIG COWBOY (LOBO)	150.0	HOUSTON PIPE LINE
8419375	F-04-075241	4247933666		102-4	107-TF	VAQUILLAS RANCH "1953" #1	BIG COWBOY (LOBO)	150.0	HOUSTON PIPE LINE
-HOUSTON OIL & GAS CO INC				RECEIVED:	02/03/84	JA: TX			
8419379	F-7B-075370	4208333789		102-4		PORCH & CLARY #1 (20402)	GRADY ROBERTS (MORRIS	564.0	UNION TEXAS PETRO
-HRUBETZ OIL CO				RECEIVED:	02/03/84	JA: TX			
8419479	F-7B-077556	4244132274		102-4		RUMBAUGH "67" #3	HRUBETZ (TANNEHILL)	5.0	PALO DURO PIPELIN
8419480	F-7B-077557	4244132292		102-4		RUMBAUGH "67" #4	HRUBETZ (TANNEHILL)	8.0	PALO DURO PIPELIN
8419481	F-7B-077558	4244132304		102-4		RUMBAUGH "67" #5	HRUBETZ (TANNEHILL)	8.0	PALO DURO PIPELIN
8419482	F-7B-077559	4244132359		102-4		RUMBAUGH "67" #7	HRUBETZ (TANNEHILL)	7.0	PALO DURO PIPELIN
8419478	F-7B-077555	4244132219		102-4		RUMBAUGH "67" 1	HRUBETZ (TANNEHILL)	5.0	PALO DURO PIPELIN
8419483	F-7B-077560	4244132458		102-4		WELCH #2	HRUBETZ (TANNEHILL)	9.0	PALO DURO PIPELIN
8419484	F-7B-077561	4244132455		102-4		WELCH #3	HRUBETZ (TANNEHILL)	4.0	PALO DURO PIPELIN
-HUMBLE EXPLORATION CO INC				RECEIVED:	02/03/84	JA: TX			
8419342	F-03-073106	4228700000		102-2		MATTIE LOU #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-INDIAN WELLS OIL CO				RECEIVED:	02/03/84	JA: TX			
8419392	F-7C-076110	4241331139		103	107-TF	WILSON 137-1	PAGE RANCH (CANYON)	0.0	INTRATEX GAS CO
-J B HERRMANN				RECEIVED:	02/03/84	JA: TX			
8419475	F-10-077549	4223331534		103		CHAIN "C" #2	PANHANDLE - HUTCHINSO	29.0	LIQUID ENERGY COR
8419474	F-10-077548	4223331553		103		CHAIN "C" #3	PANHANDLE - HUTCHINSO	29.0	LIQUID ENERGY COR
8419492	F-10-077571	4223331570		103		STEVENSON #1	PANHANDLE - HUTCHINSO	22.0	LIQUID ENERGY COR
8419477	F-10-077551	4223331627		103		STEVENSON #2	PANHANDLE - HUTCHINSO	33.0	LIQUID ENERGY COR
8419476	F-10-077550	4223331596		103		STEVENSON B #1	PANHANDLE - HUTCHINSO	7.0	LIQUID ENERGY COR
8419495	F-10-077574	4223331562		103		WHITTENBURG #2	PANHANDLE - HUTCHINSO	22.0	LIQUID ENERGY COR
8419494	F-10-077573	4223331569		103		WHITTENBURG #3	PANHANDLE - HUTCHINSO	27.0	LIQUID ENERGY COR
8419493	F-10-077572	4223331589		103		WHITTENBURG A #1	PANHANDLE - HUTCHINSO	22.0	LIQUID ENERGY COR
-J G OIL & GAS				RECEIVED:	02/03/84	JA: TX			
8419363	F-7B-074445	4213335074		103		WEATHERS #1	MANGUM NORTH (3200)	106.0	EL PASO HYDROCARB
-JOHNNIE A WATSON INC				RECEIVED:	02/03/84	JA: TX			
8419367	F-7B-074743	4213331884		102-4	103	BRYANT-WARREN UNIT #1 (085409)	DUSTER NE (MARBLE FAL	12.0	LONE STAR GAS CO
-KEY PRODUCTION COMPANY				RECEIVED:	02/03/84	JA: TX			
8419420	F-06-076869	4241930411		103		E L LOWE #1	JOAQUIN (TRAVIS PEAK)	600.0	SOUTHERN NATURAL
-KIRKPATRICK OIL CO				RECEIVED:	02/03/84	JA: TX			
8419455	F-10-077562	4217931423		103		BLAKE (00207) #11	PANHANDLE GRAY COUNTY	25.0	PHILLIPS PETROLEU
-KIRKWOOD & CO				RECEIVED:	02/03/84	JA: TX			
8419394	F-01-076290	4201331488		102-4		MO PAC-ATASCOSA CO UNIT #1	JOURDANTON WEST (ESCO	28.0	SOUTH TEXAS INSTR
-LACY & BYRD INC				RECEIVED:	02/03/84	JA: TX			
8419447	F-7C-077495	4223532140		103		ROCKER B "B" #9	SPRABERRY (TREND AREA	27.0	NORTHERN NATURAL
-LOSURE PETROLEUM & J & S OIL ACCOUN				RECEIVED:	02/03/84	JA: TX			
8419441	F-10-077417	4223331565		103		PRITCHARD "A" #1	PANHANDLE HUTCHINSON	82.0	DIAMOND CHEMICAL
-LOSURE PETROLEUM CO				RECEIVED:	02/03/84	JA: TX			
8419361	F-10-074275	4223331573		103		HOUSTON BANK & TRUST #2 (ID#)	PANHANDLE EAST (ALBAN	138.0	DIAMOND CHEMICAL
-M-RAY DRILLING CO INC				RECEIVED:	02/03/84	JA: TX			
8419337	F-09-072193	4250337001		102-4		LENNINGTON #1 (106287)	LENNINGTON (BEND CONG	100.0	SUN GAS TRANSMISS
-MARATHON OIL COMPANY				RECEIVED:	02/03/84	JA: TX			
8419411	F-03-076529	4232131325		103		OHIO-SUN UNIT #29-J	NORTH MARKHAM-NORTH B	47.0	TRANSCONTINENTAL
8419412	F-03-076530	4232131329		103		OHIO-SUN UNIT WELL #28-J	NORTH MARKHAM-NORTH B	47.0	TRANSCONTINENTAL
-MARSHALL EXPLORATION INC				RECEIVED:	02/03/84	JA: TX			
8419356	F-06-073607	4240131668		102-4	103	COPELAND #1	PENN-GRIFFITH W (PETT	30.0	HENDERSON CLAY PR
8419328	F-06-070352	4200131408		102-4	103	HOLLAND #1	PURT W (RODESSA 10200	280.0	ESPERANZA PIPELIN
8419368	F-03-074994	4231330459		102-4	103	ROGERS #1	MADISONVILLE W (GEORG	200.0	LONE STAR GAS CO
8419333	F-03-071404	4222530472		103		WILLIAMS #3	FT TRINIDAD EAST (GLE	195.0	SOUTH TEXAS GATHE
-MARTIN OIL & GAS CO				RECEIVED:	02/03/84	JA: TX			
8419440	F-03-077349	4214900000		102-2		BEAMAN #1	GIDDINGS AUSTIN CHALK	0.0	PHILLIPS PETROLEU
-MATZINGER PETROLEUM CO				RECEIVED:	02/03/84	JA: TX			
8419396	F-02-076388	4228531749		102-4	103	JACOBS RANCH #2	SARTWELLE WEST (FRIO	146.0	REATA INDUSTRIAL
-MHM OIL CO INC				RECEIVED:	02/03/84	JA: TX			
8419508	F-7B-077624	4213334667		102-4		HUGHES #1 (105364)	HUGHES (STRAWN)	273.0	FLATWOOD GAS INC
8419509	F-7B-077625	4213334785		103		OMA MAE #4 (19195)	EASTLAND COUNTY REGUL	60.0	FLATWOOD GAS INC
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	02/03/84	JA: TX			
8419424	F-8A-077032	4221934076		103		NORTH CENTRAL LEVELLAND UNIT #397	LEVELLAND	0.4	AMOCO PRODUCTION
8419425	F-08-077040	4210303917		108		TEXAS UNIVERSITY SEC 15 & 16 #1617	DUNE	1.3	PHILLIPS PETROLEU
-MONSANTO COMPANY				RECEIVED:	02/03/84	JA: TX			
8419429	F-08-077072	4217331471		103		BRUNSON #3	POWELL (8300)	28.0	PHILLIPS PETROLEU
8419499	F-8A-077611	4241532512		103		MCLAUGHLIN ACCT 1 - WELL #101	DIAMOND M (CLEARFORK)	11.0	DIAMOND M-SHARON
8419500	F-8A-077612	4241532511		103		MCLAUGHLIN ACCT 1 - WELL #102	DIAMOND M (CLEARFORK)	5.0	DIAMOND M-SHARON
8419498	F-8A-077610	4241532462		103		MCLAUGHLIN ACCT 1 - WELL #99	DIAMOND M (CLEARFORK)	3.0	DIAMOND M-SHARON
8419431	F-8A-077074	4207931816		103		REED #2-4	LEVELLAND	7.0	CITIES SERVICE OI
8419430	F-8A-077073	4207931817		103		REED #4	LEVELLAND	5.0	CITIES SERVICE OI
-NORTHERN MICHIGAN EXPLORATION CO				RECEIVED:	02/03/84	JA: TX			
8419510	F-03-077643	4231300000		102-4		SCHOLZ 16956	MADISONVILLE E (GEORG	107.0	PECOS PIPELINE &
-P C BURNS				RECEIVED:	02/03/84	JA: TX			
8419362	F-09-074412	4207732634		103		SCALING #2 22604	TALLY (STRAWN)	0.0	SANFORD P FAGADAU
-PARKER & PARSLEY INC				RECEIVED:	02/03/84	JA: TX			
8419437	F-7C-077115	4238332600		103		BALL #1	PRICE (GRAYBURG)	1.0	CROCKETT COUNTY G
8419436	F-7C-077114	4238300000		103		BALL #2	PRICE (GRAYBURG)	1.0	CROCKETT COUNTY G
8419352	F-7C-073266	4238300000		103		HARTGROVE #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8419435	F-7C-077113	4238300000		103		HICKMAN #1	PRICE (GRAYBURG)	1.0	CROCKETT COUNTY G
8419434	F-7C-077112	4238300000		103		HICKMAN #2	PRICE (GRAYBURG)	1.0	CROCKETT COUNTY G
8419433	F-7C-077111	4238300000		103		HICKMAN WELL #3	PRICE (GRAYBURG)	1.0	CROCKETT COUNTY G
8419369	F-8A-075110	4211500000		103		MATHIS #1	TEX-HAMON (DEAN)	0.0	
8419358	F-08-074061	4232900000		103		MIDKIFF #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8419432	F-7C-077099	4238300000		103		MULHOLLAND #2	PRICE (GRAYBURG)	1.0	CROCKETT COUNTY G
8419351	F-08-073261	4232900000		103		MURRAY "D" #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8419371	F-08-075115	4231700000		103		NAIL G #2	SPRAYBERRY (TREND ARE	0.0	
8419366	F-08-074539	4232900000		103		ROBERSON #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8419357	F-7C-074059	4238332529		103		STATE "A" #2	AMIGO (SAN ANDRES)	15.0	NORTHERN NATURAL
8419370	F-7C-075114	4238300000		103		STATE C #1	SPRABERRY (TREND AREA	0.0	
-PEARSON & ADAMS INC				RECEIVED:	02/03/84	JA: TX			
8419353	F-7B-073360	4213335108		102-4		CARTER #1	REB (MARBLE FALLS)	70.0	LONE STAR GAS CO
-PENDRAGON OIL CO				RECEIVED:	02/03/84	JA: TX			
8419401	F-7B-076409	4205934309		102-4		THOMPSON #1	DELIGHT (UPPER DUFFER	40.0	SOUTHWESTERN GAS
-PRAIRIE OIL CO				RECEIVED:	02/03/84	JA: TX			
8419487	F-10-077564	4206531604		103		COOPER #6 (ID# 05565)	PANHANDLE CARSON	135.0	GETTY OIL CO
-R K G ENGINEERING INC				RECEIVED:	02/03/84	JA: TX			
8419439	F-08-077142	4237100000		102-4		CRAWFORD 21-3	ALPHA (QUEEN)	0.0	NORTHERN NATURAL
-SABINE PRODUCTION COMPANY				RECEIVED:	02/03/84	JA: TX			
8419422	F-7C-076908	4238332637		103		F A BIRD #4	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
-SCHURMAN OIL & GAS INC				RECEIVED:	02/03/84	JA: TX			
8419395	F-06-076357	4240131708		102-4		IRION #1-T	SHEA (DORSEY)	35.0	PARADE CO
-SNOW OIL CO				RECEIVED:	02/03/84	JA: TX			
8419405	F-7B-076487	4213333629		102-4		GARRETT-SOUTH #1 (108198)	SNOW (STRAWN UPPER)	22.0	FLATWOOD GAS INC
-SOHIO PETROLEUM CO				RECEIVED:	02/03/84	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8419496	F-7C-077581	4217331438		103		J C BRYANS "B" #9	CALVIN (DEAN)	20.0	EL PASO NATURAL G
8419416	F-7C-076624	4217331428		103		R S DAVENPORT "B" #17	CALVIN (DEAN)	43.0	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO				RECEIVED:	02/03/84	JA: TX			
8419384	F-08-075735	4249531506		108		GAR-TEX "B" #10	KERMIT	3.6	CABOT CORP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/03/84	JA: TX			
8419445	F-7B-077484	4213334852		103		COKER-GREGORY -A- #1	RANGER	25.0	
8419446	F-7B-077485	4213334819		103		COKER-GREGORY #1	RANGER	3.0	
8419444	F-7B-077483	4213334818		103		COKER-GREGORY #2	RANGER	2.0	
8419443	F-7B-077482	4213334819		103		COKER-GREGORY #3	RANGER	0.8	
8419403	F-03-076431	4219900000		103		COLORADO BATSON "C" #1	BATSON NEW	3.0	
8419442	F-7B-077481	4242933554		103		ELIASVILLE (CADDO) UNIT #131	STEPHENS COUNTY REGUL	0.3	SUN GAS TRANSMISS
-TED TRUE INC				RECEIVED:	02/03/84	JA: TX			
8419365	F-10-074520	4234100000		103		BRENT 24-9	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419346	F-10-073161	4234130983		103		BRENT 25-5	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419345	F-10-073160	4234130984		103		BRENT 25-6	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419348	F-10-073163	4234131018		103		BRENT 34-1	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419347	F-10-073162	4234131017		103		BRENT 34-2	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419344	F-10-073157	4234130991		103		BRENT 60-7	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419343	F-10-073156	4234130992		103		BRENT 60-8	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419390	F-10-075971	4234130972		103		BRENT 61-05	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419408	F-10-076491	4234130974		103		BRENT 6107	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419407	F-10-076490	4234130975		103		BRENT 6205	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419406	F-10-076489	4234130978		103		BRENT 6208	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419350	F-10-073167	4234131003		103		BRENT 64-3	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
8419349	F-10-073164	4234131023		103		BRENT 64-8	PANHANDLE MOORE COUNT	0.0	HOUSTON PIPE LINE
-TEXACO INC				RECEIVED:	02/03/84	JA: TX			
8419387	F-08-075839	4243131379		103		STERLING "K" FEE #7	CONGER (PENN)	374.1	REATA INDUSTRIAL
-TRI-MOR PRODUCTION CO				RECEIVED:	02/03/84	JA: TX			
8419332	F-7B-071356	4242900000		102-4		HOPE "C" #2	BRECKENRIDGE SE (DUFF	0.0	WARREN PETROLEUM
-TRILEX EXPLORATION CO				RECEIVED:	02/03/84	JA: TX			
8419339	F-03-072762	4214931470		102-2		CLARKSON #1	WILDCAT	0.0	CLAJON GAS CO
-TRITON OIL & GAS CORP				RECEIVED:	02/03/84	JA: TX			
8419490	F-7C-077567	4239932750		102-4		H W BOWEN #2	FRITZESS (GARDNER SD)	18.0	UNION TEXAS PETRO
8419491	F-7C-077568	4239932823		102-4		H W BOWEN #2	FRITZESS (GARDNER SD)	10.0	UNION TEXAS PETRO
-TWIN LAKES CORP				RECEIVED:	02/03/84	JA: TX			
8419376	F-7C-075288	4238332638		103		KENNETH #1-B	SPRABERRY (TREND AREA	48.0	EL PASO NATURAL G
-TXO PRODUCTION CORP				RECEIVED:	02/03/84	JA: TX			
8419427	F-09-077065	4223735489		103		GAGE #1	BOONSVILLE (BEND CONG	250.0	TEXAS UTILITIES F
8419438	F-10-077122	4235700000		102-4		SPICER #5	BOOKER N	150.0	DELHI GAS PIPELIN
-U S OPERATING INC				RECEIVED:	02/03/84	JA: TX			
8419402	F-03-076430	4228731286		102-2		BELINDA #1 RRC ID# N/A	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
8419404	F-03-076480	4228730526		102-2		MARJORIE #1 RRC ID #13657	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
8419383	F-03-075592	4228730655		102-2		SUSIE EMRICH #1 RRC ID# 13658	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/03/84	JA: TX			
8419449	F-7B-077499	4208300000		108		A R BERRYMAN #1	BERRYMAN (KICHI CREEK	10.0	LONE STAR GAS CO
8419448	F-08-077498	4200333677		103		DOLLARHIDE UNIT #25-19-C	DOLLARHIDE (CLEAR FOR	40.0	DOLLARHIDE GASOLI
8419501	F-7C-077614	4243500000		108		ROY VALLIANT #1-26	DENISON (STRAWN)	15.0	NORTHERN NATURAL
8419452	F-08-077508	4210333237		103		UNIVERSITY "H" #3	BLOCK 31 (DEVONIAN)	35.0	ARCO OIL & GAS CO
-VALERO INTERSTATE TRANSMISSION CO				RECEIVED:	02/03/84	JA: TX			
8419336	F-04-072168	4242700000		102-4		G F SAENZ #3 (ID 102166)	SULLIVAN CITY (4850)	40.0	VALERO INTERSTATE
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	02/03/84	JA: TX			
8419410	F-08-076527	4210333229		103		E N SNODGRASS #35	WADDELL (SAN ANDRES)	10.9	EL PASO NATURAL G
8419398	F-08-076405	4210333243		103		E N SNODGRASS #37	WADDELL (SAN ANDRES)	33.2	EL PASO NATURAL G
8419409	F-08-076525	4210333195		103		W N WADDELL ETAL (TR A) #1283	SAND HILLS (TUBB)	86.6	EL PASO NATURAL G
-WESSELY ENERGY CORPORATION				RECEIVED:	02/03/84	JA: TX			
8419397	F-05-076391	4216130838		103	107-TF	MCMICHAEL GAS UNIT II WELL #2	TEAGUE TOWNSITE (COTT	900.0	LONE STAR GAS CO
-WESTERN ENERGY RESOURCES INC				RECEIVED:	02/03/84	JA: TX			
8419400	F-7B-076407	4222100000		102-4		W R WALDRUP UNIT #1	BRAZOS EAST (STRAWN 1	55.0	TEXAS UTILITIES F
-WESTLAND OIL DEVELOPMENT CORP				RECEIVED:	02/03/84	JA: TX			
8419421	F-08-076893	4230130413		107-DP		M H REED ESTATE "27" #1	HALEY (MORROW) FIELD	0.0	
-WISENBAKER PRODUCTION CO				RECEIVED:	02/03/84	JA: TX			
8419426	F-05-077064	4216130754		103	107-TF	WHITE GAS UNIT #1 WELL #1 RRC ID N*	REED N (COTTON VALLEY	115.0	TEXAS UTILITIES F
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/02/84	JA: WV			
8419147		4703301301		108-PB		MARY M CORK #1380		0.0	GENERAL SYSTEM PU
-JOHNSON EXPLORATION CO				RECEIVED:	01/30/84	JA: WV			
8419143		4704103333		103		STUTLER JX#82-4 "SECOND HOLE"	FREEMANS CREEK	28.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/02/84	JA: WV			
8419150		4706100305		108-PB		DALTON B #1		0.0	CONSOLIDATED GAS
8419154		4707700128		108-PB		HALBRITTER A #1		0.0	CONSOLIDATED GAS
8419152		4707700110		108-PB		HOLMES C #1	SOUTH BURNS CHAPEL	17.9	CONSOLIDATED GAS
8419153		4707700127		108-PB		JASPER B #1	SOUTH BURNS CHAPEL	17.5	CONSOLIDATED GAS
8419149		4706100303		108-PB		PERRY A #1		0.0	CONSOLIDATED GAS
8419148		4706100226		108-PB		PIXLER A #1		0.0	CONSOLIDATED GAS
8419155		4707700129		108-PB		WARD B #1		0.0	CONSOLIDATED GAS
8419151		4706100308		108-PB		WHETSELL A #1		0.0	CONSOLIDATED GAS
**********									
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, TULSA,OK									
**********									
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/01/84	JA: OK 6			
8419146	OK-T-9-83	3508720935		103		LINDSAY DEESE UNIT #18-1	GOLDEN TREND	25.6	WARREN PETROLEUM

[FR Doc. 84-5307 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1072]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 23, 1984.

