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# Federal Register

Wednesday
April 4, 1984

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National Oceanic and Atmospheric Administration

**Air Pollution Control**
Environmental Protection Agency

**Animal Drugs**
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**Aviation Safety**
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# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Airspace Docket No. 83-AWA-31]**

### Alteration of Marshfield, MA, Transition Area

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment alters the description of the Marshfield, MA, Transition Area to provide airspace protection for aircraft utilizing the nondirectional beacon (NDB) approach to Runway 06 at Marshfield Airport, Marshfield, MA. This action improves air safety by providing controlled airspace for standard instrument approaches to that airport.

**EFFECTIVE DATE:** May 10, 1984.

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

**SUPPLEMENTARY INFORMATION:**

#### History

On January 4, 1984, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of the Marshfield, MA, Transition Area. The transition area's proposed enlargement is to provide airspace protection for aircraft executing IFR approaches to Runway 06 at Marshfield, MA, Airport (49 FR 419). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

#### The Rule

The amendment alters the description of the Marshfield, MA, Transition Area to provide airspace protection for aircraft utilizing the NDB approach to Runway 06 at Marshfield Airport, Marshfield, MA. This action improves air safety by providing controlled airspace for standard instrument approaches to that airport.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), is amended, effective 0901 GMT, May 10, 1984, as follows:

**Marshfield, MA—[Amended]**

By deleting all the words after "Marshfield, MA;" and substituting the words "and within 5 miles on each side of the 224° bearing from the Marshfield NDB (lat. 42°05'52" N., long. 70°40'33" W.) extending from the NDB to 11.5 miles southwest, excluding the portion within the Boston, MA, and Plymouth, MA, Transition Areas."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on March 23, 1984.

**B. Keith Potts,**

*Manager, Airspace-Rules and Aeronautical Information Division.*

[FR Doc. 84-8857 Filed 4-3-84; 8:45 am]
BILLING CODE 4910-13-M

### 14 CFR Part 71

**[Airspace Docket No. 84-ASO-3]**

### Alteration of Transition Area, Jasper, Alabama

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment alters the Jasper, Alabama, transition area by deleting reference to the existing Walker County Airport, which is being closed, and redesignating the transition area based on the new Walker County Airport which recently opened. This action will lower the base of controlled airspace in the vicinity of the new airport from 1,200 to 700 feet above the surface. This controlled airspace is required for the containment of aeronautical operations at the new airport during Instrument Flight Rule conditions. The base of controlled airspace, in the vicinity of the old airport, will be raised from 700 to 1,200 feet above the surface.

**EFFECTIVE DATE:** 0901 GMT, May 10, 1984.

**FOR FURTHER INFORMATION CONTACT:** Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

**SUPPLEMENTARY INFORMATION:**

#### History

On Tuesday, February 7, 1984, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by redesignating the Jasper, Alabama, transition area to provide controlled airspace for aeronautical operations at the new Walker County Airport which recently opened. The present designation is predicated upon an airport which is being closed (49 FR 4503). Interested parties were invited to

participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. In response to the Notice of Proposed Rulemaking, the Walker County Commission advised that the official name of the new airport would be "Walker County Airport-Bevill Field." This name will be reflected in the transition area description. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6 dated January 3, 1984.

**The Rule**

This amendment to Part 71 of the Federal Aviation Regulations redesignates the Jasper, Alabama, transition area based on Walker County Airport-Bevill Field and lowers the base of controlled airspace in the vicinity of the airport from 1,200 to 700 feet above the surface. This action will also raise the floor of controlled airspace, in the vicinity of the old Walker County Airport, from 700 to 1,200 feet above the surface.

**List of Subjects in 14 CFR Part 71**

Aviation safety, Airspace, Transition area.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, the Jasper, Alabama, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 GMT, May 10, 1984, as follows:

**Jasper, AL—[Revised]**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Walker County Airport-Bevill Field (Lat. 33°54'07" N., Long. 87°18'46" W.).

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

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

Issued in East Point, Georgia, on March 26, 1984.

**George R. LaCaille,**

*Acting Director, Southern Region.*

[FR Doc. 84-8858 Filed 4-3-84; 8:45 am]

BILLING CODE 4910-13-M

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**14 CFR Part 71**

**[Airspace Docket No. 83-AWP-14]**

## Alteration of Control Zone, Modesto, California

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment alters the description of the Control Zone for Modesto City-County Airport, Modesto, California. The Control Zone alteration is necessary to release airspace no longer required for Instrument Flight Rule (IFR) operations.

**DATES:** Effective April 20 1984.

Comments must be received on or before April 18, 1984.