The following notices of determinations were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, VA 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS

February 23, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY				RECEIVED:	01/30/84	JA: OK			
8418482	26184	3504321793		103		ZIEBER #2-20	TALOGA	144.0	NATURAL GAS PIPEL
-APACHE CORP				RECEIVED:	01/30/84	JA: OK		292.0	
8418495	24203	3512920964		102-2		SAVAGE #1-27			
-AQUARIAN ENERGY CORP				RECEIVED:	01/30/84	JA: OK	N SCHLEGEL FIELD	10.0	PARKS ENERGY CO
8418473	26197	3511922079		103		ISBELL-B-1			
-C J CASSELMAN				RECEIVED:	01/30/84	JA: OK	MORRIS	7.2	PHILLIPS PETROLEU
8418500	26244	3511124384		108		HASTEY #1-CMA	MORRIS	7.2	PHILLIPS PETROLEU
8418498	26242	3511124411		108		HASTEY 2-CMA	MORRIS	7.2	PHILLIPS PETROLEU
8418499	26243	3511124419		108		HASTEY-MC MAHAN #1	MORRIS	18.3	PHILLIPS PETROLEU
8418471	26212	3509120557		103		OWENS #1	MORRIS	18.3	PHILLIPS PETROLEU
8418472	26213	3509120548		103		WILHITE #1			
-C K LUNSFORD INC				RECEIVED:	01/30/84	JA: OK	SOUTH OILTON	12.0	ARCO OIL & GAS CO
8418524	23633	3503700000		102-4		C K LUNSFORD #3A	SOUTH OILTON	15.0	ARCO OIL & GAS CO
8418523	23634	3503723728		102-4		GIBSON #2-A	SOUTH OILTON	16.0	ARCO OIL & GAS CO
8418522	23635	3503723334		102-4		LUNSFORD #1-A	SOUTH OILTON	14.0	ARCO OIL & GAS CO
8418525	23632	3503723728		102-4		LUNSFORD #4-A			
-DYNE EXPLORATION CO				RECEIVED:	01/30/84	JA: OK	COALTON	4.0	PHILLIPS PETROLEU
8418503	22993	3511100000		103		WILDLIFE #2			
-EAGLE OIL CO				RECEIVED:	01/30/84	JA: OK	TIGER FLATS	0.0	SWAB CORP
8418518	24125	3510721627		102-4		LUCINDA WEST #1			
-ENSERCH EXPLORATION INC				RECEIVED:	01/30/84	JA: OK	BURNS FLAT	0.0	
8418513	25355	3514900000		103		AGNES M GRAVES #1			
-GAS FUTURES LTD 58				RECEIVED:	01/30/84	JA: OK	LAVERNE/LOVEDALE AREA	8.0	MICHIGAN-WISCONSI
8418492	23828	3505900000		108		SELMAN "A" #1 OTC NO 059-03792	LAVERNE AREA-SELMAN C	20.0	MICHIGAN-WISCONSI
8418493	23829	3505900000		108		SELMAN-CANFIELD #1 OTC #059-03791A			
-INTER-GLOBE ENERGY INC				RECEIVED:	01/30/84	JA: OK	SOUTH STROUD	525.0	KERR-MCGEE CORP
8418501	12587	3508121343		102-4		GRAHAM #1-A			
-JAY PETROLEUM INC				RECEIVED:	01/30/84	JA: OK	NE MIDLOTHIAN	27.4	TRIOK INC
8418477	26226	3508121703		103		W P BERRY #1			
-JEFFERSON-WILLIAMS ENERGY CORP				RECEIVED:	01/30/84	JA: OK	LONE ELM NORTH	55.0	AMINOIL USA INC
8418479	26229	3510320842		103		HAZEL VANBEBBER #1-5	LUCIENE	72.0	AMINOIL USA INC
8418497	26230	3510322030		103		OLIVIA MCNEIL #1			
-JOHN A KIENZLE				RECEIVED:	01/30/84	JA: OK	HOFFMAN	15.0	PHILLIPS PETROLEU
8418478	26228	3511124552		103		FORD #1			
-L E JONES PRODUCTION COMPANY				RECEIVED:	01/30/84	JA: OK		33.0	MOBIL OIL CORP
8418511	25981	3501922690		103		FLETCHER #1			
-LEWIS EXPLORATION INC				RECEIVED:	01/30/84	JA: OK	DILWORTH	14.4	CHASE EXPLORATION
8418474	26207	3507122592		103		TURK 5	DILWORTH	14.4	CHASE EXPLORATION
8418468	26208	3507122602		103		TURK 6	DILWORTH	14.4	CHASE EXPLORATION
8418469	26209	3507122604		103		TURK 7	DILWORTH	14.4	CHASE EXPLORATION
8418470	26210	3507122605		103		TURK 8			
-M M RESOURCES INC				RECEIVED:	01/30/84	JA: OK		29.2	AMINOIL USA INC
8418509	26104	3510322019		103		MARBERN #1			
-MAY PETROLEUM INC				RECEIVED:	01/30/84	JA: OK		109.5	PHILLIPS PETROLEU
8418510	26099	3501722461		103		HATLEY #1			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MEL-RAY OIL CO				RECEIVED:		01/30/84 JA: OK			
8418504	26176	3511100000		103		FREEMAN BURKHALTER #3	BOYINGTON	0.0	
8418505	26175	3511100000		103		FREEMAN-BURKHALTER #1	BOYINGTON	0.0	
8418506	26174	3511100000		103		FREEMAN-BURKHALTER #2	BOYINGTON	0.0	
-MORTON BROTHERS INC				RECEIVED:		01/30/84 JA: OK			
8418507	26173	3503721901		103		PUTMAN #1	SE NE NW SECTION 11-1	10.0	COLORADO GAS COMP
8418508	26171	3503723098		103		PUTMAN #2	NW NE NW SECTION 11-1	10.0	COLORADO GAS COMP
-PALM-COOK PRODUCTION CO				RECEIVED:		01/30/84 JA: OK			
8418512	25582	3504723438		103		VOGT #9		0.0	UNION TEXAS PETRO
-PETRO-ENERGY EXPLORATION INC				RECEIVED:		01/30/84 JA: OK			
8418466	26189	3504723027		103		POCK-WILCOX #1-29	EAST MARSHALL	100.0	EASON OIL CO
-PETRO-LEWIS CORPORATION				RECEIVED:		01/30/84 JA: OK			
8418489	25949	3505121116		103		CRAWFORD EDWARDS #4	WEST MARLOW	0.0	ARKANSAS-LOUISIAN
8418487	25863	3507321939		103		MYERS 19-2	LOYAL EAST	0.0	PARTNERSHIP PROPE
-PHILIP BOYLE INC				RECEIVED:		01/30/84 JA: OK			
8418520	23985	3510920703		102-4		HENDRICKS #1	EAST WITCHER	0.0	NORTHWEST CENTRAL
8418521	23984	3510920720		102-4		HENDRICKS TRUST #1	EAST WITCHER	0.0	NORTHWEST CENTRAL
-PLAINS RESOURCES INC				RECEIVED:		01/30/84 JA: OK			
8418517	24133	3501722442		102-4		FRAILEY-TYLER #24-9		0.0	PHILLIPS PETROLEU
-PRODUCERS OIL CO				RECEIVED:		01/30/84 JA: OK			
8418483	26187	3511246440		103		E PITCOCK #1	PRESTON	36.5	PHILLIPS PETROLEU
-RATLIFF EXPLORATION CO				RECEIVED:		01/30/84 JA: OK			
8418526	19793	3510920644		102-4	103	STONE #29-3		0.0	KOCH OIL CO
-READING & BATES PETROLEUM CO				RECEIVED:		01/30/84 JA: OK			
8418467	26203	3504700000		103		EARLEY #3-4	KREMLIN	95.0	UNION TEXAS PETRO
-REGENCY EXPLORATION INC				RECEIVED:		01/30/84 JA: OK			
8418496	24277	3505300000		102-2		LEFORCE #3-34		0.0	UNION TEXAS PETRO
-SANTA FE-ANDOVER OIL CO				RECEIVED:		01/30/84 JA: OK			
8418480	26250	3501121879		103		KEPHART #32-4		300.0	OKLAHOMA GAS PIPE
8418494	24187	3501121845		102-2		OTT #24-4		450.0	OKLAHOMA GAS PIPI
8418516	24187	3501121845		103		OTT #24-4		450.0	OKLAHOMA GAS PIPE
-SOHIO PETROLEUM CO				RECEIVED:		01/30/84 JA: OK			
8418491	23662	3515300000		103		MCCASLIN "B" #2	NORTHEAST KEENAN	0.0	PANHANDLE EASTERN
-STEVE JERNIGAN INC				RECEIVED:		01/30/84 JA: OK			
8418485	24278	3504521125		102-2		NIGHTENGALE #4		0.0	PHILLIPS PETROLEU
-STOCO PETROLEUM CORP				RECEIVED:		01/30/84 JA: OK			
8418488	25941	3514521503		103		MCCOLLOUGH #1-A	SPENCER S 1/2 NW 1/4	0.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:		01/30/84 JA: OK			
8418490	25384	3509321288		108		WYMER UNIT #1-31	OKEENE NORTHWEST	10.0	DELHI GAS PIPELIN
-TRANS-WESTERN EXPLORATION INC				RECEIVED:		01/30/84 JA: OK			
8418515	24273	3503920804		102-2	103	SNIDER #1-36		450.0	ARKANSAS LOUISIAN
-TXO PRODUCTION CORP				RECEIVED:		01/30/84 JA: OK			
8418481	26262	3507322084		103		KING "B" #1	W OKARCHE	0.0	COLUMBIA GAS TRAN
8418519	24059	3507920268		102-4		MCCLAIN #1 OPERATOR-LEAR PETROLEUM	WEST CEDARS	588.0	ARKANSAS LOUISIAN
8418514	25339	3504321775		103		SANDERSON #1	N OAKWOOD	0.0	DELHI GAS PIPELIN
-UNION TEXAS PETROLEUM				RECEIVED:		01/30/84 JA: OK			
8418502	22833	3504707636		103		J CHERMACK #2	HODGE AREA 11	37.0	PANHANDLE EASTERN
-WARD PETROLEUM CORP				RECEIVED:		01/30/84 JA: OK			
8418476	26224	3502720782		103		AMELIA HALL #1		100.0	SUN EXPLORATION &
8418475	26211	3508720917		103		YORK #1		177.0	OKLAHOMA GAS & EL
-WARFIELD JOHN				RECEIVED:		01/30/84 JA: OK			
8418484	25952	3509300000		108		SCHROEDER #1		0.0	AMINOIL U S A INC
-WESTERN OIL RESOURCES LTD				RECEIVED:		01/30/84 JA: OK			
8418486	25682	3511721896		103		LITTLE 0-3	HALLETT	0.0	MID-AMERICA GAS L
-WILLIFORD ENERGY CO				RECEIVED:		01/30/84 JA: OK			
8418465	26269	3507720263		103		YOUNG #2-34	WILBURTON	180.0	ARKANSAS LOUISIAN
**********									
TEXAS RAILROAD COMMISSION									
**********									
-ACOCK ENGINEERING & OPERATING CO				RECEIVED:		01/27/84 JA: TX			
8418582	F-01-076873	4231131893		102-4		CHUDEJ UNIT #1	A W P (OLMOS)	5475.0	HPI TRANSMISSION
-AMOCO PRODUCTION CO				RECEIVED:		01/27/84 JA: TX			
8418635	F-8A-077390	4230330956		103		ANTON IRISH CLEARFORK UNIT #440	ANTON IRISH	18.0	WESTAR TRANSMISSI
8418646	F-08-077402	4213534249		103		DAVID FASKEN "CF" #2	FASKEN (PENN)	181.0	AMOCO PRODUCTION
8418632	F-8A-077387	4207931746		103		DEAN "B" UNIT #152	SLAUGHTER	6.0	AMOCO PRODUCTION
8418644	F-08-077400	4200333604		103		FRANK COWDEN R/A "D" #25	COWDEN NORTH	105.0	AMOCO PRODUCTION
8418647	F-08-077403	4200333603		103		FRANK COWDEN R/A "D" #34	COWDEN NORTH	103.0	AMOCO PRODUCTION
8418641	F-08-077396	4200333699		103		FRANK COWDEN R/A "D" #37	COWDEN NORTH	21.0	AMOCO PRODUCTION
8418643	F-08-077399	4200333698		103		FRANK COWDEN R/A "D" #38	COWDEN NORTH	142.0	AMOCO PRODUCTION
8418648	F-08-077404	4200333680		102-4		FRANK COWDEN R/A "E" #36	COWDEN N (STRAWN)	311.0	AMOCO PRODUCTION
8418639	F-8A-077394	4221933908		103		LEVELLAND UNIT #786	LEVELLAND	37.0	AMOCO PRODUCTION
8418612	F-8A-077305	4221934015		103		LEVELLAND UNIT #797	LEVELLAND	108.0	AMOCO PRODUCTION
8418638	F-8A-077393	4221934014		103		LEVELLAND UNIT #798	LEVELLAND	120.0	AMOCO PRODUCTION
8418637	F-8A-077392	4221934017		103		LEVELLAND UNIT #799	LEVELLAND	112.0	AMOCO PRODUCTION
8418642	F-08-077397	4213534205		103		NORTH COWDEN UNIT #1139	COWDEN NORTH	1.0	AMOCO PRODUCTION
8418636	F-8A-077391	4250132406		103		OWNBY/UPPER CLEARFORK/ UNIT #8-5	OWNBY/UPPER CLEARFORK	7.0	AMOCO PRODUCTION
8418645	F-08-077401	4213534284		103		PAUL MOSS "C" #3	COWDEN SOUTH (CANYON	206.0	WESTAR TRANSMISSI
8418611	F-8A-077304	4203330870		103		T J GOOD "A" #39	GOOD	256.0	GETTY OIL CO
8418640	F-08-077395	4213534283		103		W F COWDEN "A" #15	COWDEN NORTH	62.0	AMOCO PRODUCTION
8418633	F-8A-077388	4250132422		103		WASSON ODC UNIT #557	WASSON	35.0	SHELL OIL CO
8418634	F-8A-077389	4250132424		103		WASSON ODC UNIT #558	WASSON	51.0	SHELL OIL CO
8418631	F-8A-077386	4250132433		103		WASSON ODC UNIT #560	WASSON	53.0	SHELL OIL CO
-BARCO INDUSTRIES INC				RECEIVED:		01/27/84 JA: TX			
8418581	F-7B-076829	4208333707		102-4		SMITH #2 (GAS)	DUSTY (GRAY)	1496.0	UNION TEXAS PETRO
-BILL FORNEY INC				RECEIVED:		01/27/84 JA: TX			
8418649	F-02-077418	4217531719		102-4		SWICKHEIMER #1 ID #106107	SOUTH SWICKHEIMER (38	74.8	HOUSTON PIPELINE
8418650	F-02-077419	4217531747		102-4		SWICKHEIMER #2 ID #107001	SOUTH SWICKHEIMER (43	6.8	HOUSTON PIPELINE
-BOBBY BONNER				RECEIVED:		01/27/84 JA: TX			
8418592	F-08-077134	4200333592		103		ARGO WELL #4	FUHRMAN MASCHO	6.0	PHILLIPS PETROLEU
-BURNETT OIL CO INC				RECEIVED:		01/27/84 JA: TX			
8418574	F-01-076012	4231131889		102-4	103	H SHENKIR #1	AWP (OLMOS)	0.0	HPI TRANSMISSION
-C & K PETROLEUM INC				RECEIVED:		01/27/84 JA: TX			
8418575	F-08-076059	4232931211		102-4		PENROSE OLDHAM #3	MID-MAR EAST	3.5	PHILLIPS PETROLEU
-CAPROCK ENGINEERS INC				RECEIVED:		01/27/84 JA: TX			
8418618	F-10-077342	4206531475		103		TINA #3 (ID #05528)	PANHANDLE CARSON	40.0	CABOT PIPELINE CO
8418617	F-10-077341	4206531471		103		TINA #4 (ID #05528)	PANHANDLE CARSON	40.0	CABOT PIPELINE CO
-CHANDCO CORP				RECEIVED:		01/27/84 JA: TX			
8418614	F-01-077311	4231131921		102-4		S T S - SOUTH TEXAS SYNDICATE #2-1	BIG MULE (5500 SAND)	54.8	ESPERANZA TRANSMI
-COASTAL OIL & GAS CORP				RECEIVED:		01/27/84 JA: TX			
8418578	F-8A-076366	4216532590		103		SO HARRIS UNIT 4-8	HARRIS	2.0	PHILLIPS PETROLEU
8418652	F-8A-077421	4216532586		103		SO HARRIS UNIT 6-17	HARRIS	14.0	PHILLIPS PETROLEU
-COCKRELL OIL CORP				RECEIVED:		01/27/84 JA: TX			
8418584	F-03-076885	4216730944		102-4		MARGARET B M FREE #1	NORTH WEST ALGOA (PRO	502.0	AMOCO GAS CO
-COLOGNE PRODUCTION CO				RECEIVED:		01/27/84 JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8418580	F-02-076599	4246932099		102-4		HORADAM-A-WELL #1	COLOGNE (4570 OIL)	30.0	HOUSTON PIPELINE
-CONOCO INC				RECEIVED:	01/27/84	JA: TX			
8418551	F-7B-074314	4243331623		103		A A ANNIS-A #20 ID	FLOWERSWEST (CANYON S	219.0	CITIES SERVICE CO
-D K BOYD OIL & GAS CO				RECEIVED:	01/27/84	JA: TX			
8418585	F-8A-076910	4216500000		103		JONES ESTATE #30-1	RUSSELL (CLEARFORK 70	1.8	CITIES SERVICE OI
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	01/27/84	JA: TX			
8418548	F-10-073469	4235700000		103		CHARLES P DICKINSON #2-393	PARNELL	0.0	SOUTHWESTERN PUBL
8418529	F-10-066185	4221100000		108-ER		FRANK SHALLER D #2	CANADIAN S E	0.0	NORTHERN NATURAL
8418554	F-06-074774	4200131433		102-4		HARRY S PHILLIPS #1	WOLF CREEK	0.0	ESPERANZA TRANSMI
8418570	F-06-075625	4200100000		102-4		M A HENDERSON #1	WOLF CREEK	0.0	ESPERANZA PIPELIN
-DIRECTION ENERGY CORP				RECEIVED:	01/27/84	JA: TX			
8418555	F-10-075117	4223331668		103		SANFORD ESTATES #1	PANHANDLE HUTCHISON C	120.0	PANHANDLE PRODUCT
-ENFIELD CORP				RECEIVED:	01/27/84	JA: TX			
8418543	F-03-072839	4204100000		103		W H RITCHEY #1	KURTEN (BUDA)	140.0	FERGUSON CROSSING
-EXXON CORPORATION				RECEIVED:	01/27/84	JA: TX			
8418629	F-03-077380	4215731458		103		C C NELSON #28	SUGARLAND	18.0	UNITED TEXAS TRAN
8418627	F-06-077376	4200131441		103		G W EATON ESTATE #35	NECHES (WOODBINE)	18.0	UNITED GAS PIPELI
8418556	F-04-075505	4226130824		102-4		SARITA FIELD O & G UT 184-F 107809	SARITA (2-J SW II)	300.0	NATURAL GAS PIPEL
8418557	F-04-075506	4226130828		102-4		SARITA OIL & GAS UNIT 185	SARITA (2-K) (PROPOSE	274.0	NATURAL GAS PIPEL
-FAGADAU ENERGY CORP				RECEIVED:	01/27/84	JA: TX			
8418591	F-09-077132	4200937463		102-4		MIKE WOLF #2 RRC #23038	BEREND-WOLF (MIDDLE C	80.0	BLUEGROVE GASOLIN
8418579	F-09-076550	4207733084		103		SCALING RANCH "G" #1	CASS (CADDO)	51.0	BLUEGROVE GASOLIN
-FRANKS PETROLEUM INC ETAL				RECEIVED:	01/27/84	JA: TX			
8418588	F-06-077015	4220331046		102-4		LITTLE A UNIT #1	HARLETON NORTH EAST (	65.0	TEJAS GAS CORP
8418590	F-06-077017	4220331048		102-4		LITTLE B UNIT #1	HARLETON NORTH EAST (	75.0	TEJAS GAS CORP
8418589	F-06-077016	4220331047		102-4		LITTLE C UNIT #1	HARLETON NORTH EAST (	50.0	TEJAS GAS CORP
-GULF OIL CORPORATION				RECEIVED:	01/27/84	JA: TX			
8418609	F-08-077274	4247532999		103		ESTES E W #256	WARD-ESTES NORTH	3.6	CABOT CORP
8418607	F-08-077272	4247532971		103		ESTES E W WELL #258	WARD-ESTES NORTH	17.0	CABOT CORP
8418608	F-08-077273	4247533027		103		ESTES H A #117	WARD-ESTES NORTH	2.9	CABOT CORP
8418610	F-08-077275	4247532986		103		HUTCHINGS STOCK ASSN #1216	WARD-ESTES NORTH	1.5	CABOT CORP
8418606	F-08-077271	4247532969		103		HUTCHINGS STOCK ASSN #1217	WARD-ESTES NORTH	2.8	CABOT CORP
8418553	F-08-074686	4222732612		103		P E LITTLE #3	KNOTT WEST/SPRABERRY	12.0	GETTY OIL CO
-HARRY E NELSON				RECEIVED:	01/27/84	JA: TX			
8418542	F-03-072669	4233900000		102-4		J W WOODS UNIT #2	WILLIS WEST (3500)	100.0	MORGAS CO
-HLH PETROLEUM CORP				RECEIVED:	01/27/84	JA: TX			
8418573	F-7B-075851	4225332625		103		MCCOLLUM #3-18	NOODLE NW (CANYON SD	300.0	CONOCO INC
-HUMBLE EXPLORATION CO INC				RECEIVED:	01/27/84	JA: TX			
8418567	F-03-075602	4214931600		102-2		BESSIE WEISS #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8418568	F-03-075609	4214931609		102-2		MIRANDA #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8418569	F-03-075612	4228731396		102-2		SELMA HOPPE #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-IBERIA PETROLEUM CO				RECEIVED:	01/27/84	JA: TX			
8418566	F-03-075584	4224500000		102-4		GORDON-SMITH UNIT #1	STOWELL	185.0	
-J M HUBER CORPORATION				RECEIVED:	01/27/84	JA: TX			
8418616	F-10-077322	4223300000		108		PERKY #5	WEST PANHANDLE	17.0	COLORADO INTERSTA
-J PAUL GOLDSMITH				RECEIVED:	01/27/84	JA: TX			
8418626	F-06-077357	4234731192		102-4		S W TODD	TOOLAN (PETTIT LOWER)	277.0	LIBERTY NATURAL G
-JOSEPH T DAWSON				RECEIVED:	01/27/84	JA: TX			
8418572	F-04-075732	4235532226		102-4		ANDERSON TRUSTEE #4	WILDCAT (SHELL POINT	0.0	HOUSTON PIPE LINE
-KAARI OIL CO				RECEIVED:	01/27/84	JA: TX			
8418662	F-10-077463	4206531458		103		CRUMP #3 (ID #05584)	PANHANDLE CARSON	40.0	KERR-MCGEE CORP
-LOSURE PETROLEUM CO				RECEIVED:	01/27/84	JA: TX			
8418651	F-10-077420	4223331568		103		SALLIE PRITCHARD "B" #4 (ID #00928)	PANHANDLE HUTCHINSON	60.0	DIAMOND CHEMICAL
-M BRAD BENNETT INC & RKH LTD				RECEIVED:	01/27/84	JA: TX			
8418534	F-7C-070327	4241331315		103	107-TF	REYNOLDS "A" #1	KLATT (CANYON)	219.0	PRODUCERS GAS CO
-MGF OIL CORP				RECEIVED:	01/27/84	JA: TX			
8418666	F-7B-077469	4235300000		108		SEAR #1 - 30	LAKE SWEETWATER	10.8	PYRO ENERGY CORP
8418665	F-7B-077468	4235300000		108		SEAR 2-30	LAKE SWEETWATER	1.6	PYRO ENERGY COR
-MILLS BENNETT ESTATE				RECEIVED:	01/27/84	JA: TX			
8418558	F-02-075523	4202532002		103		MILLS BENNETT EST D E ROBINSON #6	TULETA WEST (2800) FI	0.0	UNITED GAS PIPELI
-MITCHELL ENERGY CORPORATION				RECEIVED:	01/27/84	JA: TX			
8418550	F-09-073759	4249732581		103		FRANCES B CONLEY #4-T #14947	MORRIS (CONSOLIDATED	116.9	NATURAL GAS PIPEL
8418613	F-7B-077306	4236732436		102-4		J P REED #3 #105775	RENO (STRAUN 2900)	0.0	
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	01/27/84	JA: TX			
8418625	F-8A-077356	4221934079		103		NORTH CENTRAL LEVELLAND UNIT #400	LEVELLAND	5.0	AMOCO PRODUCTION
8418587	F-08-077014	4230130455		102-4		SMITH SCARBOROUGH SEC 9 #1	WHEAT (CHERRY CANYON)	12.0	INTRATEX GAS CO
8418624	F-08-077355	4230130426		102-4		W D JOHNSON ET AL L #6	DIMMIT (CHERRY CANYON	23.0	INTRATEX GAS CO
8418623	F-08-077354	4230130460		102-4		W D JOHNSON 34-N #5	DIMMIT (CHERRY CANYON	27.0	INTRATEX GAS CO
-MORROW RESOURCES INC				RECEIVED:	01/27/84	JA: TX			
8418533	F-7C-070240	4245131211		102-2	103	BROWN "C" #3	K W B (STRAUN)	0.0	LONE STAR GAS CO
8418549	F-7C-073538	4245131260		102-2	103	BROWN "D" #7	K W B (STRAUN)	0.0	LONE STAR GAS CO
-PANSTAR OIL & GAS INC				RECEIV'D:		01/27/84 JA: TX			
8418663	F-10-077464	4217931435		103		MAUL #2 (ID #05415)	PANHANDLE GRAY	84.0	CABOT PIPELINE CO
-PENNWOOD OIL CORP				RECEIVED:	01/27/84	JA: TX			
8418538	F-7B-070702	4208332718		102-4		CRESWELL 1A 18638	GUMBINER (MORRIS)	3.6	LONE STAR GAS CO
8418537	F-7B-070701	4208332761		102-4		CRESWELL 2A 18638	GUMBINER (MORRIS)	3.6	LONE STAR GAS CO
8418536	F-7B-070700	4208333010		102-4		CRESWELL 3AA	GUMBINER (MORRIS)	3.6	LONE STAR GAS CO
8418535	F-7B-070699	4208333063		102-4		CRESWELL 4-A 109993	GUMBINER (MORRIS)	99.0	LONE STAR GAS CO
-PENNZOIL PRODUCING COMPANY				RECEIVED:	01/27/84	JA: TX			
8418577	F-04-076166	4235531390		102-4		C P TALBERT #29	AGUA DULCE (8050' TAL	183.0	UNITED GAS PIPE L
-PHILLIPS OIL CO				RECEIVED:	01/27/84	JA: TX			
8418619	F-7C-077343	4246132038		103		N PEMBROOK S UNIT #72-03 (03913)		0.0	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/27/84	JA: TX			
8418622	F-08-077346	4213503164		108		GOLDSMITH ANDECTOR #K-08 21193	GOLDSMITH (CLEAR FORK	20.0	EL PASO NATURAL G
8418621	F-08-077345	4213503118		108		GOLDSMITH ANDECTOR #N-06 21193	GOLDSMITH (CLEAR FORK	13.0	EL PASO NATURAL G
8418620	F-08-07734	4213503113		108		GOLDSMITH ANDECTOR #P-08 21193	GOLDSMITH (CLEAR FORK	18.0	EL PASO NATURAL G
-PRAIRIE OIL CO				RECEIVED:	01/27/84	JA: TX			
8418653	F-10-077425	4206531603		103		COOPER #5 (ID #05565)	PANHANDLE CARSON	130.0	GETTY OIL CO
-R A W ENERGY CORP				RECEIVED:	01/27/84	JA: TX			
8418576	F-7B-076150	4208333446		102-4		SEALY-SMITH #4C	LAKE COLEMAN (MORRIS	100.0	UNION TEXAS PETRO
-REMUDA OPERATING CO				RECEIVED:	01/27/84	JA: TX			
8418586	F-06-076916	4240131535		102-4		H L CROW #1	MINDEN (TRAVIS PEAK-H	241.2	TEXAS UTILITIES F
8418628	F-06-077377	4240131534		102-4		M E SPARKMAN #2	MINDEN (TRAVIS PEAK L	87.1	TEXAS UTILITIES F
8418531	F-06-066785	4240131534		103		ME SPARKMAN #2	MINDEN (TRAVIS PEAK L	87.1	TEXAS UTILITIES F
-RETWELL CORP				RECEIVED:	01/27/84	JA: TX			
8418604	F-7B-077267	4225332425		102-4		BENNETT #1	COTTONWOOD ANNIE (BLU	0.0	LONE STAR GAS CO
8418605	F-7B-077726	4225332630		102-4		BENNETT #4	COTTONWOOD ANNIE (BLU	0.0	LONE STAR GAS CO
8418597	F-7B-077259	4225332183		102-4		BRADSHAW #1	NUGENT NW (FLIPPEN)	18.0	LONE STAR GAS CO
8418598	F-7B-077260	4225332217		102-4		BROWN #1	NUGENT NW (COOK SAND)	16.0	LONE STAR GAS CO
8418602	F-7B-077265	4225332306		102-4		BULLARD #2	NUGENT NW (FLIPPEN)	2.0	LONE STAR GAS CO
8418603	F-7B-077266	4225332393		102-4		BULLARD #3	NUGENT NW (FLIPPEN)	0.0	LONE STAR GAS CO
8418599	F-7B-077261	4225332467		102-4		J HOBBS #1	COTTONWOOD ANNIE (BLU	0.0	LONE STAR GAS CO
8418600	F-7B-077262	4225332495		102-4		J HOBBS #2	COTTONWOOD ANNIE (BLU	0.0	LONE STAR GAS CO
8418601	F-7B-077263	4225332608		102-4		J HOBBS #3	COTTONWOOD ANNIE (BLU	0.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-RIDGE OIL CO				RECEIVED:		01/27/84 JA: TX			
8418630	F-7B-077385	4213335424		102-4	103	CONWAY #2	RANGER (BLACK LIME WE	16.4	COMPRESSOR RENTAL
-SAGE ENERGY CO				RECEIVED:		01/27/84 JA: TX			
8418655	F-7C-077436	4210534622		103		UNIVERSITY 13 #8 RRC #07388	FARMER (SAN ANDRES)	2.3	NORTHERN NATURAL
8418656	F-7C-077437	4210534644		103		UNIVERSITY 13 #9 RRC #07388	FARMER (SAN ANDRES)	0.5	NORTHERN NATURAL
8418657	F-7C-077438	4210534578		103		UNIVERSITY 14 #5 RRC #07348	FARMER (SAN ANDRES)	0.9	NORTHERN NATURAL
8418658	F-7C-077439	4210534580		103		UNIVERSITY 14 #6 RRC #07348	FARMER (SAN ANDRES)	1.3	NORTHERN NATURAL
8418659	F-7C-077441	4210534592		103		UNIVERSITY 14 #8 RRC #07348	FARMER (SAN ANDRES)	1.8	NORTHERN NATURAL
8418660	F-7C-077442	4210534621		103		UNIVERSITY 14 #9 RRC #07348	FARMER (SAN ANDRES)	1.4	NORTHERN NATURAL
8418661	F-7C-077446	4238332658		103		UNIVERSITY 48-13 #2 RRC #09445	FARMER (SAN ANDRES)	0.5	NORTHERN NATURAL
-SNOW OIL CO				RECEIVED:		01/27/84 JA: TX			
8418546	F-7B-073050	4213335069		102-4		RAMSEY #1	REB (MARBLE FALLS)	20.0	LONE STAR GAS CO
8418545	F-7B-073049	4213335100		102-4		RAMSEY #2	REB (MARBLE FALLS)	40.0	LONE STAR GAS CO
-STANLEY OPERATING CO				RECEIVED:		01/27/84 JA: TX			
8418571	F-7C-075652	4243533034		103	107-TF	HICKS 58 "A" #4	MIERS	182.0	INTRATEX GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		01/27/84 JA: TX			
8418552	F-01-074567	4228330949		102-4		A MARTIN ESTATE #1	SUN TSH	13.0	VALERO INTERSTATE
8418667	F-7B-077476	4242933353		103		J M WARD "D" #2	STEPHENS COUNTY REGUL	0.3	DAMSON GAS PROCES
8418668	F-7B-077478	4242933492		103		J M WARD "D" #3	STEPHENS COUNTY REGUL	13.0	DAMSON GAS PROCES
8418670	F-7B-077480	4242933381		103		WARD - ACKERS STATE UNIT "A" #1	STEPHENS COUNTY REGUL	8.0	DAMSON GAS PROCES
8418669	F-7B-077479	4225332272		103		WARD-ACKERS STATE UNIT #1	STEPHENS COUNTY REGUL	2.0	DAMSON GAS PROCES
-TAHOE OIL & CATTLE CO				RECEIVED:		01/27/84 JA: TX			
8418615	F-08-077315	4237134479		103		TAHOE-UNIVERSITY "A" #1	LEON VALLEY (O'BRIEN)	54.8	LARCO GAS CORP
-TENNECO OIL COMPANY				RECEIVED:		01/27/84 JA: TX			
8418532	F-08-069008	4237134132		102-2		J A PURPLE 3-1	PINON (DIMPLE)	0.0	LONE STAR GAS CO
-TOM BROWN INC				RECEIVED:		01/27/84 JA: TX			
8418583	F-7C-076884	4243532897		103	107-TF	HILL-WINNIE R ALDWELL TRUST "A" #1	ALDWELL (RANCH) CANYO	73.0	LONE STAR GAS CO
-TXO PRODUCTION CORP				RECEIVED:		01/27/84 JA: TX			
8418540	F-04-072548	4224900000		103		DUNCAN H-1	MARY (5100')	0.0	DELHI GAS PIPELIN
8418528	F-10-065563	4219530861		103		GIBNER #1	HUTCHINSON N (CLEVELA	146.0	DELHI GAS PIPELIN
8418539	F-02-072152	4223931880		102-4		STAFFORD G U A-4	MORALES (4460')	0.0	DELHI GAS PIPELIN
8418541	F-02-072607	4223931804		102-4		WATSON B-3	MORALES	0.0	DELHI GAS PIPELIN
8418544	F-7C-073023	4223532112		103		WINTERBOTHAM "C" #4	DOVE CREEK (CANYON D)	50.0	COLUMBIA GAS TRAN
-U S OPERATING INC				RECEIVED:		01/27/84 JA: TX			
8418559	F-03-075564	4228730689		102-2		BIRDIE #1 RRC ID #13988	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
8418560	F-03-075565	4247730361		102-2		COWBOY #1 RRC ID #16804	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
8418561	F-03-075566	4228730595		102-2		DORIS #1 RRC ID #13656	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
8418565	F-03-075571	4247730362		102-2		PATSY LEE #1 RRC ID # N/A	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
8418562	F-03-075568	4247730317		102-2		PETO #1 RRC ID #16305	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
8418563	F-03-075569	4228730597		102-2		SELMA #1 RRC ID #13659	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
8418564	F-03-075570	4228730645		102-2		TRACY #1 RRC ID #13660	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
-W B D OIL & GAS CO				RECEIVED:		01/27/84 JA: TX			
8418654	F-10-077426	4234131012		103		DEBI #2 (ID #05485)	PANHANDLE MOORE	40.0	DIAMOND CHEMICAL
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:		01/27/84 JA: TX			
8418594	F-08-077239	4210333193		103		W N WADDELL ETAL (TR A) #1286	SAND HILLS (TUBB)	72.6	EL PASO NATURAL G
-WEAVER CARNES W				RECEIVED:		01/27/84 JA: TX			
8418527	F-03-060232	4247300000		102-4		CHARLES A.NESTER #1	BROOKSHIRE DOME (MIOC	36.0	TEJAS-SOUTHERN GA
-WESTERN PRODUCTION CO				RECEIVED:		01/27/84 JA: TX			
8418596	F-7B-077258	4213331269		108		H O SMITH "A" #1 (14187)	FOSTER (MARBLE FALLS)	9.0	EL PASO HYDROCARB
-WILLIAMS OIL CO				RECEIVED:		01/27/84 JA: TX			
8418595	F-08-077256	4249531646		103		MCCURDY-MCCUTCHEON #3	KERMIT	12.0	PHILLIPS PETROLEU
-WINN EXPLORATION/DULCE CO				RECEIVED:		01/27/84 JA: TX			
8418530	F-01-066729	4250731861		102-4		PRYOR RANCH #153-C	WINN-DULCE	0.0	NORTHERN NATURAL
-WOODBINE EXPLORATION				RECEIVED:		01/27/84 JA: TX			
8418593	F-7B-077178	4225332738		103		GRIFFITH #1	NOODLE N (CISCO LOWER	22.0	UNITED TEXAS TRAN
-WOODHAM OIL CORP				RECEIVED:		01/27/84 JA: TX			
8418547	F-01-073114	4250731963		102-4		JESSEE 3-C	DARSEY (OLMOS)	73.0	HOUSTON PIPELINE
-ZINN PETROLEUM CO				RECEIVED:		01/27/84 JA: TX			
8418664	F-03-077467	4229131630		102-4		GRACE BLANCH #1-T ID #107505	NOLIE MARSH FIELD	550.0	DOW CHEMICAL CO