**ADDRESSES:** Send comments on the rule in triplicate to: Federal Aviation Administration Airspace and Procedures Branch Post Office Box 92007 Worldway Postal Center Los Angeles, California 90009-2007.

The official docket may be examined in the Western-Pacific Regional Office of Regional Counsel, 15000 Aviation Blvd., Hawthorne, California, Room 6W14.

An informal docket may also be examined during normal business hours at the Western-Pacific Region, Airspace and Procedures Branch, 15000 Aviation Blvd., Hawthorne, California, Room 6E16.

**FOR FURTHER INFORMATION CONTACT:** Mateo M. Palenzuela, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, Telephone (213) 536-6182.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments on the Rule**

Although this action is in the form of a final rule, which involves the release of controlled airspace no longer required for IFR operations due to cancellation of the approach procedure to Runway 10 at Modesto City-County Airport, and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

**The Rule**

The purpose of this amendment to 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to amend the description of the Modesto, California, Control Zone by deleting the 8-mile extension from the 5-mile radius, northwest of the VOR extension from the 5-mile radius, northwest of the VOR. It will release controlled airspace no longer required for IFR operations due to cancellation of the approach procedure to Runway 10 at Modesto City-County Airport. This action reduces a burden on airspace users and is so minor in nature that the FAA does not anticipate significant public interest. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A on January 3, 1983. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective in less than 30 days after its publication in the **Federal Register.**

**List of Subject in 14 CFR Part 71**

Aviation safety, Control zones.

**Adoption of the Amendment**

**PART 71—[AMENDED]**

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as republished (46 FR 455)), is amended, effective 1500 GMT, March 30, 1984, as follows:

**§ 71.171 Modesto, California. [Revised]**

Following * * * "(lat. 37°37'35"N., long. 120°57'15"W.);" Delete: "Within 2 miles each side of the Modesto VOR 305° radial, extending from the 5-mile radius zone to 8 miles northwest of the the VOR."

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

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

Issued in Los Angeles, California, on March 12, 1984.

Richard L. Devereaux,

*Acting Director, Western-Pacific Region.*

[FR Doc. 84-8859 Filed 4-3-84; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 15 CFR Parts 924, 929, 935, 936, 937, and 938

[Docket No. 40328-39]

### Information Clearance for Designated National Marine Sanctuaries

**AGENCY:** Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Technical amendment to final rules.

**SUMMARY:** The permit requirements in the final regulations for the MONITOR, Key Largo, Channel Islands, Point Reyes-Farallon Islands, Looe Key, and Gray's Reef National Marine Sanctuaries are being updated in conformance with the Paperwork Reduction Act of 1980. Appropriate changes will also be made in the regulations for the proposed La Parguera National Marine Sanctuary when they are published as final rules. The proposed regulations were published at 48 FR 9286 (1983).

**EFFECTIVE DATE:** April 4, 1984.

**FOR FURTHER INFORMATION CONTACT:** John Epting or Ann Danneberg, (202) 634-4236.

**ADDRESS:** Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven Street, NW., Washington, DC 20235.

**SUPPLEMENTARY INFORMATION:** The permit requirements in these regulations are being updated to conform with the information collection requirements of the Paperwork Reduction Act of 1980. The final regulations include the designated MONITOR (15 CFR Part 924), Key Largo (15 CFR Part 929), Channel Islands (15 CFR Part 935), Point Reyes-Farallon Islands (15 CFR Part 936), Looe Key (15 CFR Part 937), and Gray's Reef (15 CFR Part 938) National Marine Sanctuaries.

These regulations allow permits for otherwise prohibited activities if such activity is: (1) Research related to the resources of the Sanctuary; (2) to further the educational value of the Sanctuary; or (3) for salvage or recovery operations. This information collection requires a simple cover letter and a copy of the original research proposal required by the funding institutions. Once a permit has been issued, only a brief letter is necessary to obtain an extension of the approved activity.

This information is used by the Assistant Administrator for Ocean Services and Coastal Zone Management in considering whether to grant a permit. Specific aspects of an application evaluated include: (1) The general professional and financial responsibility of the applicant; (2) the appropriateness of the methods being proposed to the purpose(s) of the activity; (3) the extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as a source of recreation, education, or scientific information; and (4) the end value of the activity. Without this information it would be impossible for the Assistant Administrator to determine whether the proposed activity is in compliance with sanctuary management goals.

**List of Subjects in 15 CFR Parts 924, 929, 935, 936, 937, and 938**

Administrative practice and procedure, Environmental protection, Marine resources, and Natural resources, Reporting and recordkeeping requirements.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: March 13, 1984.