[FR Doc. 84-5304 Filed 2-28-84; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1073]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 23, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New Well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS

February 23, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION									
-MIDLANDS GAS CORPORATION			RECEIVED: 01/31/84 JA: MT						
8418852	5-83-82	2507121853		108		1160 HELLIES 2	BOWDIN	16.0	K-N ENERGY INC
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ARAPAHO VENTURES OF NEW YORK INC			RECEIVED: 01/31/84 JA: OH						
8418760		3412123037		103	107-TF	CARREL #2	WILDCAT	70.0	EAST OHIO GAS CO
8418761		3412123038		103	107-TF	REED #1	WILDCAT	74.0	EAST OHIO GAS CO
-ATWOOD RESOURCES INC			RECEIVED: 01/31/84 JA: OH						
8418762		3403125126		103	107-TF	ALBERT CONKLE #1	NEW BEDFORD	15.0	
8418765		3415723895		103	107-TF	BRADY HUPP #1	ROSWELL	15.0	
8418764		3415723893		103	107-TF	KRANTZ #1	ZOAR	15.0	
8418763		3403125207		103	107-TF	VICTOR CROFT #3	NEW BEDFORD	15.0	
-BEFCO INC			RECEIVED: 01/31/84 JA: OH						
8418767		3415321459		103	107-TF	ALL SAINTS #3	NORTHFIELD CENTER	2.0	
8418766		3415321458		103	107-TF	ALL SAINTS #4	NORTHFIELD CENTER	2.0	
8418768		3415321599		103	107-TF	ALL SAINTS #5	NORTHFIELD CENTER	2.0	
-BELDEN & BLAKE & CO 83			RECEIVED: 01/31/84 JA: OH						
8418769		3401921559		103	107-TF	CAMP CONESTOGA #2-341199	BROWN	36.5	
8418772		3416923659		103	107-TF	E & B CHERRY ET AL WELL #1-341354	CHESTER	36.5	
8418770		3401921674		103	107-TF	E & D JACOB COMM #2	BROWN	36.5	
8418771		3409921544		103	107-TF	N & M WEINGART COMM WELL #1-341302	GOSHEN	36.5	
-BRBCO INC			RECEIVED: 01/31/84 JA: OH						
8418774		3415321583		103	107-TF	FLAGG #1	SAGAMORE HILLS	2.0	
8418773		3415321329		103	107-TF	LIEBERT #1	BATH	2.0	
-CAPITAL OIL & GAS INC			RECEIVED: 01/31/84 JA: OH						
8418775		3409921653		103	107-TF	SPEECE #2	CANFIELD	24.0	EAST OHIO GAS CO
-CNG DEVELOPMENT CO			RECEIVED: 01/31/84 JA: OH						
8418780		3412123089		103	107-TF	ERNEST R WILSON #1 CNGD #601	JACKSON	4.0	
8418779		3412123073		103	107-TF	GLADYS W POLING #1 CNGD #155	JACKSON	5.0	
8418778		3405520617		103	107-TF	J HERSHBERGER #1 CNGD #598	HUNTSBURG	4.0	
8418777		3405520596		103	107-TF	N POLLOCK #1 CNGD #647	CLARIDON	4.0	
8418776		3405520582		103	107-TF	ROBERT H ROWLEY SR #1 CNGD #311	CLARIDON	4.0	
-DOME ENERGY 82-2			RECEIVED: 01/31/84 JA: OH						
8418787		3409321239		107-TF		MADDOCK #1	COLUMBIA	5.0	COLUMBIA GAS TRAN
-DOME ENERGY 83			RECEIVED: 01/31/84 JA: OH						
8418782		3409321230		107-TF		COLUMBIA GAME CLUB #1	COLUMBIA	30.0	COLUMBIA GAS TRAN
8418786		3409321236		107-TF		SAUTER #1	EATON	15.0	COLUMBIA GAS TRAN
8418783		3409321232		107-TF		WILLIAMS-BECK #1	COLUMBIA	20.0	COLUMBIA GAS OF O
-DOME ENERGY 83-2			RECEIVED: 01/31/84 JA: OH						
8418785		3409321235		107-TF		BLACKBURN #1	COLUMBIA	20.0	COLUMBIA GAS TRAN
8418784		3409321234		107-TF		BLACKBURN #2	COLUMBIA	30.0	COLUMBIA GAS TRAN
8418781		3409321221		107-TF		STUMPF #2	COLUMBIA	10.0	COLUMBIA GAS TRAN
-DOME PRODUCING			RECEIVED: 01/31/84 JA: OH						
8418788		3409321244		107-TF		GAUTHIER #1	COLUMBIA	25.0	COLUMBIA GAS TRAN
-DONALD P SHANAHAN			RECEIVED: 01/31/84 JA: OH						

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8418789		3416726392		108		MARY SWISHER #1	BEVERLY	20.4	EAST OHIO GAS CO
8418790		3416726679		108		MARY SWISHER #3	BEVERLY	20.0	EAST OHIO GAS CO
-ENTERPRISE ENERGY CORP				RECEIVED: 01/31/84 JA: OH					
8418794		3411523277		103	107-TF	STUBBINS #2	MEIGSVILLE	36.5	
-ENVIROGAS INC				RECEIVED: 01/31/84 JA: OH					
8418795		3400922809		103	107-TF	OHIO MINING #7	YORK	18.2	
-EVERFLOW EASTERN INC				RECEIVED: 01/31/84 JA: OH					
8418796		3415723952		103	107-TF	ROMIG-MILLS #1	RUSH	0.0	
-GORSUCH OIL & GAS CORP				RECEIVED: 01/31/84 JA: OH					
8418797		3411926768		107-TF		PACE #1	ROSEVILLE	40.0	COLUMBIA GAS TRAN
-GUARDIAN MANAGEMENT INC				RECEIVED: 01/31/84 JA: OH					
8418798		3403124981		107-TF		CLIFFORD GUTHRIE #2A	CLARK	18.0	
8418800		3403125201		107-TF		ROBERT STARNER #1	KEENE	18.0	
8418799		3403125002		107-TF		WILLARD CATLIN #3A	CLARK	18.0	
-IRVIN PRODUCING COMPANY				RECEIVED: 01/31/84 JA: OH					
8418801		3411926841		103	107-TF	MARVIN HOUK #3	WAYNE	6.0	NATIONAL GAS & OI
-J. V. ALTIER GAS & OIL CO INC.				RECEIVED: 01/31/84 JA: OH					
8418804		3411522466		108		JESSIE M & MELVIN O HICKERSON #1	MCCONNELSVILLE	11.0	VESCORP INDUSTRIE
8418802		3411522248		108		ROBERT & LUCY NEWSOM #1	MCCONNELSVILLE	9.5	VESCORP INDUSTRIE
8418803		3411522249		108		ROBERT & LUCY NEWSOM #2	MCCONNELSVILLE	10.0	VESCORP INDUSTRIE
-JOSEPH A GORMLEY				RECEIVED: 01/31/84 JA: OH					
8418805		3411922712		108		GORMLEY KEARNS #2		6.0	COLUMBIA GAS TRAN
-KENOIL				RECEIVED: 01/31/84 JA: OH					
8418806		3416921989		108		BROWN #1		1.0	COLUMBIA GAS TRAN
8418807		3416922729		108		BROWN #2		1.0	COLUMBIA GAS TRAN
-L & M EXPLORATION INC				RECEIVED: 01/31/84 JA: OH					
8418808		3401921115		108		CONOTTON LAND CO #1		10.0	BONANZA GAS LINE
8418809		3401921168		108		CONOTTON LAND CO #2		10.0	BONANZA GAS LINE
-L & M PETROLEUM INC				RECEIVED: 01/31/84 JA: OH					
8418810		3401921208		108		STERNER #1		10.0	BONANZA GAS LINE
-LAKE REGION OIL INC				RECEIVED: 01/31/84 JA: OH					
8418811		3407524141		103		JOHN WALTMAN #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8418812		3407524219		103	107-TF	WILLIS YODER #2	CLARK	10.0	COLUMBIA GAS TRAN
-LEADER EQUITIES INC				RECEIVED: 01/31/84 JA: OH					
8418813		3411926834		103	107-TF	ROBERT BOZ #4	MONROE	13.0	
-LOMAK PETROLEUM INC				RECEIVED: 01/31/84 JA: OH					
8418815		3405525440		103	107-TF	E LUOMA UNIT #1	CLARIDON	24.0	
8418814		3405525250		103	107-TF	MILLER-WILSON UNIT #1	CLARIDON	24.0	
-NEIL R. WYNN				RECEIVED: 01/31/84 JA: OH					
8418816		3416727172		108		BAUMGARD #1		2.0	COLUMBIA GAS TRAN
-NORTH EASTERN OHIO OIL & GAS EXPLOR				RECEIVED: 01/31/84 JA: OH					
8418817		3400722189		103	107-TF	SIELSKI #1	NEW LYME	20.0	CLINTON SAND
8418818		3400722322		103	107-TF	THOMPSON #1	NEW LYME	20.0	
8418819		3400722426		103	107-TF	THOMPSON #3	NEW LYME	20.0	CLINTON SAND
-OHIO OIL & GAS CO				RECEIVED: 01/31/84 JA: OH					
8418820		3415522427		107-TF		DENMAN 6	GUSTAVUS	20.0	COLUMBIA GAS TRAN
8418821		3415522428		107-TF		DENMAN 7	JOHNSTON	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 01/31/84 JA: OH					
8418839		3416923608		107-TF		GUY YOUNG #11	CANAAN	10.0	
8418838		3412726071		107-TF		KING-CROOKSVILLE UNIT #1	HARRISON	10.0	
-P/T DRILLING JOINT VENTURE				RECEIVED: 01/31/84 JA: OH					
8418822		3400722384		107-TF		R & L CROWELL #1	NEW LYME	40.0	
-PIONEER RESOURCES INC				RECEIVED: 01/31/84 JA: OH					
8418837		3400722386		107-TF		E SCHUBERT #1	NEW LYME	50.0	
-POI ENERGY INC				RECEIVED: 01/31/84 JA: OH					
8418824		3405520505		103	107-TF	KNOPF #RM-2	BAINBRIDGE	40.0	
8418823		3400722416		103	107-TF	RICE #RM-1	ANDOVER	30.0	
-RELIANCE ENERGY				RECEIVED: 01/31/84 JA: OH					
8418792		3407524182		103	107-TF	DAVID MILLER #1	PRAIRIE	14.0	COLUMBIA GAS TRAN
8418793		3407524183		103	107-TF	JACOB M MAST UNIT #1	PRAIRIE	16.0	COLUMBIA GAS TRAN
8418791		3407524181		103	107-TF	JOHN R WEAVER #2	PRAIRIE	12.0	COLUMBIA GAS TRAN
-SANTA FE DRILLING CO INC				RECEIVED: 01/31/84 JA: OH					
8418825		3412122773	D	107-DV		EDWIN PEPPEL #1	JEFFERSON	50.0	COLUMBIA GAS TRAN
-SENECA ENERGY CORP				RECEIVED: 01/31/84 JA: OH					
8418826		3403124940		107-TF		MURRAY #2	CLARK	20.0	COLUMBIA GAS TRAN
8418827		3403125176		107-TF		PERRY #2	MILLCREEK	40.0	COLUMBIA GAS TRAN
8418828		3403125178		107-TF		SCOTT ETAL #2	MILLCREEK	25.0	COLUMBIA GAS TRAN
-STONE RESOURCE & ENERGY CORP				RECEIVED: 01/31/84 JA: OH					
8418829		3403122838		107-TF		BARTH #3	WHITE EYES	7.0	
8418830		3403123091		107-TF		BARTH #5	WHITE EYES	3.0	
8418832		3403123244		107-TF		BARTH #7	WHITE EYES	4.0	
8418836		3403125050		103	107-TF	DARR #1	KEENE	7.0	
8418833		3403123622		107-TF		DELLA PEPPER #2	ADAMS	10.0	
8418835		3403124335		103	107-TF	HUFF #1	ADAMS	2.4	
8418834		3403123825		107-TF		MATHIAS #1-A	KEENE	10.0	
8418831		3403123169		107-TF		SHIRLEY MOORE #1	WHITE EYES	15.0	
-VIKING RESOURCES CORP				RECEIVED: 01/31/84 JA: OH					
8418844		3415321553		103	107-TF	AKRON JEWISH CENTER UNIT #2	COPLEY	30.0	
8418841		3408520504		103	107-TF	FULLER-ROMANO UNIT #1	MADISON	30.0	
8418842		3408520505		103	107-TF	FULLER-ROMANO UNIT #2	MADISON	30.0	
8418846		3415321555		103	107-TF	HARTER UNIT #1	COPLEY	30.0	
8418845		3415321554		103	107-TF	HARTER UNIT #2	COPLEY	30.0	
8418843		3408520519		103	107-TF	LOSELY UNIT #9	PERRY	30.0	
8418840		3408520503		103	107-TF	TUTTLE #1	PERRY	30.0	
-WENTEX INTERNATIONAL INC				RECEIVED: 01/31/84 JA: OH					
8418848		3412723216		108		BREESE-HAMMER #1		3.8	COLUMBIA GAS TRAN
8418849		3412723219		108		ELMER R SIDWELL ET UX #1		0.8	COLUMBIA GAS TRAN
8418851		3412723222		108		HEARING #1		6.7	COLUMBIA GAS TRAN
8418850		3412723221		108		MASTERSON-STONEBURNER #1		9.5	COLUMBIA GAS TRAN
8418847		3411521329		108		SIDWELL UNIT #2		0.3	COLUMBIA GAS TRAN
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED: 01/30/84 JA: WV					
8418710		4701100743		103		C WAGNER #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
8418722		4701100743		107-DV		C WAGNER #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
8418708		4701100745		103		D WALKER #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
8418720		4701100745		107-DV		D WALKER #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
8418706		4701100749		103		H M SMITH #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
8418717		4701100749		107-DV		H M SMITH #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
8418716		4701100751		107-DV		M FERRIS #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
8418718		4701100748		107-DV		M HARLESS #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
8418709		4701100744		103		MARTIN/MILLER #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
8418721		4701100744		107-DV		MARTIN/MILLER #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8418711		4701100742		103		R L CURRY #1	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8418723		4701100742		107-DV		R L CURRY #1	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8418707		4701100747		103		T LESTER #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
8418719		4701100747		107-DV		T LESTER #1	MCCOMAS DISTRICT	36.0	COLUMBIA GAS TRAN
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	01/30/84	JA: WV			
8418698		4708505566		103		A-1128	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8418690		4708505787		103		A-1165	UNION	0.0	CONSOLIDATED GAS
8418687		4708505796		103		A-1254	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8418688		4708506206		103		A-1278	UNION	0.0	CONSOLIDATED GAS
8418689		4708300742		103		A-1286	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
-ASHLAND EXPLORATION INC				RECEIVED:	01/30/84	JA: WV			
8418759		4703902576		103		BEDFORD LAND CO #11 - 050490	PAINT CREEK	18.0	COLUMBIA GAS TRAN
8418702		4701900507		103		WRISTON-SMARR UNIT #1 - 095901	PAINT CREEK	14.0	COLUMBIA GAS TRAN
-CENTRAL PACIFIC GROUP				RECEIVED:	01/30/84	JA: WV			
8418758		4708506259		107-DV		MORRIS #1	GRANT DISTRICT	27.0	CONSOLIDATED GAS
8418757		4708506424		107-DV		MORTON #1	MURPHY DISTRICT	27.0	CONSOLIDATED GAS
-CHESTERFIELD ENERGY CORP				RECEIVED:	01/30/84	JA: WV			
8418677		4709702363		107-DV		C BAILEY #2	ABBOTT-FRENCH CREEK	70.0	COLUMBIA GAS TRAN
8418736		4700101869		107-DV		C HULL A-1	BELINGTON	24.0	COLUMBIA GAS TRAN
8418749		4700101916		103		CORLEY HEIRS #1	BARKER	0.0	TENNECO OIL CO
8418741		4703302909		103		DRUMMOND #1	COAL	0.0	CONSOLIDATED GAS
8418743		4703302907		103		DRUMMOND #2	COAL	0.0	CONSOLIDATED GAS
8418742		4703302912		103		DRUMMOND WELL #3	COAL	0.0	CONSOLIDATED GAS
8418737		4700101861		107-DV		H HULL #1	BELINGTON	24.0	COLUMBIA GAS TRAN
8418750		4700101917		103		HILLYARD #1	BARKER	0.0	TENNECO OIL CO
8418751		4700101851		103		MCQUAID #1	BARKER	0.0	TENNECO OIL CO
8418748		4700101941		103		NESTOR #1	COVE	0.0	TENNECO OIL CO
8418746		4703302892		103		OLIVERIO #2	COAL	0.0	CONSOLIDATED GAS
8418744		4704103324		103		OSBORNE #1	FREEMANS	0.0	CARNEGIE NATURAL
8418745		4703302893		103		RILEY #2	CLAY	0.0	PENNZOIL PRODUCIN
8418740		4700116870		103		SHOMO #1	BARKER	0.0	TENNECO OIL CO
8418747		4702104021		103		WADE #1	DEKELB	0.0	CONSOLIDATED GAS
8418735		4700101868		107-DV		ZIRKLE #A-1	BELINGTON	24.0	COLUMBIA GAS TRAN
-CITIES SERVICE OIL & GAS CORP				RECEIVED:	01/30/84	JA: WV			
8418728		4704500998		108		FERRELL "A" #1	CHAPMANVILLE	13.0	COLUMBIA GAS TRAN
8418727		4704500999		108		STONE "A" #2	CHAPMANVILLE	8.4	COLUMBIA GAS TRAN
-CLAY RESOURCES INC				RECEIVED:	01/30/84	JA: WV			
8418729		4710700656		108		HARRIS #1	CLAY DISTRICT	0.0	CONSOLIDATED GAS
8418730		4710700650		108		YOHO #1	CLAY DISTRICT	0.0	CONSOLIDATED GAS
8418731		4710700651		108		YOHO #2	CLAY DISTRICT	0.0	CONSOLIDATED GAS
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	01/30/84	JA: WV			
8418725		4703903914		102-4		GEORGES CREEK L & M 821095	INDIAN CREEK FIELD	0.0	COLUMBIA GAS TRAN
8418724		4703903937		102-4		JULIA CRADDOCK 820655	INDIAN CREEK FIELD	0.0	COLUMBIA GAS TRAN
8418726		4703903908		102-4		KANAWHA HOCKING C&C 820524	INDIAN CREEK FIELD	0.0	COLUMBIA GAS TRAN
-DAVID A FRESHWATER				RECEIVED:	01/30/84	JA: WV			
8418685		4701303589		103		GOLDIE MILLER #2	MINNORA	15.0	CONSOLIDATED GAS
8418686		4701303590		103		GOLDIE MILLER #3	MINNORA	15.0	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	01/30/84	JA: WV			
8418700		4704103232		103		COPLEY #6	COURTHOUSE	10.0	COLUMBIA GAS TRAN
8418753		4704103232		107-DV		COPLEY #6	COURTHOUSE	10.0	COLUMBIA GAS TRAN
8418678		4704103326		107-DV		HENDERSON #1	COURTHOUSE	15.0	COLUMBIA GAS TRAN
8418694		4704103326		103		HENDERSON #1	COURTHOUSE	15.0	COLUMBIA GAS TRAN
8418699		4704103319		103		KENNEY #2	COURTHOUSE	10.0	COLUMBIA GAS TRAN
8418752		4704103319		107-DV		KENNEY #2	COURTHOUSE	10.0	COLUMBIA GAS TRAN
8418679		4704103325		107-DV		MARY GREEN #1	COURTHOUSE	15.0	COLUMBIA GAS TRAN
8418695		4704103325		103		MARY GREEN #1	COURTHOUSE	15.0	COLUMBIA GAS TRAN
8418680		4704103320		107-DV		PENNZOIL #2	COURTHOUSE DISTRICT	10.0	COLUMBIA GAS TRAN
8418703		4704103320		103		PENNZOIL #2	COURTHOUSE DISTRICT	10.0	COLUMBIA GAS TRAN
8418676		4704103182		107-DV		RAMSBURG #2	COURTHOUSE	10.0	COLUMBIA GAS TRAN
8418701		4704103182		103		RAMSBURG #2	COURTHOUSE	10.0	COLUMBIA GAS TRAN
-J L TRITTIPO INC				RECEIVED:	01/30/84	JA: WV			
8418733		4700500978		108		"C" TRACT #6	WHITE OAK	6.0	CONSOLIDATED GAS
8418732		4700500979		108		"C" TRACT #7	WHITE OAK	6.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	01/30/84	JA: WV			
8418671		4704700902		107-DV		A M HARMON #1 SW-470	BIG CREEK	0.2	COLUMBIA GAS TRAN
8418734		4704700902		103		A M HARMON #1 SW-470	BIG CREEK	0.2	COLUMBIA GAS TRAN
-KAISER EXPLORATION & MINING CO				RECEIVED:	01/30/84	JA: WV			
8418675		4703501398		107-DV		ERNIE DONOHEW DEK #26	SILVER VALLEY	39.0	KAISER ALUMINUM &
8418682		4710701209		103		GERALDINE SAMS KEM #148	MURRAYSVILLE	22.0	KAISER ALUMINUM &
8418683		4703501697		103		GORDON PARSONS KEM #144	MURRAYSVILLE	29.0	KAISER ALUMINUM &
8418684		4703501622		103		KENNETH SHAW KEM #126	MURRAYSVILLE	29.0	KAISER ALUMINUM &
8418681		4710701213		103		THOMAS LOUGH KEM #221	MURRAYSVILLE	51.0	KAISER ALUMINUM &
-L & B OIL CO INC				RECEIVED:	01/30/84	JA: WV			
8418714		4709501027		107-DV		GORRELL #2	MEADE	40.0	
8418715		4707301445		107-DV		ROY SMITH #1	UNION	12.0	
-M & M INDUSTRIES INC				RECEIVED:	01/30/84	JA: WV			
8418713		4708503251		103		T-8	HARRISVILLE	19.8	CONSOLIDATED GAS
-PETRO-MARK INC				RECEIVED:	01/30/84	JA: WV			
8418739		4708506540		107-DV		LIGHT #5 FD	MACFARLAN	22.0	CONSOLIDATED GAS
8418738		4708505648		103		SWISHER #1	CAIRO	40.6	CONSOLIDATED GAS
-SWIFT ENERGY CO				RECEIVED:	01/30/84	JA: WV			
8418674		4709100340		102-2		L R KERNS #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8418755		4709100340		107-DV		L R KERNS #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8418672		4709100344		102-2		R WOLFE #1	FETTERMAN DISTRICT	0.0	TENNESSEE GAS PIP
8418754		4709100344		107-DV		R WOLFE #1	FETTERMAN DISTRICT	0.0	TENNESSEE GAS PIP
8418673		4709100288		102-2		TURNER #2	FETTERMAN DISTRICT	0.0	TENNESSEE GAS PIP
8418756		4709100288		107-DV		TURNER #2	FETTERMAN DISTRICT	0.0	TENNESSEE GAS PIP
-UNION DRILLING INC				RECEIVED:	01/30/84	JA: WV			
8418712		4704103328		103		HAYS CUNNINGHAM BOHAN #1 1833	COURTHOUSE DISTRICT	0.0	CONSOLIDATED GAS
8418693		4709702321		103		JOSEPHINE HARRIS #1 1706	WARREN DISTRICT	0.0	COLUMBIA GAS TRAN
8418696		4709702539		103		KENNETH A CURRY #1 1616	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8418697		4709702564		103		LUCILE MEARNS AGENT #4 1871	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8418692		4709702444		103		TEAL QUEEN #1 1623	WARREN DISTRICT	0.0	COLUMBIA GAS TRAN
8418691		4709702535		103		UDI-PAULEY #1 1848	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
-WACO OIL AND GAS CO INC				RECEIVED:	01/30/84	JA: WV			
8418705		4702104011		103		NEAL #2A	DRY RUN	50.0	CONSOLIDATED GAS
8418704		4702104079		103		NEAL #3A	DRY RUN	60.0	CONSOLIDATED GAS
**********									
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, DENVER,CO									
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-CELERON OIL & GAS CO				RECEIVED:	01/31/84	JA: CO 1			
8418854 CD-0181-83		0510300000		103	107-DP	FEDERAL 1-5-3-97	SULPHUR CREEK	23.7	NORTHWEST CENTRAL
-MURCHISON BROTHERS				RECEIVED:	01/31/84	JA: CO 1			
8418853 CD 0192-83		0506705093		108		SO UTE BLOCK 13 #3-17 #14-20-151-25	IGNACIO-BLANCO	20.8	WESTERN SLOPE GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, LOS ANGELES,CA									
-SUN EXPLORATION & PRODUCTION CO		RECEIVED: 01/30/84		JA: CA 2					
8418855	CA-17-83	0402925445	103			MCKITTRICK GOV'T #13	CYMRIC	0.4	
8418856	CA-18-83	0402955387	103			MCKITTRICK GOV'T #35	CYMRIC	0.4	
8418858	CA-20-83	0402964057	103			MCKITTRICK GOV'T #37	CYMRIC	0.4	
8418860	CA-22-83	0402964479	103			MCKITTRICK GOV'T #40	CYMRIC	0.4	
8418873	CA-35-83	0402965103	103			MCKITTRICK GOV'T #41	CYMRIC	0.4	
8418861	CA-23-84	0402967392	103			MCKITTRICK GOV'T #42	CYMRIC	0.4	
8418862	CA-24-83	0402967415	103			MCKITTRICK GOV'T #57	CYMRIC	4.0	
8418863	CA-25-83	0402967416	103			MCKITTRICK GOV'T #58	CYMRIC	4.0	
8418864	CA-26-83	0402968145	103			MCKITTRICK GOV'T #59	CYMRIC	4.0	
8418865	CA-27-83	0402968146	103			MCKITTRICK GOV'T #60	CYMRIC	4.0	
8418866	CA-28-83	0402968147	103			MCKITTRICK GOV'T #61	CYMRIC	4.0	
8418867	CA-29-83	0402968148	103			MCKITTRICK GOV'T #62	CYMRIC	4.0	
8418868	CA-30-83	0402968149	103			MCKITTRICK GOV'T #63	CYMRIC	4.0	
8418869	CA-31-83	0402968150	103			MCKITTRICK GOV'T #64	CYMRIC	4.0	
8418870	CA-32-83	0402968151	103			MCKITTRICK GOV'T #65	CYMRIC	4.0	
8418871	CA-33-83	0402968152	103			MCKITTRICK GOV'T #66	CYMRIC	4.0	
8418872	CA-34-83	0402968153	103			MCKITTRICK GOV'T #67	CYMRIC	4.0	
8418857	CA-19-83	0402964056	103			MCKITTRICK GOVT #36	CYMRIC	0.4	
8418859	CA-21-83	0402964478	103			MCKITTRICK GOVT #39	CYMRIC	0.4	

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BILLING CODE 6717-01-C

federal register

Wednesday
February 29, 1984

Part IV

Environmental Protection Agency

40 CFR Part 3

Employee Responsibilities and Conduct; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 3

[FRL 2519-5]

Employee Responsibilities and Conduct

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule revises 40 CFR Part 3, Employee Responsibilities and Conduct. It updates regulations published April 17, 1973, at 38 FR 9556 and January 21, 1981, at 46 FR 5963 to make these regulations consistent with the Ethics in Government Act of 1978, Pub. L. 95-521, as amended. This material also updates provisions regarding advisory service and enforcement and requirements for filing confidential statements of employment and financial interest so that they will be consistent with EPA reorganizations which have occurred since the regulations were first published. Other revisions have been made in the interests of clarity and to incorporate minor revisions based on the Agency's experience in administering the earlier regulations.

DATE: This regulation is effective February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Donnell L. Nantkes, Office of General Counsel (LE-132G), Environmental Protection Agency, 401 M Street, S W., Washington, D.C. 20460, (202) 382-5462.

SUPPLEMENTARY INFORMATION:

Background

Current EPA regulations regarding Employee Responsibilities and Conduct do not reflect the changes effected by the Ethics in Government Act of 1978 with respect to the requirement for Executive Personnel Financial Disclosure Reports and changes in the post-employment restrictions of 18 U.S.C. 207. The regulations likewise refer to the chief ethics officer of the Agency as the "Agency Counselor" and the officer's assistants as "Deputy Counselors." Under the Ethics in Government Act and implementing regulations of the Office of Government Ethics, these officials are now "the Designated Agency Ethics Official," "the Alternate Agency Ethics Official" and "Deputy Ethics Officials." The titles of EPA officials who carry out these functions have also changed since 1973, and this regulation reflects these changes. The list in Appendix B to Subpart C of employees required to file Confidential Statements of Employment and Financial Interest under Executive Order 11222 is out-of-date. Finally, certain minor changes have been made in the light of Agency experience in applying the earlier regulation.

Accordingly, 40 CFR Part 3 is changed as follows:

General Provisions

Subpart A, §§ 3.101 to 3.105, are unchanged except as follows:

(1) Changes in phraseology in the interests of greater clarity; and

(2) Elimination of the discussion of post-employment restrictions in former § 3.104(f) because this is misplaced in the context of "other general standards of conduct." A discussion of the conflict of interest statutes is contained in Appendix A to 40 CFR Part 3, Subpart A.

Appendix A, Conflict of Interest Statutes, has been greatly expanded to include discussions of the scope of each provision together with examples. The treatment of 18 U.S.C. 207 reflects the changes effected by the Ethics in Government Act of 1978.

Appendix B, Other Provisions (formerly Miscellaneous Statutes), has been expanded to reflect the prohibition of 2 U.S.C. 411 regarding excessive honorariums and the prohibition of the Ethics in Government Act against outside earned income in excess of 15% of the salaries of Presidential appointees.

Appendix C, Procedures for Administrative Enforcement of Post-Employment Restrictions, is the same except for minor stylistic changes.

Advice and Enforement

Subpart B has been revised to describe the functions of the Designated Agency Ethics Official, the Alternate Agency Ethics Official and the Deputy Ethics Officials in terms consistent with 5 CFR Part 738 and to make designations consistent with current EPA titles. Those designated as Deputy Ethics Officials include: (1) Assistant Administrators; (2) the Inspector General; (3) Office Directors reporting to Assistant Administrators; (4) Staff Office Directors reporting to the Administrator; (5) Laboratory Directors; and (6) Regional Administrators. The designation of Laboratory Directors is new. Although the former regulation designated "Directors of National Environmental Research Centers," these positions no longer exist and, unlike these former officials, Laboratory Directors do not report directly to an Assistant Administrator. They have nonetheless been designated as Deputy Ethics Officials because they are likely to be more familiar with the activities of employees in their laboratories than a Headquarters offical would be.

The provisions regarding review of financial interest statements in former § 3.203 have been moved to Subpart C, Financial Interests and Investments. Likewise, the language of former § 3.203(d) (now § 3.202(b)) has been revised to eliminate any implication that a "remedial" action—such as divestitute, waiver, recusal, reassignment or creation of a blind trust—is in any sense a "disciplinary" action.

Financial Interests and Investments

All references in former § 3.301 to the "Statements of Known Financial Interest" formerly required to be filed under the Toxic Substances Control Act, Solid Waste Disposal Act, Resource Conservation and Recovery Act, Clean Air Act and the Environmental Research, Development, and Demonstration Authorization Act have been eliminated. According to an opinion of the Department of Justice dated April 11, 1980, Section 207 of the Ethics in Government Act has completely superseded these requirements.

Section 3.300 lists activities which may give rise to a conflict of interest. It differs from the list in former § 3.302(c) in that rulemaking or policy matters which have a direct and predictable effect on a financial interest are included. This addition more accurately reflects the scope of 18 U.S.C. 208(a).

The provisions concerning exemptions under 18 U.S.C. 208(b)(2) from the restrictions of 18 U.S.C. 208(a) have been moved from former Appendix C, Subpart C, to new § 3.301(b). The general exemptions have been modified as follows:

(1) The current regulation exempts all mutual funds. This has been changed to "mutual funds, except those which concentrate their investments in particular industries" to preclude employees' participating in matters affecting mutual funds which concentrate their investments in the affected industry.

(2) The current exemptions for "bonds other than corporate bonds" has been changed to "bonds or other securities issued by the U.S. Government or its agenices." Because EPA activities may distinctively affect particular State and local governments and special purpose districts, the former exemption was considered too broad.

(3) The current exemption for "insurance policies" has been changed to "life insurance, variable annunity, or guaranteed investment contracts issued

by insurance companies" in order to effect complete coverage of similar interests.

(4) The current exemption for "cash, savings accounts, certificates of deposit, and shares in Federal credit unions" has been changed to "deposits in a bank, savings and loan association, or credit union, or similar financial institution" for the sake of clarity and complete coverage of similar interests.

(5) The current exemption applicable to participation in "a bona fide pension, retirement, group life, health, or accident insurance plan, or other employee welfare or benefit plan that is maintained by a business or nonprofit organization of which (the employee) is a former employee" (except for profit-sharing and stock-bonus plans) has been eliminated. In 83 OGE 1 of January 7, 1983, the Office of Government Ethics decided that exemption of such interests under 18 U.S.C. 208(b)(2) is inappropriate in view of the diversity of such interests. Accordingly, requests for waiver of such interests will now be handled on a case-by-case basis under 18 U.S.C. 208(b)(1).

New § 3.302 covers the requirements of the Ethics in Government Act of 1978 regarding submission of Standard Form 278, Executive Personnel Financial Disclosure Report, by certain officers and employees. The Section also covers the requirement for submission of Confidential Statements of Employment and Financial Interest under Executive Order 11222. The list of positions for which filing was required in former Appendix B to Subpart C has been eliminated because it has been our experience that such lists rapidly become out-of-date. Instead, new provisions at § 3.302(b) require all employees between GS/GM 13 and 15 in certain categories to file financial statements. For example, all such employees who report to the General Counsel or the Enforcement Counsel are required to file as are all such employees in the Office of the Administrator or Deputy Administrator.

In addition, § 3.302(c) requires Deputy Ethics Officials to require filing on a case-by-case basis by employees between GM/GS 13 and 15 to the extent such employees are involved in activities affecting the financial interests of those outside the Government. This procedure is essentially the same as that described in former § 3.304, except that the provision at former subsection (g) regarding exemption from the filing requirement has been eliminated. The former provision required exemption from the filing requirement where it was determined "that the employee's duties are of such a nature, or are at such a level of responsibility and are subject to such a degree of supervision and review, that the possibility of his becoming involved in a conflict of interest is remote." Since 18 U.S.C. 208(a) prohibits *any* participation by *any* employee in matters affecting the employee's financial interest, the former provision was considered inconsistent with 18 U.S.C. 208(a). Moreover, the provision was cumbersome to apply.

Former § 3.305, Special Requirements under the Clean Air Act, has been moved to new § 3.303. It is substantially unchanged.

New § 3.304 discusses special requirements under the Toxic Substances Control at 15 U.S.C. 2603(e) which apply to members of the Interagency Testing Committee. Such employees are prohibited for one year after committee service ceases from accepting employment or compensation from any person subject to any requirement of the Act. They are also prohibited from holding any stocks, bonds or other substantial pecuniary interest in any "person" (includes corporations) engaged in the manufacture, processing or distribution in commerce of any substance or mixture subject to any rule or order under the Act.

New § 3.505 reflects the provision of the Suface Mining Control and Reclamation Act prohibiting any federal employee who performs any function or duty under the Act (such as reviewing Environmental Impact Statements of the Office of Surface Mining in the Department of the Interior) from holding any "direct or indirect" interest in underground or surface coal mining operations.

Appendix A to Subpart C, Procedures for Filing Confidential Statements of Employment and Financial Interest, has been reworded with the following substantive changes:

(1) The due date for submission of annual supplemental statements has been changed from June 30 to July 31 to reflect the fact that the statements cover the period July 1 to June 30.

(2) To facilitate review, the former provision of paragraph (4) which permitted filing of "negative" supplemental annual reports has been changed to require filing of complete annual reports.

(3) A deadline for review of 30 days after receipt has been established.

(4) The requirement for filing quarterly supplemental statements where an employee's financial or employment interests have changed has been changed to a requirement for filing supplemental statements every four months in order to reduce paperwork while retaining the Agency's ability to monitor changes in investments.

(5) Deputy Ethics Officials are required to send a memorandum to the Designated Agency Ethics Official stating that all required reports have been filed and all remedial action has been taken and indicating the total number of employees at GS/GM 13–15 and the number who have been required to file.

(6) The provisions of former paragraph (5), (now (4)), regarding confidentiality have been changed to make it clear that immediate staff assistants of the Designated or Alternate Agency Ethics Official or Deputy Ethics Officials may have access to the reports for purposes of assisting in review if specifically designated to do so in writing.

(7) A new procedure (5) provides that financial statements are to be disposed of after six years unless needed in an on-going investigation. This is consistent with the procedures for retention of Standard Form 278's under the Ethics in Government Act.

Appendix B, Employees Subject to Special Requirements Under the Clean Air Act, (formerly Appendix D) to Subpart C has been revised to reflect current EPA organizational structures. It is substantively unchanged. However, the new format indicates which positions *are* subject to these special requirements where as former Appendix D indicated the positions which were *not* subject to these special requirements.

Gifts, Gratuities and Entertainment

Subpart D, Gifts, Gratuities and Entertainment, is essentially unchanged, except as follows:

(1) Section 3.400(b)(1) makes clear that the provisions allowing acceptance of meals and refreshments in connection with participation in widely-attended gatherings and similar activities where the employee officially represents EPA does not permit acceptance of ordinary "business lunches."

(2) New § 3.400(b)(5) permits acceptance of unsolicited advertising or promotional material worth less than $10 U.S. retail. Former § 3.401(d)(6) permitted acceptance of such materials if they were of "minimal value."

(3) Section 3.400(b)(7) permits acceptance of transportation, lodging and meals of modest value in connection with interviews for future employment, provided the employee is in an annual leave status at the time of the interview.

Outside Employment

Subpart E is substantively unchanged except as follows: (1) Section 3.502, Guidelines and limitations, (formerly § 3.503) has been changed to allow the Designated Agency Ethics Official to approve outside employment with an EPA contractor or subcontractor under an EPA contract. The former provision at § 3.503(e) absolutely prohibited such employment. However, EPA has experienced situations in which this prohibition was too harsh; for example, where a clerical employee has been offered such outside employment.

(2) Section 3.504(a) reflects the prohibition of 2 U.S.C. 441 against accepting and honorarium of more than $2,000 for any single appearance, speech or article. It also reflects the prohibition of Section 210 of the Ethics in Government Act against Presidential appointees receiving outside earned income in excess of 15% of their Government salaries.

(3) Former § 3.505, Compensation, honorariums, travel expenses, did not reflect authorities for acceptance of official travel expenses other than 5 U.S.C. 4111; i.e., attendance at meetings paid for by organizations listed under Section 501(c)(3) of the Internal Revenue Code. New § 3.504 reflects other statutory provisions which authorize the Agency or EPA employees to accept payment or reimbursement of official travel expenses.

(4) Section 3.508, Administrative approval provides an additional circumstance under which employees must receive advance approval for outside employment; that is, employment with a firm which is regulated by the EPA organization in which the employee serves.

Appendix A to Subpart D, Procedures for Permission to Engage in Outside Employment or Other Outside Activity, is essentially unchanged.

Standards of Conduct for Special Government Employees

Subpart F has been reworded but is essentially unchanged except that § 3.602, Standards of Conduct, has been revised to correspond to the provisions of § 3.400, policy on Gifts, Gratuities and Entertainment, respecting regular employees.

Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether a regulation is "major" and therefore subject to the regulatory impact analysis requirements of the Order or whether it may follow other development procedures. We have determined that this regulation is not "major" as it will not have a substantial impact on the economy. Consequently, the regulation is not subject to the impact analysis requirements of Executive Order 12291.

Environmental Impact Statement

This regulation does not affect the environment. An Environmental Impact Statement is not required under the National Environmental Policy Act of 1969.

List of Subjects in 40 CFR Part 3

Conflicts of interest.

Dated: February 22, 1984.

William D. Ruckelshaus,

Administrator.

Part 3 of Title 40, Code of Federal Regulations, is therefore revised to read as follows:

PART 3—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

Sec.

Subpart B—Advice and Enforcement

Subpart C—Financial Interests and Investments

Subpart D—Gifts, Gratuities or Entertainment

Sec.

Subpart E—Outside Employment

Subpart F—Standards of Conduct for Special Government Employees

Authority: Executive Order 11222, 30 FR 6460; 3 CFR 1964–1965 Comp., p. 306; 5 CFR Parts 734, 735 and 737.

Subpart A—General Provisions

§ 3.100 Purpose.

These regulations set forth the ethical standards which apply to all Environmental Protection Agency (EPA) employees. They are intended to supplement regulations of the Office of Government Ethics at 5 CFR Parts 734, 735 and 737.

§ 3.101 Coverage.

(a) Subparts A, B, C, D and E apply to all regular EPA employees, including Public Health Service commissioned officers assigned to EPA, employees detailed to EPA from other federal agencies and employees detailed or assigned to EPA under the Intergovernmental Personnel Act.

(b) Subpart F applies only to special Government employees.

§ 3.102 Definitions.

(a) "Employee" means any officer or employee of the Environmental Protection Agency, Public Health Service commissioned officers assigned to EPA, employees detailed to EPA from other federal agencies and employees detailed or assigned to EPA under the Intergovernmental Personnel Act. The term does not include special Government employees.

(b) "Special Government employee" means an officer or employee of the Environmental Protection Agency who

is retained, designated, appointed or employed to perform, with or without compensation, temporary duties either on a full-time or intermittent basis, for not to exceed 130 days during any period of 365 consecutive days.

(c) "Former employee" means a former Environmental Protection Agency employee, or a former special Government employee.

§ 3.103 Ethical standards of conduct for employees.

Employees may not use their official positions for private gain or act in such a manner that creates the reasonable appearance of doing so.

Employees therefore must not:

(a) Engage, directly or indirectly, in any business transaction or arrangement, including buying or selling securities or recommending the purchase or sale of securities to others, on the basis of information derived from their official positions which has not been made available to the general public;

(b) Use information acquired through EPA duties that has not been made available to the general public to further their private interests;

(c) Use their Government positions to coerce, or appear to coerce, anyone to provide any financial benefit to themselves or others; or

(d) Take any action, whether specifically prohibited or not, which would result in or create the reasonable appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any organization or person;

(3) Impeding Government efficiency or economy;

(4) Losing independence or impartiality of action;

(5) Making a Government decision outside official channels; or

(6) Adversely affecting public confidence in the integrity of the Government or EPA.

§ 3.104 Other general standards of conduct.

(a) Use of Government property. Employees must not use or allow the use of, Government-owned or leased property for other than official purposes. Employees have a duty to protect and conserve Government property, especially equipment, supplies and other property entrusted to them.

(b) Indebtedness. Indebtedness of EPA employees is essentially a private matter. EPA generally does not act as a collection agency or determine the validity or amount of debts. However, employees are expected to honor just financial obligations and Pub. L. 93-647 provides for garnishment of employees' wages for nonpayment of alimony or child support. In addition, the Debt Collection Act of 1982 at 5 U.S.C. 5514 authorizes agencies to recover employees' debts to the United States through installment deductions from salaries.

(c) Gambling, betting, and lotteries. Employees must not gamble on Government property or while on Government duty. Gambling includes operating a gambling device, conducting a lottery or pool, playing a game for money or property or selling or purchasing a numbers slip. However, employees may participate in federally sponsored fund-raising activities under Section 3 of Executive Order 10927 of March 18, 1961, or in similar officially approved activities.

(d) General conduct prejudicial to the Government. Employees must not engage in criminal, infamous, dishonest, immoral or disgraceful conduct, or any other conduct prejudicial to the Government.

(e) Statutory prohibitions relating to gifts and decorations.

(1) Employees must not solicit contributions from other employees for gifts to official superiors or accept gifts from employees receiving less salary than themselves. 5 U.S.C. 7351. However, small voluntary gifts on special occasions such as marriage, illness, death or retirement are permitted.

(2) Employees may not accept gifts, presents or decorations from foreign governments unless authorized by 5 U.S.C. 7342.

(3) Subpart D contains further guidance on gifts, gratuities and entertainment.

§ 3.105 Statutes relating to employee conduct.

Appendix A of this subpart sets out the "conflict of interest" statutes, together with examples of their application, and Appendix B cites other statutory provisions which relate to employees' conduct.

Appendix A to Subpart A—Conflict of Interest Statutes and Examples

18 U.S.C. 203

Compensation to Members of Congress, officers, and others in matters affecting the Government.

(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for services rendered or to be rendered either by himself or another—

(1) At a time when he is a Member of Congress, Member of Congress-elect, Resident Commissioner, or Resident Commissioner-elect; or

(2) At a time when he is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States including the District of Columbia—in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest before any department, agency, court-martial, officer, or any civil, military, or naval commission, or

(b) Whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Commissioner, officer, or employee—

Shall be fined not more than $10,000, or imprisoned for not more than 2 years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

(c) A special Government employee shall be subject to subsection (a) only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, that clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than 60 days during the immediately preceding period of 365 consecutive days.

Discussion

This provision prohibits employees from accepting fees for representing any outside party in any administrative proceeding before a federal agency and from sharing in fees earned by others for such activities. For example, an attorney could not share in the partnership income of a law firm to the extent such income is attributable to representational activities before federal agencies. It does not prohibit receipt of compensation for other than actual appearances as an "agent or attorney" for outside parties; a fee for actual work, such as drafting a brief, is not prohibited. (But see the appearance standards of Sections 3.103 and 3.503). The prohibition covers agreements to receive prohibited fees and requests for such fees. Moreover, the restriction applies even after the employee leaves the Government in that a former employee may not share in fees attributable to representational work before administrative agencies which was performed while the former employee was with the Government.

18 U.S.C. 205

Activities of officers and employees in claims against and other matters affecting the Government.

Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, including the District of Columbia, otherwise than in the proper discharge of his official duties—

(1) Acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, or

(2) Acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil military, or naval commission in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, change, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest—

Shall be fined not more than $10,000, or imprisoned for not more than 2 years, or both.

A special Government employee shall be subject to the preceding paragraphs only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided,* That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than 60 days during the immediately preceding period of 365 consecutive days.

Nothing herein prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

Nothing herein or in section 203 prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility provided that the Government official responsible for appointment to his position approves.

Nothing herein or in section 203 prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the contract shall certify in writing that the national interest so requires.

Such certification shall be published in the **Federal Register.**

Nothing herein prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

Discussion

This provision generally forbids employees to act as "agent or attorney" (that is, communicate with intent to influence) on behalf of outside parties before federal agencies or courts in matters in which the United States is a party or has a direct and substantial interest. The prohibition applies to both paid and unpaid representation.

Examples

1. An EPA employee has received permission to work as a consultant to a firm which has been awarded a contract by the Department of Defense. A controversy arises concerning the scope of work of the contract, and the firm asks the EPA employee to discuss the matter with the contracting officer to seek additional compensation for an alleged change in the scope of work.

Answer: The employee may not do so, since he would be acting as agent for an outside party in a claim or controversy to which the Government is a party. (Moreover, under the appearance standards of § 3.502(c) the employee should not assist the firm in preparing its claim.)

2. An employee is an officer in an environmental organization and has been asked to present testimony on behalf of the organization at an EPA rulemaking proceeding.

Answer: Although the statute does not apply to testimony under oath, the activity nonetheless violates the appearance standards of §§ 3.103 and 3.503. However, it would be proper for the employee to appear as a concerned individual rather than as a representative of an outside group.

3. Several years ago, an employee received approval for outside employment as a consultant to an architect/engineer firm which is now competing for a subagreement under an EPA construction grant. The firm has asked the employee to present its proposal to EPA's grantee.

Answer: The statutory restriction does not apply, since the representational activity would not be before EPA or any other federal agency. Such activity would nonetheless violate the appearance standards of §§ 3.103 and 3.502. Moreover, under the appearance standards, Deputy Ethics Officials would be justified in refusing to approve outside employment involving work on projects funded by EPA.

Exceptions

1. With the approval of the appropriate Deputy Ethics Official, an employee may act as agent or attorney before a federal court or agency, for his or her parents, spouse, child or any person for whom, or for any estate for which, the employee is serving as guardian, executor, administrator, trustee or other personal fiduciary except where the employee has participated in the same matter on behalf of the Government or where the matter is the subject of the employee's official responsibility.

2. Nothing in the statute prevents an employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt. However, this exception does not apply to acting as an expert witness for an outside party in a Government matter.

3. Employees may act without compensation as agent or attorney for anyone who is the subject of disciplinary, loyalty or other personnel proceedings, provided the employee's official duties do not conflict with such representation. Employees are encouraged to seek the advice of the Designated Agency Ethics Official or Deputy Ethics Official before engaging in such representation.

4. The restriction does not apply to special Government employees to the same extent as to employees. Restrictions applicable to such employees are discussed in § 3.604.

18 U.S.C. 207

Disqualification of former officers and employees; disqualification of partners of current officers and employees.

(a) Whoever, having been an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to—

(1) Any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and

(2) In connection with any judicial or other preceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

(3) In which he participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, while so employed; or

(b) Whoever, (i) having been so employed, within two years after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to, or (ii) having been so employed as specified in subsection (d) of this section, within two years after his employment has ceased, knowingly

represents or aids, counsels, advises, consults, or assists in representing any other person (except the United States) by personal presence at any formal or informal appearance before—

(1) Any department, agency, court, court-martial, or any civil, military or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and

(2) In connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

(3) As to (i), which was actually pending under his offical responsibility as an officer or employee within a period of one year prior to the termination of such responsibility, or, as to (ii), in which he participated personally and substantially as an officer or employee; or

(c) Whoever, other than a special Government employee who serves for less than sixty days in a given calendar year, having been so employed as specified in subsection (d) of this section, within one year after such employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, anyone other than the United States in any formal or informal appearance before, or with the intent to influence, makes any oral or written communication on behalf of anyone other than the United States, to—

(1) The department or agency in which he served as an officer or employee, or any officer or employee thereof, and

(2) In connection with any judicial, rulemaking, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter, and

(3) Which is pending before such department or agency or in which such department or agency has a direct and substantial interest—shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

(d)(1) Subsection (c) of this section shall apply to a person employed—

(A) At a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code, or a comparable or greater rate of pay under other authority;

(B) On active duty as a commissioned officer of a uniformed service assigned to pay grade of O–9 or above as described in section 201 of title 37, United States Code; or

(C) In a position which involves significant decision-making or supervisory responsibility, as designated under this subparagraph by the Director of the Office of Government Ethics, in consultation with the department or agency concerned. Only positions which are not covered by subparagraphs (A) and (B) above, and for which the basic rate of pay is equal to or greater than the basic rate of pay for GS–17 of the General Schedule prescribed by section 5332 of title 5, United States Code, or positions which are established within the Senior Executive Service pursuant to the Civil Service Reform Act of 1978, or positions of active duty commissioned officers of the uniformed services assigned to pay O–7 or O–8, as described in section 201 of title 37, United States Code, may be designated. As to persons in positions designated under this subparagraph, the Director may limit the restrictions of subsection (c) to permit a former officer or employee, who served in a separate agency or bureau within a department or agency, to make appearances before or communications to persons in an unrelated agency or bureau, within the same department or agency, having separate and distinct subject matter jurisdiction, upon a determination by the Director that there exists no potential for use of undue influence or unfair advantage based on past Government service. On an annual basis, the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his responsibilities under this paragraph.

(2) The prohibition of subsection (c) shall not apply to appearances, communications, or representation by a former officer or employee, who is—

(A) An elected official of a State or local government or

(B) Whose principal occupation or employment is with (i) an agency or instrumentality of a State or local government, (ii) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or (iii) a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1954, and the appearance, communication, or representation is on behalf of such government, institution, hospital, or organization.

(e) For the purposes of subsection (c), whenever the Director of the Office of Government Ethics determines that a separate statutory agency or bureau within a department or agency exercises functions of the department or agency, the Director shall by rule designate such agency or bureau as a separate department or agency; except that such designation shall not apply to former heads of designated bureaus or agencies, or former officers and employees of the department or agency whose official responsibilities included supervision of said agency or bureau.

(f) The prohibitions of subsections (a), (b), and (c) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information under procedures acceptable to the department or agency concerned with the particular matter, or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the **Federal Register**, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee.

(g) Whoever, being a partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, acts as agent or attorney for anyone other than the United States before any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter in which the United States or the District of Columbia is a party or has direct and substantial interest and in which such officer or employer or special Government employee participates or has participated personally and substantially as an officer or employee through decision, approval, disapproal, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of his official responsibility, shall be fined not more than $5,000, or imprisoned for not more than one year, or both.

(h) Nothing in this section shall prevent a former officer or employee from giving testimony under oath, or from making statements required to be made under penalty of perjury.

(i) The prohibition contained in subsection (c) shall not apply to appearances or communications by a former officer or employee concerning matters of a personal and individual nature, such as personal income taxes or pension benefits; nor shall the prohibition of that subsection prevent a former officer of employee from making or providing a statement, which is based on the former officer's or employee's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses.

(j) If the head of the department or agency in which the former officer or employee served finds, after notice and opportunity for a hearing, that such former officer or employee violated subsection (a), (b), or (c) of this section, such department or agency head may prohibit that person from making, on behalf of any other person (except the United States), any informal or formal appearance before or with the intent to influence, any oral or written communication to, such department or agency on a pending matter of business for a period not to exceed five years, or may take other appropriate disciplinary action. Such disciplinary action shall be subject to review in an appropriate United States district court. No later than six months after the effective date of this Act, departments and agencies shall, in

consultation with the Director of the Office of Government Ethics, establish procedures to carry out this subsection.

Discussion

The foregoing provision establishes four types of restrictions:

Permanent Restrictions. Former employees are forever barred from representing anyone other than the United States before a federal court or agency with respect to "a particular matter involving a specific party or parties" in which they ever participated as Government employees. Participation is broadly defined to include advice and recommendations as well as decision-making. However, the restriction applies only to matters which involve specific parties, such as contracts, grants and adjudications, and it covers only actual representation of another. The restriction does not cover rulemaking, and former employees may represent an outside party in proceedings governed by rules they helped to make.

The restriction does not generally prohibit former employees from seeking contracts with EPA nor does it bar work on contracts with which they were involved while at EPA. Of course, representational activity involving contracts in which former employees participated is barred.

Two-Year Restrictions. Former employees who had "official responsibility" for particular matters involving a specific party or parties but who did not actually participate in them are barred for a period of two years from representing outside parties on such matters. This restriction applies only to particular matters which were under a former employee's official responsibility during his or her final year in the responsible position. The terms of this restriction are the same as those of the permanent restriction.

In addition, former Presidential appointees and other employees who have been designated as "senior employees" by the Office of Government Ethics are prohibited for two years from assisting an outside party "by personal presence" in connection with particular matters involving a specific party or parties in which such employees ever participated personally and substantially. This means that a former "senior employee" may not attend a meeting or hearing to assist an outside party's representative where such a matter will be discussed, even if the former employee does not directly communicate with intent to influence. The "senior employee" list is reviewed annually and is published at 5 CFR 737.33.

One-Year Restrictions. Former employees who served for more than 60 days in "senior employee" positions (see 5 CFR 737.33) and who left EPA after February 28, 1980, are subject to a one-year "quarantine" which prohibits any communication with EPA with intent to influence on any matter, including rulemaking, regardless of whether such former employees participated in the matter. There are several exceptions to the one-year restrictions, which are set forth in 5 CFR Part 737.

Partners of Current Employees. The prohibition of 18 U.S.C. 207(g) bars partners of current regular and special Government employees from acting as "agent or attorney" where the current employee would be barred from doing so under 18 U.S.C. 207(a) or 18 U.S.C. 207(b) after he or she leaves the Government. However, after the employee leaves the Government the statutory restriction on partners does not apply. (Lawyers should be aware that the Code of Professional Responsibility, as implemented by most local bar associations, continues to bar such activity by partners of former employees unless the Agency grants a waiver based on screening the former employee from participation and sharing in fees.)

Examples

1. An EPA employee served on a technical evaluation panel for a contract award. After he left EPA, he went to work for the contractor and was assigned to work as project manager for the contract he helped to award. A dispute arises over the meaning of a contract provision and the company's management asks the former employee to present the company's point of view to EPA.

Answer: He may not do so because the contractual matter involved a specific party—the offeror—at the time the former employee participated. It is the same particular matter, and presenting the company's position to EPA would amount to communicating with intent to influence. Note, however, that it is proper for the employee to work on the contract.

2. Same situation, except that the company merely asks the former employee to prepare a written submission to EPA for the signature of the company's president.

Answer: The former employee may do so because the statute bars only representational activity, not aid and assistance.

3. A former EPA attorney advised the Office of Air Quality Planning and Standards on a draft emission standard. After she leaves, a private client engages her to represent a company in a court proceeding in which the application of the rule is at issue.

Answer: She may do so, since rulemaking is not "a particular matter involving a specific party or parties."

4. A former Regional Administrator was responsible for an enforcement proceeding during his final year at EPA, but did not personally participate in the matter. Immediately after his resignation from EPA, the firm which was the subject of the enforcement action asks the former Regional Administrator to discuss settlement with EPA and the Justice Department.

Answer: He may not do so during the first two years after leaving EPA. Moreover, since Regional Administrators are "senior employees" they generally may not communicate with EPA with intent to influence on any matter whatever for a period of one year.

18 U.S.C. 208

Acts affecting a personal financial interest.

(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

Shall be fined not more than $10,000, or imprisoned not more than 2 years, or both.

(b) Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee, or (2) if, by general rule or regulation published in the Federal Register, the financial interest has been exempted from the requirements of clause (1) hereof as being too remote or too inconsequential to affect the integrity of Government officers' or employees' services.

Discussion

This prohibition applies to rulemaking and policy matters which directly and predictably affect employees' financial interests as well as to grants, contracts and adjudications. For example, an employee who owns stock in a steel company may not participate in the development of new source performance standards for the steel industry. However, the employee may participate in developing ambient air quality standards because such rules would not distinctively affect the steel industry. Moreover, the restriction applies to parent and subsidiary companies of the firm in which an employee holds stock. Unless a waiver is granted under 18 U.S.C. 208(b), the restriction is rigid. The size of the financial interest is irrelevant, as is the employee's level of responsibility. Moreover, it does not matter that the organization in which the employee or the employee's spouse or minor child, etc., has a financial interest is a non-profit or public interest group, since such groups nonetheless have financial interests which the employee's EPA duties may affect. (See Section 3.301 concerning waivers under 18 U.S.C. 208(b)).

Examples

1. An employee at grade GS–11 owns 10 shares of common stock in a smelting company which will be required to install additional pollution control equipment if a proposed new source performance standard is promulgated. The employee's EPA duties

ordinarily include reviewing drafts of regulations and providing comments.

Answer: The employee may not comment on the regulation, since this would be participation in a matter in which she has a financial interest. However, the Designated Agency Ethics Official might grant a waiver under 18 U.S.C. 208(b) in such a case.

2. Same as above, except that the financial interest is part of a trust bequeathed by the employee's deceased parents for the benefit of her minor children.

Answer: The result is the same, since the prohibition extends to the financial interests of employees' minor children.

3. An employee is the treasurer of an environmental group which has applied to EPA for a grant. The employee receives no pay for this activity.

Answer: The employee is barred from participating in any way, even by advice or recommendation, in the EPA decision on the application, since he is an officer of an organization which has a financial interest in the matter.

4. An EPA employee is serving as Project Officer on a contract with a consulting firm to study emission control technologies for the steel industry. The consulting firm approaches the EPA employee to discuss possible future employment with the firm. The employee indicates that she will consider the matter.

Answer: Until she rejects the offer or the offer is withdrawn, the employee must disqualify herself from any action as Project Officer, since any such action would be likely to affect the financial interests of an organization with which she is negotiating for employment.

5. An EPA employee works in pesticides registration. As part of a retirement plan, his wife holds stock in a company which manufactures pesticides.

Answer: The employee may not participate in processing any application from the firm in which his wife holds stock.

18 U.S.C. 209

Salary of Government officials and employees payable only by United States.

(a) Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether an individual, partnership, association, corporation, or other organization pays, or makes any contribution to, or in any way supplements the salary of, any such officer or employee under circumstances which would make its receipt a violation of this subsection—

Shall be fined not more than $5,000 or imprisoned not more than one year, or both.

(b) Nothing herein prevents an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, or of the District of Columbia, from continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profitsharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer.

(c) This section does not apply to a special Government employee or to an officer or employee of the Government serving without compensation, whether or not he is a special Government employee, or to any person paying, contributing to, or supplementing his salary as such.

(d) This section does not prohibit payment or acceptance of contributions, awards, or other expenses under the terms of the Government Employees Training Act (Pub. L. 85–507, 72 Stat. 327; 5 U.S.C. 2301–2319, July 7, 1958).

Discussion

This provision bars supplementation of a regular employee's Government salary from outside sources. It does not apply to special Government employees.

The restriction does not apply to payments by States, counties or municipalities. For example, an employee on a leave of absence under the Intergovernmental Personnel Act could receive a higher salary from the receiving agency than he or she would have received from the Government.

The restriction does not forbid receipt of outside earned or investment income nor does it generally apply to pension or employee welfare or benefit plans maintained by former employers.

Appendix B to Subpart A—Other Provisions

1. House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, "Code of Ethics for Government Service."

2. Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interests.

3. The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

4. Disloyalty and striking (5 U.S.C. 7311; 18 U.S.C. 1918).

5. Disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783) and disclosure of confidential information (18 U.S.C. 1905).

6. Habitual excessive use of intoxicants (5 U.S.C. 7352).

7. Misuse of Government motor vehicles or aircraft (31 U.S.C. 638a(c)).

8. Misuse of the franking privilege (18 U.S.C. 1719).

9. Deceit in an examination or personnel actions in connection with Government employment (18 U.S.C. 1917).

10. Fraud or false statements in a Government matter (18 U.S.C. 1001).

11. Mutilating or destroying a public record (18 U.S.C. 2071).

12. Counterfeiting and forging transportation requests (18 U.S.C. 508).

13. Embezzlement of Government money or property (18 U.S.C. 641); failing to account for public money (18 U.S.C. 643); embezzlement of money or property (18 U.S.C. 564).

14. Unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

15. Proscribed political activities (Hatch Act—5 U.S.C. 7324–7327; 18 U.S.C. 602, 603, 607, and 608).

16. Acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

17. Acceptance of excessive honorariums (2 U.S.C. 411i).

18. Outside earned income in excess of 15% of the salaries of Presidential appointees (5 U.S.C. App. I).

Appendix C to Subpart A—Procedures for Administrative Enforcement of Post-Employment Restrictions

1. Purpose

The purpose of this Appendix is to implement provisions of The Ethics in Government Act which concern restrictions on post-EPA employment. This Appendix contains procedures which EPA follows whenever it believes that a former EPA employee has violated 18 U.S.C. 207 (a), (b), or (c), as implemented by 5 CFR Part 737.

Authority: 18 U.S.C. 207 (a), (b), (c), as implemented by 5 CFR Part 737.

2. Delegation

The Administrator delegates the authority to carry out this Appendix to the Inspector General, with the following exceptions:

(a) The Judicial Officer or his designee is the presiding official as provided by paragraph 9(a) of this Appendix;

(b) The Designated Agency Ethics Official has the authority to designate the Agency Counsel, as provided by paragraph 9(b) of this Appendix;

(c) The Deputy Administrator has the authority to impose appropriate administrative sanctions, as provided by paragraph 13 of this Appendix.

3. Preliminary Review and Referral of Information About Violations

The Inspector General receives and reviews written or oral information concerning a possible violation of the post-employment restrictions of 18 U.S.C. 207 (a), (b) or (c) as implemented by 5 CFR Part 737. The Inspector General reviews the information to determine whether the matter is clearly frivoulous and does not merit further action. If the Inspector General determines that the matter merits further action, the Inspector General informs the Director of the Office of Government Ethics and consults with the Criminal Division of the Department of Justice regarding the conduct of an investigation. The purpose of the consultation is to avoid prejudicing any criminal proceeding that the Justice Department may have under consideration.

4. Investigation by the Inspector General

If the Criminal Division of the Justice Department agrees that EPA should handle the matter, the Inspector General conducts an investigation of the possible violation of the post-employment restrictions of 18 U.S.C. 207 (a), (b) or (c).

5. Initiating Process To Impose Sanctions: Notice

If the Inspector General's investigation establishes that there are reasonable grounds to believe that a former EPA employee has violated the post-employment restrictions of 18 U.S.C. 207 (a), (b) or (c), the Inspector General may initiate the process of imposing sanctions under 18 U.S.C. 207(j). The Inspector General sends the former EPA employee a written notice of charges and a copy of this Appendix.

The notice of charges describes the allegations against the former employee in sufficient detail to enable the former employee to prepare an adequate defense and contains the following final paragraph:

You may request a hearing by mailing or otherwise furnishing written notice of your request to me within 30 days after the date you receive this notice of charges. If you do not request a hearing within 30 days, the Agency may nonetheless determine that you have violated the provisions of 18 U.S.C. 207 (a), (b), or (c) as implemented by 5 CFR Part 737 and impose administrative sanctions set forth in paragraph 15 of the enclosed Appendix to 40 CFR Part 3, Subpart A. You have a right to counsel, at your own expense, at all stages of this administrative enforcement proceeding. The procedures for administrative enforcement of the post-employment restrictions are set forth in the enclosed Appendix.

6. Request for a Hearing

A former EPA employee must request a hearing within 30 days after receiving the notice of charges. Otherwise, the initial determination of the charges is made without a hearing.

7. Initial Decision Without a Hearing

If a former EPA employee fails to make a timely request for a hearing, the Inspector General prepares an initial decision in writing. The Inspector General furnishes this decision to the former employee within 60 days after the time for requesting a hearing expires. The initial decision sets forth the findings of fact and conclusions of law on which it is based.

8. Appeal of an Initial Decision Made Without a Hearing

A former employee may appeal an initial decision made without a hearing. The appeal must be submitted to the Deputy Administrator in accordance with paragraph 10(b) of this Appendix.

9. Initial Decision After a Hearing

If the former employee requests a hearing, an initial decision is made after a hearing takes place.

(a) *The Presiding Official.* The Judicial Officer or his designee presides at the hearing. The Presiding Official must be an attorney and an employee of the Environmental Protection Agency. The Judicial Officer must promptly notify the former employee and the Inspector General of the Presiding Official's name, address and telephone number.

The Presiding Official shall conduct the hearing in a fair and impartial manner and issue an initial decision as promptly as possible after the record is complete, but in no event later than 60 days after the hearing is completed. No person who has participated in any way in the investigation or in the decision to initiate administrative enforcement, or who is a subordinate of the Agency Counsel, or who has had any connection or dealings with the former employee may serve as Presiding Official. The Judicial Officer may remove a Presiding Official for cause.

(b) *Appointment of Agency Counsel.* The Designated Agency Ethics Official shall designate an attorney to act as Agency Counsel. The Designated Agency Ethics Official notifies the Presiding Official and the former employee (or if the former employee is represented by counsel, his or her attorney) of the name, address and telephone number of the Agency Counsel.

(c) *Hearings.* Hearings will be held at EPA Headquarters in Washington, D.C., or at an EPA regional office or laboratory. After conferring with the parties, the Presiding Official shall set a reasonable time, date and place for the hearing with due regard for the former employee's need for adequate time to prepare a defense and the need to expeditiously resolve allegations which may damage the former employee's reputation. At least 15 days before the date set for the hearing, the Presiding Official notifies the parties of the time, date and place of the hearing. Hearings will be as informal as reasonably possible, consistent with establishing an orderly record. Federal rules of evidence do not control the hearing, although the Presiding Official may use these rules as guidance. The Presiding Official generally will admit evidence unless it is clearly irrelevant, immaterial or unduly repetitious. The parties have the right to:

(i) Introduce and examine witnesses;

(ii) Offer documentary evidence;

(iii) Confront and cross-examine adverse witnesses; and

(iv) Present oral argument in the form of brief opening and closing statements.

In addition, the former employee has the right:

(i) To represent himself or herself or be represented by counsel at all stages of administrative enforcement; and

(ii) To require that all persons be excluded from the hearing room except the reporter, the Presiding Official, the Agency Counsel and witnesses during the time they are actually testifying.

Witnesses shall testify under oath or affirmation administered by the Presiding Official.

The Presiding Official must arrange for a transcript of the hearing through the EPA Procurement and Contracts Management Division using the funds of the Office of Administration. The former employee is entitled to a copy of the transcript at no charge, and the Presiding Official must furnish it as soon as it is received from the reporter.

(d) *Burden of Proof.* The Agency has the burden of proof and must establish a violation by clear and convincing evidence.

(e) *Initial Decision.* The Presiding Official must make an initial decision exclusively on matters of record in the proceeding. The initial decision must be made within 60 days after the hearing and must set forth the findings of fact and conclusions of law on which it is based. The Presiding Official must furnish the decision to the former employee or his/her counsel and to the Agency Counsel and the Inspector General.

10. Appeal of an Initial Decision Made After a Hearing

(a) *Initial Decision After a Hearing.* The initial decision of the Presiding Official becomes the final Agency decision unless, within 30 days after receiving the initial decision, either party appeals by mailing or otherwise furnishing to the Deputy Administrator written notice of appeal, with a copy to the opposing party. The notice of appeal may discuss the reasons why the party contends that the initial decision is erroneous, subject to the right of the opposing party to present a written response to the Deputy Administrator within 30 days after receiving a copy of the notice of appeal.

The Deputy Administrator must base his or her decision solely on the record of the proceedings or those portions cited by the parties to limit the issue and the notice of appeal and response. If the Deputy Administrator modifies or reverses the initial decision, he or she must state in writing why the initial decision was erroneous.

(b) *Initial Decision Without a Hearing.* If the former employee did not request a hearing, the initial decision of the Inspector General will become the final Agency decision unless the former employee submits a written notice of appeal to the Deputy Administrator within 30 days after receipt of the initial decision, with a copy to the Inspector General. The notice of appeal may discuss reasons why the initial decision is erroneous, subject to the right of the Inspector General to present a written response to the Deputy Administrator within 30 days after receiving the notice of appeal. The Deputy Administrator's review will be based on an examination of the Inspector General's evidence and any legal arguments which the former employee or the Inspector General presents.

11. Ex Parte Communications (Communications Outside the Record)

Neither a Presiding Official nor the Deputy Administrator will receive from any person any written or oral communication outside the record about the merits of an administrative enforcement proceeding or appeal. This does not apply to ex parte discussions concerning administrative functions or procedures under this Appendix, or to consultations between the Deputy Administrator and staff members who assist the Deputy Administrator.

12. Calculating Deadlines

If a deadline falls on a Saturday, Sunday or federal holiday, the next working day is considered the deadline.

13. Administrative Sanctions

Whenever a final determination is made that a former employee has violated 18 U.S.C. 207 (a), (b) or (c) as implemented by 5 CFR

Part 737, the Deputy Administrator may impose an appropriate administrative sanction, which may include one or more of the following:

(i) Prohibiting the former employee from making on behalf of any other person (except the United States) any formal or informal appearance before, or, with the intent to influence, any oral or written communication on any matter of business for a period not to exceed 5 years. This will be accomplished by a memorandum to all EPA employees directing them to refuse to participate in any such appearance or to accept any such communication during the restriction period.

(ii) Debarring the former employee from receiving any EPA contract, grant, cooperative agreement or loan for a period of up to 3 years, provided that the violation was committed in the context of seeking or performing a government contract, grant, cooperative agreement or loan.

(iii) A written reprimand.

The Deputy Administrator may confer with the parties before deciding upon an administrative sanction. The former employee must be notified of any administrative sanction by certified mail, return receipt requested.

14. Confidentiality.

All records and information regarding administrative enforcement proceedings under this Appendix will be kept confidential and will not be disclosed except as required by law or regulation.

15. Judicial Review

Any person found to have violated 18 U.S.C. 207 (a), (b) or (c) as implemented by 5 CFR Part 737, may seek judicial review of this administrative determination.

Subpart B—Advice and Enforcement

§ 3.200 Purpose.

This subpart designates EPA officials responsible for advising employees on ethics questions and prescribes procedures for enforcing the requirements of this Part. There is no attorney/client relationship between Ethics Officials and employees who seek advice; admissions to Ethics Officials of past violations are *not* privileged.

§ 3.201 Designation.

The following officials are available to advise EPA employees:

(a) The Administrator appoints a Designated Agency Ethics Official who:

(1) Acts as the principal contact with the Office of Government Ethics;

(2) Provides guidance to Deputy Ethics Officials;

(3) Collects, reviews and maintains Executive Personnel Financial Disclosure Reports and provides them to the public as required;

(4) Makes determinations and provides oral and written advice on ethics questions; and

(5) Performs all other functions under 5 CFR 738.203.

(b) The Administrator also appoints an Alternate Agency Ethics Official to assist the Designated Agency Ethics Official under 5 CFR 738.202.

(c) The Designated Agency Ethics Official may appoint Deputy Ethics Officials under 5 CFR 738.202 in addition to those listed below.

The Deputy Ethics Officials are the:

(1) Assistant Administrators;

(2) Inspector General;

(3) Office Directors reporting to Assistant Administrators;

(4) Heads of Staff Offices reporting directly to the Administrator;

(5) Laboratory Directors; and

(6) Regional Administrators.

(d) The Deputy Ethics Officials:

(1) counsel employees on questions arising under this part;

(2) review and maintain Confidential Statements of Employment and Financial Interests filed under Subpart C of this part;

(3) direct employees to file Confidential Statements of Employment and Financial Interest under § 3.302(c);

(4) decide requests for approval of outside employment under Subpart E of this part; and

(5) consult, as necessary, with the Designated Agency Ethics Official.

§ 3.202 Reporting, investigating and enforcing.

(a) Any employee who is aware of a possible violation of this part must inform the appropriate Deputy Ethics Official, the Designated Agency Ethics Official or the Inspector General.

(b) Violation of this Part may be cause for disciplinary or remedial action. Remedial action may include a direction to dispose of conflicting interests, waivers under 18 U.S.C. 208(b), disqualification from particular assignments, reassignment or other action such as establishment of an appropriate trust.

Subpart C—Financial Interests and Investments

§ 3.300 Prohibitions against acts affecting a personal financial interest.

(a) As discussed in Appendix A, Section 208(a) of Title 18, United States Code, prohibits an employee from knowingly participating in an EPA matter in which the employee, the employee's spouse, minor child, present or prospective employer, or organization in which the employee is an officer, has a financial interest.

(b) Activities which may affect a financial interest are:

(1) Negotiating, administering or auditing contracts or assistance agreements;

(2) Selecting or approving contractors or subcontractors;

(3) Enforcement activities;

(4) Issuing permits;

(5) Registering pesticides;

(6) Certifying motor vehicles; and

(7) Rulemaking and policy matters which have a direct and predictable effect on the financial interests of companies in which the employee owns stock or has an official or employment relationship. Examples are discussed in Appendix A.

§ 3.301 Waiver.

(a) The Designated Agency Ethics Official may waive the prohibition of 18 U.S.C. 208(a) for rulemaking and policy matters if the interest is not so substantial as to be deemed likely to affect the integrity of an employee's services. Employees may request such a waiver by submitting a written disclosure of the nature of the financial interest to the Designated Agency Ethics Official, together with a discussion of the employee's duties and the reasons why a waiver is appropriate.

(b) The prohibition of 18 U.S.C. 208(a) may also be waived by general regulation. Financial interests derived from the following have been determined to be too remote or too inconsequential to affect the integrity of employee's services, and employees may participate in matters affecting them:

(1) Mutual funds, except those which concentrate their investments in particular industries;

(2) Life insurance, variable annuity, or guaranteed investment contracts issued by insurance companies;

(3) Deposits in a bank, savings or loan association, credit union or similar financial institution;

(4) Real property used solely as the personal residence of an employee;

(5) Bonds or other securities issued by the U.S. Government or its agencies.

§ 3.302 Financial Disclosure Reports and Confidential Statements of Employment and Financial Interest.

(a) The following employees (including employees expected to serve in an "acting" capacity for more than 60 days or who actually serve in such capacity for more than 60 days) are required to file public Executive Personnel Financial Disclosure Reports in accordance with 5 CFR Part 734:

(1) Presidential appointees;

(2) Employees whose positions are classified at GS–16 or above of the General Schedule;

(3) Members of the Senior Executive Service;

(4) Administrative Law Judges appointed under 5 U.S.C. 3105;

(5) Schedule C employees;

(6) The Designated Agency Ethics Official, and

(7) Special Government employees whose basic daily rate of pay equals or exceeds the basic daily rate for GS–16 of the General Schedule and who are expected to perform more than 60 days of actual service during a 365 day period. (If such employees are not expected to perform more than 60 days of actual service, but nonetheless exceed 60 days, reports are due within 15 days after the 60th day of actual service.)

(See 5 CFR Part 734 for reporting requirements for Presidential nominees.)

Financial Disclosure Reports must be submitted to the Designated Agency Ethics Official within 30 days after an employee assumes a covered position (unless the employee has left another covered position in the Executive Branch within the previous 30 days), by May 15 of each year (unless the Designated Agency Ethics Official or the Office of Government Ethics grants an extension) and within 30 days after leaving a covered position (unless the employee assumes another covered position in the Executive Branch within 30 days). These reports are available to the public. However, the Designated Agency Ethics Official may charge for direct reproduction costs at the rate set forth in 40 CFR 2.120(g). The Designated Agency Ethics Official may also require prepayment of any fee in accordance with 40 CFR 2.120(c) and waive fees under the circumstances described in 40 CFR 2.120(d).

(b) In addition, all employees in the following positions in grades GM or GS–13 or above (or comparable levels under other pay systems) must file Confidential Statements of Employment and Financial Interests unless they are required to file public Executive Personnel Financial Disclosure Reports:

(1) All employees who report to the General Counsel or the Enforcement Counsel, including Regional Counsel employees.

(2) All employees in the immediate Office of the Administrator or Deputy Administrator;

(3) All Branch chiefs in the Facilities and Support Services Division;

(4) Employees in the Procurement and Contracts Management;

(5) Employees in the Grants Administration Division;

(6) Employees in the Office of Inspector General;

(7) Temporary experts and consultants; and

(8) Special Government employees as provided in § 3.602.

(c) The Designated Agency Ethics Official or cognizant Deputy Ethics Offical may also require employees other than those whose positions are listed above to file Confidential Statements of Employment and Financial Interest by specific written direction. The following employees should be required to file:

(1) Those in positions classified at GM or GS–13 or above (or comparable levels under other pay systems) whose duties and responsibilities require the exercise of judgment in participating in or making Government decisions with respect to:

(i) Evaluating or selecting contractors, initiating procurement requests, acting as project officer on contracts or auditing contractors;

(ii) Awarding or monitoring assistance agreements; or

(iii) Regulating private enterprise.

(2) Employees classified below the GM or GS–13 level (or a comparable level under other pay systems) who are in positions which otherwise meet the criteria of paragraph (c)(1), of this section, provided the Office of Government Ethics has approved in writing. Deputy Ethics Officials should consult with the Designated Agency Ethics Official in seeking such approval.

(d) Financial interests of employee's relatives. In completing Confidential Statements of Employment and Financial Interests, the financial interests of a spouse or minor child are considered to be interests of the employee and must be reported.

§ 3.303 Special requirements under the Clean Air Act.

(a) Notwithstanding any other provisions of this Part, employees whose positions are listed in Appendix B may not be employed by, serve as attorney for, act as consultant to, or hold any other official or contractual relationship to (other than ownership of stock, bonds, or other financial interest)—

(1) The owner or operator of any major stationary source or any stationary source which is subject to a standard of performance or emission standard under section 111 (42 U.S.C. 7411) or section 112 (42 U.S.C. 7412) of the Act;

(2) Any manufacturer of any class or category of mobile sources if such mobile sources are subject to regulation under the Act;

(3) Any trade or business association of which an owner or operator referred to in paragraph (a)(1) of this section or a manufacturer referred to in paragraph (a)(2) of this section is a member;

(4) Any organization (whether nonprofit or not) which is a party to litigation or engaged in political, educational or informational activities relating to air quality.

(b) In examining financial interest statements, reviewers must consider whether certain financial interests of a covered employee may be inconsistent with the employee's position and duties. In particular, any financial interest that presents a conflict of interest with an employee's duties under the Act is resolved under § 3.202 of this part.

(c) Under Section 318(d) of the Clean Air Act, any employee subject to this provision who knowingly violates the provisions of this section is subject to a fine of not more than $2,500 or imprisonment for not more than one year, or both.

§ 3.304 Special requirements under the Toxic Substances Control Act.

(a) Notwithstanding any other provisions of this part, members of the Interagency Testing Committee established under Section 4(e) of the Toxic Substances Control Act (15 U.S.C. 2603(e)) and their designees may not:

(1) Accept employment or compensation from any person subject to any requirement of the Act, or to any rule or order issued under it, for a period of twelve months after their committee service ceases; or

(2) Hold any stocks or bonds or have any substantial pecuniary interest in any person engaged in the manufacture, processing or distribution in commerce of any substance or mixture subject to any requirement of the Act or of any rule or order issued under it.

(b) This provision is enforceable by an action for a court order to restrain violations.

§ 3.305 Special requirements under the Surface Mining Control and Reclamation Act.

(a) Notwithstanding any other provisions of this Part, no employee who performs any function or duty under the Surface Mining Control and Reclamation Act (such as reviewing Environmental Impact Statements of the Office of Surface Mining in the Department of the Interior) may have a direct or indirect interest in underground or surface coal mining operations. Regulations of the Office of Surface Mining at 30 CFR 706.3 define the terms "direct financial

interest" and "indirect financial interest" as follows:

(1) *Direct financial interest.* Means ownership or part ownership by an employee of land, stocks, bonds, debentures, warrants, a partnership, shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property and other financial relationships.

(2) *Indirect financial interest.* Means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's functions or duties and the coal mining operation in which the spouse, minor children or other resident relative holds a financial interest.

(b) Violation of these restrictions is punishable by a fine of up to $2,500 or imprisonment for not more than one year, or both.

Appendix A to Subpart C—Procedures for Filing Confidential Statements of Employment and Financial Interest

(1) *Submission*—Each employee required to submit a Confidential Statement of Employment and Financial Interest must submit the completed EPA Form 3120–1 within 30 days after entrance on duty or (where the position is not specifically listed in this Part) within 30 days after being notified of the requirement to file. Interests which are exempt from the prohibition of 18 U.S.C. 208(a) need not be reported. See § 3.301(b). The completed form is sent to the Deputy Ethics Official for the employee's organization. Employees in the immediate office of the Administrator submit their forms to the Designated Agency Ethics Official.

(2) *Decisions.* When there appears to be a conflict between the employee's financial interests and the performance of Government duties, the reviewer provides the employee an opportunity to discuss the matter. Deputy Ethics Officials should discuss any such problems with the Designated Agency Ethics Official, who determines if divestiture is required. See § 3.202(c). The Inspector General may be asked to investigate the circumstances of apparent violations of the conflict of interest laws or these regulations.

(3) *Supplemental statements.* For purposes of annual review, an EPA Form 3120–1 must be submitted by July 31 of each year, even if no changes or additions have occurred during the year. Deputy Ethics Officials are to complete review within 30 days after submission and must then send a memorandum to the Designated Agency Ethics Official stating that all required reports have been filed, indicating the number of employees at GS/GM 13–15, the number who have been required to file, and stating that all remedial action has been taken. (See § 3.202(b).) In addition, whenever additions or changes have occurred, the employee must submit a supplemental statement by the end of the four month period during which such transactions took place; that is, by November 30 and March 31.

(4) *Confidentiality.* EPA Form 3120–1 is confidential. No information from this form may be disclosed other than to EPA employees who perform official functions under this part (including immediate staff assistants specifically designated in writing), or as the Director of the Office of Government Ethics or the Administrator may determine for good cause.

(5) *Maintenance of statements.* EPA Forms 3120–1 and related records must be kept in a locked container. They are retained for six years after filing and then disposed of (unless needed in an ongoing investigation).

Appendix B to Subpart C—Employees Subject to Special Requirements Under the Clear Air Act

The positions listed below have been determined to be of a regulatory or policymaking nature under Section 318(d) of the Clean Air Act. Whenever the title of a position is listed, it includes any person who occupies the position as "acting" and any person who occupies a successor position under a subsequent reorganization.

Coverage:

(1) Under the Office of the Administrator: the Administrator, Deputy Administrator, Regional Administrators, General Counsel, Deputy General Counsel, Associate General Counsel for Air, Noise and Radiation, Enforcement Counsel, Deputy Enforcement Counsel, Associate Deputy Enforcement Counsel for Air and Director of the Science Advisory Board.

(2) Under the Office of Administration:

The Assistant Administrator for Administration, Assistant Administrator for Planning and Management, Deputy Assistant Administrator for Planning and Evaluation and the Director of the Standards and Regulations Evaluation Division.

(3) Under the Office of Air, Noise and Radiation:

The Assistant Administrator for Air, Noise and Radiation, Director of the Office of Policy Analysis, Director of the Office of Transportation and Land Use Policy, Director of the Office of Air Quality Planning and Standards and Division Directors reporting to that official, and the Director of the Office of Mobile Source Air Pollution Control and Division Directors reporting to that official.

Subpart D—Gifts, Gratuities, or Entertainment

§ 3.400 Policy.

(a) Except as provided in paragraph (d) and in § 3.104(e), no employee may directly or indirectly (for example, through spouses or children) accept any gift, gratuity, entertainment (including meals), favor, loan or any other thing of value from any person, corporation or group which:

(1) Has or is seeking to obtain contracts or assistance agreements with EPA;

(2) Has interests which may be substantially affected by the employee's performance or nonperformance of official duty;

(3) Is in any way attempting to affect the employee's official action; or

(4) Conducts activities that EPA regulates.

(b) The following are exceptions to the general rule set forth in paragraph (a):

(1) Accepting modest entertainment, such as meals or refreshments, in connection with participation in widely attended gatherings sponsored by industrial, technical or professional organizations or in connection with attendance at public ceremonies or similar activities where the employee officially represents EPA. Acceptance of ordinary "business lunches" is not permitted.

(2) Accepting gifts, favors or entertainment where there is an obvious family or personal relationship between the employee or the employee's family and the donor, and where this relationship clearly motivated the gift.

(3) Purchasing at advantageous rates offered to Government employees as a class.

(4) Accepting loans from banks or other financial institutions on customary terms.

(5) Accepting unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars or other items worth less than $10 (U.S. retail).

(6) Accepting incidental transportation (such as rides to and from airports) furnished in connection with official duties and customarily provided by private organizations. (For further guidance concerning acceptance of travel and related expenses, see § 3.505.)

(7) Accepting transportation, lodging and meals of modest value in connection with interviews for future employment, provided the employee is in an annual leave status at the time such interview occurs.

(8) Accepting gifts and honors from foreign governments as authorized by 5 U.S.C. 7342. (See 41 CFR Part 101–49).

(9) Awards incident to training or meetings under 5 U.S.C. 4111 and 5 CFR Part 410, Subpart G. This requires the specific written approval of the Designated Agency Ethics Official or the Alternate Agency Ethics Official. See § 3.504(c)(1).

(c) Where circumstances require temporary acceptance of a prohibited gift or gratuity, the acceptance must be reported to the Designated Agency Ethics Official who shall return it to the donor with an explanation, where practical. Otherwise, the gift or gratuity will be donated to a public or charitable institution and, where practical, the donee will be informed of the disposition. (But see 41 CFR Part 101–49 regarding gifts from foreign governments.)

Subpart E—Outside Employment

§ 3.500 Definition.

"Outside employment or other outside activity" is any work or service preformed by an employee other than the performance of official duties. It includes such activities as writing and editing, publishing, teaching, lecturing, counsulting, self-employment and other work or services. Employees must ensure that their outside activities may not reasonably be construed as implying official EPA endorsement of any statement, activity, product or service.

§ 3.501 Policy.

(a) Subject to the approval requirements of § 3.509, employees may engage in outside employment or other outside activity consistent with the standards of § 3.503.

(b) Employees may participate in community affairs as private citizens where consistent with these regulations. Such activities include:

(1) Speaking, writing, editing, and teaching;

(2) Participating in charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service or civic organizations;

(3) Participating in the activities of national, State and local political parties to the extent permitted under the "Hatch Act" (5 U.S.C. 7324–7324) and 18 U.S.C. 602, 603, 607 and 608.

§ 3.502 Guidelines and limitations.

Outside employment and other outside activity is prohibited if it would:

(a) Violate a federal or State statute, local ordinance, Executive Order or regulation;

(b) Involve acceptance of a fee, compensation, gift, payment of expense, or other thing of monetary value under circumstances which would result in, or create the appearane of, a conflict of interest;

(c) Bring discredit upon the Government or EPA, or lead to relationships which would impair public confidence in the integrity of the Government or EPA;

(d) Involve work with any EPA contractor or subcontractor under an EPA contract (unless the Designated Agency Ethics Official approves in writing) or would involve work for any person or organization in a position to gain advantage through the employee's exercise of official duties;

(e) Involve use of the employee's time during official working hours;

(f) Involve use of official facilities (for example, office space, telephones, office machines or supplies) or the services of other employees during duty hours;

(g) Interfere with the efficient performance of Government duties or impair the imployee's mental or physical capacity to perform such duties;

(h) Involve use of information obtained as a result of Government employment which has not been made available to the general public.

§ 3.503 Distinction between official and outside activities.

Writing, speaking, or editing is normally "official" if it results from a request to EPA to furnish a speaker, author or editor. If an invitation is addressed to an employee, the invitation is "official" if it is tendered because of the employee's EPA position rather than the employee's individual knowledge or accomplishments. The fact that an activity is prepared for or performed outside normal duty hours is not controlling. Otherwise, such activities are "outside" activities for purposes of § 3.500.

§ 3.504 Compensation, honorariums, travel expenses.

(a) Employees may accept compensation for permissible outside employment or other outside activity. However, under 2 U.S.C. 441 no employee may accept any honorarium of more than $2,000 for any single appearance, speech or article. In addition, Presidential appointees are prohibited from receiving outside earned income in any year in excess of 15% of their Government salaries. See section 210 of Pub. L. 95–521, 5 U.S.C. App. 1.

(b) Except as provided below, travel expenses for official activities must be paid by the Government. Conversely, appropriated funds must not be used for nonofficial travel.

(c) The Comptroller General has ruled that acceptance of official travel expenses from outside sources is an impermissible augmentation of agency appropriations in the absence of specific statutory authority. Accordingly, employees may not accept official travel expenses except for:

(1) Attendance at meetings, if paid by organizations listed under Section 501(c)(3) of the Internal Revenue Code (*see* 5 U.S.C. 4111), and the prior written approval of the Designated Agency Ethics Official or the Alternate Agency Ethics Official is obtained;

(2) Travel entirely outside the United States paid by foreign governments or public international organizations (5 U.S.C. 7342(c)(1));

(3) Details to State and local governments and to domestic universities and "other organizations" under the Intergovernmental Personnel Act (5 U.S.C. 3374–3375);

(4) Details to public international organizations in which the United States participates as a government (5 U.S.C. 3343);

(5) Details to foreign governments (this requires State Department approval);

(6) Travel approved by the State Department under the Mutual Educational and Cultural Exchange Program of Title 22, U.S. Code, Chapter 33;

(7) Travel expenses of EPA witnesses for non-Government parties (5 U.S.C. 5751).

§ 3.505 Special conditions which apply to teaching, lecturing and speechmaking.

In addition to the limitations of §§ 3.502 and 3.504(a), employees may engage in outside activities involving teaching, lecturing and speechmaking only if:

(a) Such activities are conducted on the employees' own time without the use of Government property or personnel;

(b) Government travel or per diem funds are not used;

(c) The activities are not for the purpose of special preparation for a civil service or foreign service examination and do not involve the use of information obtained as a result of Government employment that has not been made available to the general public;

(d) The activities do not involve instruction on dealing with specific matters pending before EPA.

§ 3.506 Special conditions applicable to outside writing and editing activities.

(a) Subject to the limitations of §§ 3.502 and 3.504(a) and this section, employees may serve as editors and editorial consultants, or on editorial boards, and may contribute articles to publications.

(b) Writing and editing, whether related or unrelated to an employee's official duties, must not express or imply official support in either the material

itself or in advertising or promotional material, including book jackets and covers.

(c) Writing or editing, whether related to an employee's official duties or not, must either omit mention of the employee's official title or affiliation with the Agency, or include a disclaimer substantially as follows:

"This (article, book, etc.) was (written, edited) by (employee's name) in his/her private capacity. No official support or endorsement by the Environmental Protection Agency or any other agency of the Federal Government is intended or should be inferred."

§ 3.507 Special conditions applicable to publishing.

Employees may engage in publishing activities when:

(a) No income is derived from publishing materials which EPA makes available to the general public or which are available to the employee because of his or her official duties by are not available to the general public; and

(b) No income is derived from publishing proceedings or compilations of conferences, symposia or similar gatherings or publishing speeches which are sponsored by the Government or which involve the performance of official duties.

§ 3.508 Administrative approval.

In addition to avoiding prohibited outside employment, each employee must obtain administrative approval in accordance with Appendix A to this subpart before engaging in the following types of outside employment:

(a) Regular self-employment;

(b) Consulting services;

(c) Holding State or local public office;

(d) Outside employment or other outside activity involving an EPA contractor or subcontractor; and

(e) Employment by a firm which is regulated by the EPA organization in which the employee serves.

Employees are encouraged to seek the advice of Deputy Ethics Officials or the Designated Agency Ethics Official regarding other types of outside employment.

Appendix A to Subpart E—Procedures for Permission to Engage in Outside Employment or Other Outside Activity

1. *Form and content of request*—A written request for administrative approval of outside employment must be addressed to the appropriate Deputy Ethics Official or, in the immediate Office of the Administrator or Deputy Administrator, to the Designated Agency Ethics Official. The request shall indicate:

a. Employee's name, title and grade;

b. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

c. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

d. The estimated time to be devoted to the activity;

e. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

f. The assistance agreements or contracts involved, if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts. Full details must be provided for any service which involves preparing grant applications, contract proposals or program reports. Indicate the basis for compensation (e.g., fee, per diem, per annum, etc.).

2. *Acting on employee requests*—Requests are reviewed for consistency with § 3.502. Reviewers are encouraged to obtain advice from the Designated Agency Ethics Official. The reviewer's decision must be in writing.

3. *Keeping the record up-to-date*—If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval.

4. *Enforcement*—Failure to obtain administrative approval for outside employment or other outside activity where required is grounds for disciplinary action.

5. *Confidentiality of requests*—Requests for approval are confidential and, unless the employee consents, may not be disclosed except to the Designated Agency Ethics Official or the Alternate Agency Ethics Official and designated staff who assist them under this Part and to Deputy Ethics Officials and designated staff members who assist them under this part.

Subpart F—Standards of Conduct for Special Government Employees

§ 3.600 Applicability.

The conflict of interest statutes and these regulations apply to special Government employees during their entire period of EPA service, from the date of the oath of office to the date of termination.

§ 3.601 Standards of conduct.

The following standards of conduct apply to special Government employees:

(a) *Use of Government employment.* Special Government employees may not use Government employment for a purpose that is, or gives the appearance of being, motivated by private gain for themselves or others.

(b) *Use of inside information.* Special Government employees may not use inside information obtained as a result of Government employment for private gain. "Inside information" means information obtained as a result of Government employment which has not been made available to the general public.

(c) *Avoiding coercion.* Special Government employees may not use Government employment to coerce anyone to provide a financial benefit to themselves or others.

(d) *Gifts, entertainment or favors.* Except as provided below, special Government employees must not solicit or receive any gift, gratuity, entertainment (including meals), favor, loan or other thing of value, for themselves or others, from persons or organizations having contracts or assistance agreements with EPA or which conduct activities regulated by EPA. The following exceptions apply:

(1) Receiving salary, bonuses or other compensation or benefits from non-Government employers;

(2) Accepting modest entertainment, such as meals or refreshments, in connection with attendance at widely attended gatherings sponsored by industrial, technical or professional organizations, or in connection with attending public ceremonies or similar activities where the special Government employee officially participates on behalf of EPA (this does not include ordinary "business lunches");

(3) Accepting gifts, favors or entertainment where there is an obvious family or personal relationship between the employees or their families and the donor, and where that relationship clearly motivates the gift;

(4) Accepting loans from banks or other financial institutions on customary terms;

(5) Accepting unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars or other items worth less than $10 (U.S. retail);

(6) Accepting incidental transportation in kind from a private organization (such as rides to and from airports) furnished in connection with official duties and customarily provided by the private organization.

(e) *Gifts and honors from foreign governments.* A special Government employee is not authorized to accept a gift, decoration, or other thing from a foreign government, except as authorized by 5 U.S.C. 7342. (See also 41 CFR Part 101–49.)

(f) *Official travel expenses* as authorized by § 3.505.

§ 3.602 Statements of employment and financial interest.

(a) Each special Government employee must submit a Statement of

Employment and Financial Interests, EPA Form 3120–1, at the time of initial appointment except where the special Government employee is required to file a public Financial Disclosure Report (SF 278). Annual supplemental statements are also due by July 31 of each year. In addition, if changes occur in the employee's financial interests or investments, a supplemental report is also due by the end of the four month period in which the transaction occurs; that is, by November 30 and March 31.

(b) The Statement of Employment and Financial Interests must be submitted to the cognizant Deputy Ethics Official or to the Designated Agency Ethics Official, as appropriate. (See § 3.201.) Public Financial Disclosure Reports must be submitted to the Designated Agency Ethics Official. (See § 3.302.)

Special government employees often have income from other employers, and all such sources of income must be reported. For example, researchers and analysts must disclose the sources of their research contracts, and, where employees of universities or other public bodies or business organizations are working on projects supported by outside parties, the contributors must be identified.

(c) The purpose of the Statement of Employment and Financial Interests is to assist the employee and the Agency in avoiding conflicts of interest. The statement is confidential and will not be disclosed except to the Designated Agency Ethics Official and the Alternate Agency Ethics Official and designated staff members who assist them under this Part and to Deputy Ethics Officials and members of their staffs who assist them under this Part. The statements will not otherwise be disclosed except to the Office of Inspector General, to committees or subcommittees of Congress on written request, or as authorized by the Administrator or the Director of the Office of Government Ethics for good cause.

(d) Submitting a Statement of Employment and Financial Interests does not relieve employees of the duty to comply with the law. Employees must continue to refrain from participation where prohibited by 18 U.S.C. 208(a). (See § 3.606(d).)

(e) Information concerning financial interests which have been exempted from the prohibition of 18 U.S.C. 208(a) may be omitted. (See § 3.301(b) of this part.)

(f) The following special Government employees are not required to file a Statement of Employment and Financial Interest:

(1) Temporary and summer employees under 5 U.S.C. 5332 below the grade of GS–13;

(2) Employees participating in intern or other training programs.

§ 3.603 Review, enforcement, reporting and investigation.

(a) Statements of employment and financial interest are reviewed by the cognizant Deputy Ethics Official or, in the immediate Office of the Administrator, by the Designated Agency Ethics Official. If the review discloses an actual or apparent conflict of interest, the matter will be discussed with the employee. If necessary, the Deputy Ethics Official or the Designated Agency Ethics Official may: (1) Direct the employee not to paticipate in certain matters; (2) arrange a reassignment with the employee's supervisor; or (3) the Designated Agency Ethics official may grant a waiver under 18 U.S.C. 208(b) or direct the employee to divest.

(b) Special Government employees are encouraged to consult with the Designated Agency Ethics Official or the cognizant Deputy Ethics Official if they have questions concerning this Subpart.

(c) Violation of these regulations may be cause for disciplinary action, and the Inspector General may be asked to investigate alleged or apparent violations.

§ 3.604 Application of conflict-of-interest statutes.

The "conflict-of-interest" statutes (18 U.S.C. 203, 205, 207, 208 and 209) are set forth in Appendix A to Subpart A of this part. They apply to special Government employees as follows:

(a) Sections 203 and 205 of Title 18, United States Code, provide generally that a special Government employee may not:

(1) Represent anyone else before a court or any Government agency in connection with a "particular matter involving a specific party or parties" in which the United States is a party or has a direct and substantial interest, and in which the employee has ever participated "personally and substantially" as a Government employee; or

(2) Act as "agent or attorney", that is, communicate with intent to influence on behalf of another, in connection with a "particular matter involving a specific party or parties" pending in EPA, if he or she has served as an EPA employee for more than 60 days during the preceding 365 days. This restriction applies regardless of whether the special Government employee has participated in the matter.

(b) Under 18 U.S.C. 207, former special Government employees may not act as "agent or attorney," that is, communicate with intent to influence, on behalf of anyone other than the United States before any Federal agency or court in connection with a "particular matter involving a specific party or parties" in which the United States is a party or has a direct and substantial interest and in which they participated "personally and substantially" as Government employees. The two-year restriction of 18 U.S.C. 207(b) is unlikely to affect special Government employees because they are not likely to have exercised "direct supervisory or operating responsibility." Likewise, the one-year "quarantine" of 18 U.S.C. 207(c) probably will not apply because special Government employees are unlikely to be designated as "senior employees." See 5 CFR 737.33.

(c) Under 18 U.S.C. 207(g), during the entire period of the special Government employee's appointment, partners of special Government employees are forbidden to act as agent or attorney in connection with "particular matters" in which the United States is a party or has a direct and substantial interest and in which the special Government employee is participating or has participated "personally and substantially" as a special Government employee or which are under the special Government employee's "official responsibility." This restriction applies to policy and rulemaking matters as well as to contracts, grants and adjudications. However, it applies only during the period of a special Government employee's service.

(d) Under 18 U.S.C. 208 special Government employees are forbidden to participate "personally and substantially" in any "particular matter" in which, to their knowledge, they, their spouses, minor children, partners, organizations in which they are serving as officers, directors, trustees, partners or employees or any persons or organizations with whom they are negotiating or have any arrangement concerning prospective employment, have a financial interest. However, the Designated Agency Ethics Official may waive this restriction if "the interest is not so substantial as to be deemed likely to affect the integrity of the services." Requests for waiver must be addressed to the Designated Agency Ethics Official and must specifically set forth the nature and amount of the financial or employment interest and explain why a waiver should be granted.

The general exemptions of Appendix A to § 3.301(b) of this part apply to both

regular and special Government employees.

(e) Section 209 of Title 18, United States Code, does not apply to special Government employees.

§ 3.605 Other statutes.

(a) *Bribery.* Section 201 of Title 18, United States Code, prohibits soliciting, receiving or agreeing to receive, directly or indirectly, anything of value in connection with the performance of official duties or in return for committing or aiding in the commission of a fraud on the United States.

(b) *Disclosure of confidential information.* Section 1905 of Title 18, United States Code, prohibits disclosing, in any manner and to any extent not authorized by law, any information acquired in the course of Government employment or official duties which concerns or is related to the trade secrets, processes, operations, style or work or apparatus or to the identity, confidential statistical data, amount or source of any income, profits, losses or expenditures of any person, business entity or association.

(c) Other statutes which apply to both regular and special Government employees are listed in Appendix B to Subpart A of this part.

[FR Doc. 84-5383 Filed 2-28-84; 8:45 am]

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federal register

Wednesday
February 29, 1984

Part V

Department of Education

34 CFR Part 760

Secretary's Discretionary Program and Unsolicited Grants; Proposed Rule and Notice

DEPARTMENT OF EDUCATION

34 CFR Part 760

Secretary's Discretionary Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to issue regulations for the implementation of the Secretary's Discretionary Program. The Secretary's Discretionary Program supports projects and programs designed to meet special educational needs of educationally deprived children and to improve elementary and secondary education for children consistent with the purposes of the Education Consolidation and Improvement Act of 1981.

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

ADDRESS: Comments should be addressed to Mary Jean LeTendre, Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4181, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas E. Enderlein (202) 426–6420.

SUPPLEMENTARY INFORMATION:

Background

The Education Consolidation and Improvement Act of 1981 (ECIA) (20 U.S.C. 3801 *et seq.*) was enacted at Title V of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The ECIA has two principal purposes: Chapter 1 provides financial assistance to State and local educational agencies (SEA's and LEA's) to meet the special needs of educationally deprived children, and Chapter 2 consolidates 28 elementary and secondary level education grant programs funded in fiscal year 1981 into a single authorization of grants to States for the same purposes contained in the consolidated programs.

Section 583(a) of Chapter 2 authorizes the Secretary to carry out directly, or through grants or contracts, programs and projects that: (1) Provide a national source for gathering and disseminating information on the effectiveness of programs designed to meet the special educational needs of educationally deprived children and others served by the ECIA, and for assessing the needs of such individuals; (2) carry out research and demonstrations related to the purposes of the ECIA; (3) are designed to improve the training of teachers and other instructional personnel needed to carry out the purposes of the ECIA; or (4) are designed to assist SEA's and LEA's in the implementation of programs under the ECIA.

Summary of Major Provisions

(1) Projects Eligible for Funding

Proposed § 760.10 implements the statutory restrictions on the types of projects that may be funded under the Secretary's Discretionary Program. To be eligible for funding under this program, a project must relate to the purposes of the ECIA, and must be limited to one or more of the following: Gathering and disseminating information, assessing the effectiveness of programs, research, demonstration, training of teachers or other instructional personnel, or technical assistance to SEA's of LEA's.

Section 583 of the ECIA does not authorize the Secretary to provide general operating revenue to any applicant, including a local school district, an institution of higher education, or other agencies that need or wish additional resources to meet local needs.

(2) Establishing Priorities

Section 760.11 of the proposed regulations would permit the Secretary to announce funding priorities for the Discretionary Program in one or more notices published in the **Federal Register** each year. The proposed regulations would incorporate the statutorily broad discretion of the Secretary in order to permit the Secretary to exercise leadership in education by focusing national attention on unmet national needs within the educational areas addressed by the ECIA.

Under the proposed regulations, the Secretary would select funding priorities by taking into consideration any unmet national needs within the scope of the ECIA. For example, in fiscal year 1983, the Secretary established as funding priorities for this program: (1) Expanding parental choice in education, (2) improving teacher quality through incentives, (3) strengthening local school boards, and (4) improving education through the application of technology. For fiscal year 1984, the Secretary has made planning teacher incentive structures a funding priority for this program. See Notice of final funding priorities * * *, 48 FR 56257 (December 20, 1983).

In addition to or instead of establishing funding priorities, the Secretary could invite applicants to propose projects in any area of education within the purposes of the ECIA. For example, in fical year 1983, the Secretary funding unsolicited applications on topics that included follow-up activities to the National Commission on Excellence in Education, literacy in the school-aged population, school violence, and training school board members in the area of special education.

The ECIA generally addressed meeting the special educational needs of educationally deprived children and improving elementary and secondary education for children. However, also included within the scope of the ECIA are the purposes of the programs consolidated in section 561 of the ECIA. Accordingly, subject to other requirements of the ECIA and the proposed regulations, the Secretary could fund any project that would provide the same services to the same recipients as formerly authorized by one of the programs consolidated inito the ECIA, some of which included specific activities beyond the elementary and secondary level.

For example, the Secretary could fund a demonstration project on consumer education that benefitted the public as a whole because consumer education was authorized to be provided to the public under Title III, Part E of the ESEA, one of the authorities consolidated into the ECIA.

The only exception is that although Title II of the Elementary and Secondary Education Act authorized activities beyond the elementary and secondary education level, Chapter 2 of the ECIA limits basic skills to activities relating to elementary and secondary school instruction.

(3) Selection Criteria

Proposed § 760.31 of the regulations would establish selection criteria for this program and would indicate the maximum number of points that an application could score for each criterion. Additionally, under § 760.30 of the proposed regulations, the Secretary could distribute a reserved 15 points among the criteria for each grant competition. The Secretary would announce, in a notice published in the **Federal Register**, how the reserved points would be distributed for each competition.

(4) Geographical Distribution

Under § 760.32 of the proposed regulations, the Secretary could fund applications other than the most highly rated applications if doing so would improve the geographical distribution of projects receiving funding in a particular competition.

(5) Private School Children Participation

Proposed 760.20 would require an LEA to provide an assurance that it will comply with the provisions of section 586 of the ECIA, governing the equitable participation of private school children, if the LEA submits an application for funding to provide services, materials, or equipment for the benefit of public school students. Specific requirements are established in EDGAR, 34 CFR 75.650. Applicants other than LEA's as described above, are not subject to the equitable participation requirements in section 586 of the ECIA or in EDGAR.

(6) Scope of the Proposed Regulations

Under proposed § 760.3, the proposed regulations would apply to grants awarded under the Secretary's Discretionary Program, except for grants awarded under any grant program, such as the National Diffusion Network, for which the Secretary issues separate program regulations. The proposed regulations would not apply to contracts awarded under the Secretary's Discretionary Program, including contracts awarded under programs with separate program regulations.

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 Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These regulations will not effect a substantial number of small entities. In fiscal year 1983, only 40 grant awards were made under this program. A similarly small number of awards is planned for fiscal year 1984.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding the proposed regulations. Written comments and recommendations received on or before April 16, 1984 will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 4181, 400 Maryland Avenue SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and the Department's overall intent to reduce regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations. Information collection requirements contained in these proposed regulations have been approved by the Office of Management and Budget (OMB Number 1880-0505, Expiration Date 9/85).

Comments concerning information collection requirements *only* should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503. Attention: Desk Officer for the U.S. Department of Education. All other comments regarding these proposed regulations should be sent to the Department of Education at the address given at the beginning of this preamble.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 760

Education, Education of disadvantaged, Elementary and secondary education, Grant programs—education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parenthese on the line following each substantive provision of these proposed regulations.

Dated: February 23, 1984.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.122, Secretary's Discretionary Program)

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by adding a new Part 760 to read as follows:

PART 760—SECRETARY'S DISCRETIONARY PROGRAM

Subpart A—General

Sec.

Authority: Section 583 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3851), unless otherwise noted.

Subpart A—General

§ 760.1 What is the Secretary's Discretionary Program?

The Secretary's Discretionary Program supports projects and programs designed to meet the special educational needs of educationally deprived children and to improve elementary and secondary education for children consistent with the purposes of the Education Consolidation and Improvement Act of 1981.

(20 U.S.C. 3851)

§ 760.2 Who is eligible for a grant under the Secretary's Discretionary Program?

State educational agencies (SEA's), local educational agencies (LEA's), institutions of higher education, and other public and private agencies, organizations, and institutions are

eligible for a grant under the Secretary's Discretionary Program.

(20 U.S.C. 3851)

§ 760.3 What regulations apply to the Secretary's Discretionary program?

(a) The following regulations apply to grants made under the Secretary's Discretionary Program:

(1) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions), and Part 78 (Education Appeal Board).

(2) The regulations in this Part 760.

(b) The regulations in this Part 760 do not apply to—

(1) Contracts awarded under the Secretary's Discretionary Program; and

(2) Grants and contracts awarded under any grant program, such as the National Diffusion Network, for which the Secretary issues separate rules or regulations.

Note.—Grants awarded under the National Diffusion Network are subject to the regulations in 34 CFR Part 796.

(20 U.S.C. 3851; 3474)

§ 760.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in these regulations are defined in 34 CFR Part 77:

Applicant
Application
Award
Budget
Department
EDGAR
Local educational agency (LEA)
Minor remodeling
Nonprofit
Private
Project
Public
Secretary
State educational agency (SEA)

(b) *Definitions that apply to this Part.* The following definitions apply to this Part:

"Children" means persons—

(1) Up to age 21 who are entitled to a free public education not above grade 12; or

(2) Who are of preschool age.

"Construction" means the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

(20 U.S.C. 3875)

"ECIA" means Education Consolidation and Improvement Act of 1981.

"Educationally deprived children" means children whose educational attainment is below the level that is appropriate for children of their age.

(20 U.S.C. 3851; 3474)

Subpart B—What Types of Projects Does the Secretary Assist Under This Program?

§ 760.10 What types of projects does the Secretary assist under this program?

(a) The Secretary may fund projects that—

(1) Provide a national source for gathering and disseminating information on the effectiveness of programs designed to meet the special educational needs of educationally deprived children and others served by the ECIA, and for assessing the needs of such individuals;

(2) Carry out research and demonstrations related to the purposes of the ECIA;

(3) Are designed to improve the training of teachers and other instructional personnel needed to carry out the purposes of the ECIA; or

(4) Provide technial assistance to SEA's and LEA's in the implementation of programs under the ECIA.

(b) The Secretary may not provide operating revenue to meet local needs to any applicant under this program.

(20 U.S.C. 3851)

§ 760.11 Does the Secretary establish priorities for this program?

(a) Each year, through one or more notices published in the **Federal Register**, the Secretary announces the priorities for this program, if any, and the manner in which those priorities will be implemented.

(b) The Secretary selects priorities by taking into consideration unmet national needs within the scope of the ECIA.

(c) The Secretary may also fund any project that does not meet an established priority if the project—

(1) Is limited to activities—

(i) That are at the elementary or secondary education level; or

(ii) That were specifically authorized by one of the programs consolidated in the ECIA as listed in section 561 of the ECIA except as limited by the ECIA; and

(2) Satisfies all other requirements for funding under this program.

(d) If the Secretary selects priorities, the Secretary may establish a separate competition for each priority selected. If a separate competition is established for a priority, the Secretary may reserve all applications that relate to that priority for review under the separate competition.

(e) The Secretary may decline to fund a project that is eligible for funding under another Department of Education program.

Note.—EDGAR establishes the method for applying priorities. See 34 CFR 75.105 (Annual priorities).

(20 U.S.C. 3851; 3474)

Subpart C—How Does One Apply for a Grant?

§ 760.20 What assurances must an applicant make?

An applicant must make an assurance in its application that it will comply with the provisions of section 586 of the ECIA, governing equitable participation of private school children in the purposes and benefits of Chapter 2, if the applicant—

(a) Is an LEA; and

(b) Proposes to use grant funds to provide—for the benefit of public school students—services, materials, or equipment (including training for teachers or other personnel serving the school children).

Note.—EDGAR establishes requirements for private school children participation. See 34 CFR 75.650.

(20 U.S.C. 3862)

Subpart D—How Does the Secretary Make a Grant?

§ 760.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application submitted under this program on the basis of the criteria in § 760.31 of this Part.

(b) The Secretary may award up to 100 points, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section, based on the criteria in § 760.31.

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parentheses after the heading for each criterion.

(d) For each competition, as announced through a notice published in the **Federal Register**, the Secretary may distribute the reserved 15 points among the criteria listed in § 760.31.

(20 U.S.C. 3851; 3474)

§ 760.31 What selection criteria does the Secretary use?

The Secretary uses the following criteria in evaluating each application:

(a) *Plan of operation.* (20 Points)

(1) The Secretary reviews each application for information that shows

the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have traditionally underrepresented, such as—

(A) Members of racial or eithnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly; and

(vi) For applicants required to provide an opportunity for participation of students enrolled in private schools—a clear description of how the applicant will provide that opportunity.

(b) *Quality of key personnel.* (15 Points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section plans to commit to the project;

(vi) The extent to which the applicant, as a part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 Points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 Points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. Cross-reference—See EDGAR 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 Points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Improving elementary and secondary education.* (10 Points)

(1) The Secretary reviews each application for information that shows the extent to which the project contributes to the improvement of elementary and secondary education.

(2) The Secretary looks for information such as—

(i) The objectives of the project; and

(ii) The manner in which the objectives of the project further the purpose of improving elementary and secondary education.

(g) *National significance.* (15 Points)

(1) The Secretary reviews each application for information that shows the national significance of the project.

(2) The Secretary looks for information that shows the extent to which the project makes a contribution of national significance, as measured by factors such as—

(i) The extent to which the project addresses educational problems of national significance;

(ii) The extent to which the project meets specific national needs as shown by—

(A) The needs addressed by the project;

(B) The manner in which the applicant identified those needs;

(C) The manner in which those needs are met by the project; and

(D) The benefits to be gained by meeting those needs;

(iii) The extent to which the project involves techniques that are innovative;

(iv) The extent to which the project builds upon and adds to current educational information and research; and

(v) The extent to which the project provides a model or other information that could be used by others to solve educational problems.

(h) *Applicant's commitment and capacity.* (10 Points)

The Secretary looks for information that shows the extent of the applicant's commitment to the project, its capacity to continue the project, and the likelihood that it will build upon the project when Federal assistance ends.

(20 U.S.C. 3851; 3474)

§ 760.32 How does the Secretary select an application for funding?

(a) After evaluating the applications according to the criteria contained in § 760.31, the Secretary may determine whether or not the most highly rated applications are broadly and equitably distributed throughout the Nation for each competition.

(b) The Secretary may select other applications for funding if doing so would improve the geographical distribution of projects funded under a particular competition.

(20 U.S.C. 3851; 3474)

Subpart E—What Conditions Must Be Met by the Grantee?

§ 760.40 May the Secretary restrict the use of funds under this program?

The Secretary may restrict the amount of funds made available through a grant under this program that may be used to purchase equipment.

(20 U.S.C. 3851)

760.41 May program funds be used for construction purposes?

(a) No recipient may use grant funds for repairs, minor remodeling, or construction of private school facilities.

(b) To the extent necessary for an LEA to carry out its responsibility under section 586 of the ECIA to provide an opportunity for the equitable participation of private school children, an LEA may use grant funds for the construction of public facilities.

(c) Subject to the restrictions in paragraph (a) of this section, a recipient may use grant funds for repairs or minor remodeling only to the extent necessary to carry out an approved project under the regulations in this Part.

(20 U.S.C. 3851; 3474)

[FR Doc. 84-5410 Filed 2-28-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

Secretary's Discretionary Program—Unsolicited Grants

AGENCY: Department of Education.

ACTION: Application Notice for the transmittal of applications for Fiscal Year 1984.

The Secretary of Education (the Secretary), under the Secretary's Discretionary Program for fiscal year 1984, announces a grant competition and invites applications for grants on unsolicited topics.

To be eligible for funding under this program, a project must relate to the purposes of the Education Consolidation and Improvement Act of 1981 (ECIA), and must be limited to one or more of the following: Gathering and disseminating information, assessing the effectiveness of programs, research, demonstration, training of teachers or other instructional personnel, or technical assistance to a State educational agency (SEA) or a local educational agency (LEA).

The Secretary invites applicants to propose projects in any area of education within the purposes of the ECIA. The ECIA generally addresses meeting the special educational needs of educationally deprived children and improving elementary and secondary education for children. For example, in fiscal year 1983, the Secretary funded unsolicited applications on a wide range of topics, that included, follow-up activities to the National Commission on Excellence in Education, literacy in the school-aged population, school violence, and training school board members in the area of special education.

The ECIA generally addresses meeting the special educational needs of educationally deprived children and improving elementary and secondary education for children. However, also included within the scope of the ECIA are the purposes of the programs consolidated in section 561 of the ECIA. Accordingly, subject to other requirements of the ECIA and the proposed regulations, the Secretary could fund any project that would provide the same services to the same recipients as formerly authorized by one of the programs consolidated into the ECIA, some of which included specific activities beyond the elementary and secondary level. For example, the Secretary could fund a demonstration project on consumer education that benfitted the public as a whole because consumer education was authorized to be provided to the public under Title III, Part E of the ESEA, one of the authorities consolidated into the ECIA.

The only exception is that although Title II (Basic Skills Improvement) authorized activities beyond the elementary and secondary education level, Chapter 2 of the ECIA limits basic skills to activities relating to elementary and secondary school instruction.

Section 583 of the ECIA does not authorize the Secretary to provide general operating revenue to any applicant, including a local school district, an institution of higher education, or other agencies that need or wish additional resources to meet local needs.

Authority for this program is contained in section 583 of the ECIA (20 U.S.C. 3851).

Closing Date for the Transmittal of Applications

An application for a grant must be mailed or hand delivered by August 1, 1984.

Applications Delivered by Mail

An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84:122B, Washington, D.C. 20202.

An applicant must show one of the following as proof of mailing:

(a) A legibly dated U.S. Postal Service Postmark.

(b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(c) A dated shipping label, invoice, or receipt from a commercial carrier.

(d) Any proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent throught the U.S. Postal Service, the Secretary does not accept the following as proof of mailing: (1) A private metered postmark; (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first-class mail. Each late applicant will be notified that the application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Regional Office Building 3, Room 5673, 7th and D Street, SW., Washington, D.C. 20202.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. Time), daily except Saturdays, and Federal holidays. An application that is hand delivered will not be accepted after 4:30 p.m. on August 1, 1984.

Program Information

The ECIA (20 U.S.C. 3851) was enacted as Title V of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The ECIA has two principal purposes: Chapter 1 provides financial assistance to SEA's and LEA's to meet the special needs of educationally deprived children, and Chapter 2 consolidates 28 elementary and secondary level education grant programs funded in fiscal year 1981 into a single authorization of grants to States for the same purposes contained in the program consolidated.

Section 583(a) of Chapter 2 authorizes the Secretary to carry out directly, or through grants or contracts, programs and projects that: (1) Provide a national source for gathering and disseminating information on the effectiveness of programs designed to meet the special educational needs of educationally deprived children and others served by the ECIA, and for assessing the needs of such individuals; (2) carry out research and demonstrations related to the purposed of the ECIA; (3) are designed to improve the training of teachers and other instructional personnel needed to carry out the purposes of the ECIA; or (4) provide technical assistance to SEA's and LEA's in the implementation of programs under the ECIA.

Eligible Applicants

SEA's and LEA's, institutions of higher education, and other public and private agencies, organizations, and institutions and may apply for a grant. An applicant may apply singly or jointly with another eligible applicant, as provided in 34 CFR 75.127 through 75.129.

Selection Criteria

(a) In evaluating applications, the Secretary will use the selection criteria contained in the proposed regulations. The maximum possible points for all the criteria is 100 points, and the minimum value assigned by the proposed regulations for each criterion is as follows:

(1) Plan of operation. (20 points)

(2) Quality of key personnel. (15 points)

(3) Budget and cost effectiveness. (5 points)

(4) Evaluation plan. (5 points)

(5) Adequacy of resources. (5 points)

(6) Improving elementary and secondary education. (10 points)

(7) National significance. (15 points)

(8) Applicant's commitment and capacity. (10 points)

(b) Furthermore, the proposed regulations authorize the Secretary to distribute an additional 15 points among the criteria listed in the proposed regulations.

The Secretary will distribute these additional points as follows:

(4) *Evaluation plan.* 5 additional points will be added for a possible total of 10 points.

(6) *Improving elementary and secondary education.* 5 additional points will be added for a possible total of 15 points.

(7) *National significance.* 5 additional points will be added for a possible total of 20 points.

(c) The Secretary uses the procedures contained in the proposed regulations to select applications for funding.

Length of Awards

Projects supported under this program will be for a period of up to 12 months in duration, to be conducted in the 1984–85 school year.

Available Funds

The Secretary urges applicants to limit the amount of assistance requested to not more than $100,000. It is estimated that 10 to 15 awards will be made. The Secretary encourages applicants to propose projects that show a thorough knowledge of previous work in the area of the project and its relationship to the proposed project, and that use existing materials to the fullest extent possible. Also because of the limited available resources, the Secretary encourages applicants to propose projects that would use the funds awarded for this competition to supplement other sources of funding.

The above estimate assumes that applications of satisfactory quality will be received. This estimate does not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Applicants should be aware that the availability of funds for this competition is being contested in litigation in the United States District Court for the Northern District of Illinois, Eastern Division (United States of America v. Board of Education of the City of Chicago, Docket No. 80 C 5124). Any obligation of these funds are currently enjoined by the court.

Application Forms

Application forms and program information packages may be obtained by writing to: Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4181, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length and the total application not exceed 25 pages in length.

(Approved OMB Number 1880–0505, Expiration Date 9/85.)

Applicable Regulations

Regulations applicable to this program include the following:

(a) Any final regulations for the Secretary's Discretionary Program. Regulations governing the Secretary's Discretionary Program are proposed to be codified in 34 CFR Part 760. Applications are being accepted based on the notice of proposed rulemaking for the Secretary's Discretionary Program which is published in this issue of the **Federal Register.** If any substantive changes are made in the final regulations for this program, applicants will be given an opportunity to revise their applications.

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

For further information contact: Dr. Thomas E. Enderlein, Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4181, Washington, D.C. 20202. Telephone: (202) 426–6420.

(Catalog of Federal Domestic Assistance Number 84.122, Secretary's Discretionary Program)

Dated: January 31, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84–5411 Filed 2–28–84; 8:45 am]

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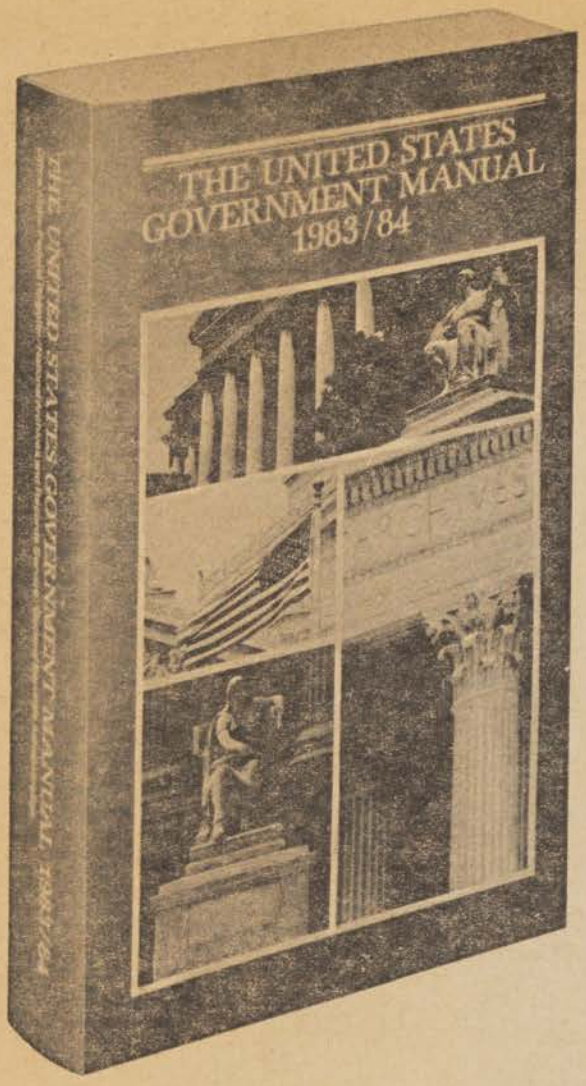

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