Paul M. Wolff,

*Assistant Administrator for Ocean Services and Coastal Zone Management.*

Accordingly, 15 CFR Parts 924, 929, 936, 937, and 938 are amended as follows:

Authority: Title III, Pub. L. 95-532, as amended (16 U.S.C. 1431-1434).

### PART 924—MONITOR NATIONAL MARINE SANCTUARY REGULATIONS

**§ 924.6 [Amended]**

1. In § 924.6(a), the following sentence should be added at the end:

This information collection has been approved by the Office of Management and Budget (approval number 0648-0141).

* * * * *

### PART 929—KEY LARGO NATIONAL MARINE SANCTUARY REGULATIONS

**§ 929.10 [Amended]**

2. In § 929.10(b) is amended by revising the Office of Management and Budget control number to read: 0648-0141, and deleting the effective date.

* * * * *

### PART 935—CHANNEL ISLANDS NATIONAL MARINE SANCTUARY REGULATIONS

**§ 935.9 [Amended]**

3. In § 935.9(b), the following sentence should be added at the end:

This information collection has been approved by the Office of Management and Budget (approval number 0648-0141).

* * * * *

### PART 936—POINT REYES-FARALLON ISLANDS NATIONAL MARINE SANCTUARY REGULATIONS

**§ 936.8 [Amended]**

4. In § 936.8(b), the following sentence should be added at the end:

This information collection has been approved by the Office of Management and Budget (approval number 0648-0141).

* * * * *

### PART 937—LOOE KEY NATIONAL MARINE SANCTUARY REGULATIONS

**§ 937.8 [Amended]**

5. In § 937.8(b), the following sentence should be added at the end:

This information collection has been approved by the Office of Management and Budget (approval number 0648-0141).

* * * * *

## PART 938—GRAY'S REEF NATIONAL MARINE SANCTUARY REGULATIONS

**§ 938.8 [Amended]**

6. In 938.8(b), the following sentence should be added at the end:

This information collection has been approved by the Office of Management and Budget (approval number 0648–0141).

* * * * *

[FR Doc. 84–8946 Filed 4–3–84; 8:45 am]

BILLING CODE 3510–08–M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 230

**[Release No. 33–6520, File No. S7–999]**

### Confidential Treatment Under the Securities Act of 1933

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Adoption of amendment to rule.

**SUMMARY:** The Commission is adopting an amendment to Rule 406 under the Securities Act of 1933 (the "Securities Act") which will establish a system of confidential treatment under the Securities Act that is similar in scope and procedure to that under the Securities Exchange Act of 1934 (the "Exchange Act"). The revision is a further step in the integration of the disclosure requirements under the two Acts.

**EFFECTIVE DATE:** May 4, 1984. Persons wishing to comply with the amendment may, however, do so immediately upon publication.

**FOR FURTHER INFORMATION CONTACT:** Barry Mehlman or Alan L. Dye at (202) 272–2573, Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** As a further step in its continuing effort to integrate the disclosure systems under the Securities Act and Exchange Act, the Commission proposed on November 1, 1983[1] to broaden the information eligible for confidential treatment in documents filed under the Securities Act. That proposal which is being adopted today extends the availability of confidential treatment under the Securities Act to the same type of information that may be granted confidential treatment in an issuer's periodic reports under the Exchange Act.

Differences in scope of confidential treatment under the Acts are inconsistent with the integration of the disclosure system. With the exception of transaction information, information required to be disclosed in a public offering is generally the same as that required in periodic reports for the trading market.[2] Moreover, the differences can result in inconsistent treatment of Securities Act registrants. The proposal was designed to resolve the inconsistencies with integration and among registrants by establishing a system for confidential treatment under the Securities Act that parallels the Exchange Act.

The amended Rule permits requests for confidential treatment of any document required to be filed under the Securities Act. In addition, the revised Rule conforms the procedure for requesting confidential treatment under the Securities Act to that under the Exchange Act. Amended Rule 406 will condition a grant of confidential treatment on the availability of at least one of the nine Freedom of Information Act ("FOIA")[3] exemptions and a determination by the Commission that, under the facts and circumstances of the particular case, disclosure of the information is not necessary for the protection of investors.

The Commission has determined to adopt, without change, the proposed amendment to Rule 406.

### Summary of Final Regulatory Flexibility Analysis

The Commission has prepared a final regulatory flexibility analysis in accordance with 5 U.S.C. 604 regarding the amendment to Rule 406. A summary of the corresponding Initial Regulatory Flexibility Analysis was included in the release proposing the amendment to Rule 406 at 48 FR 51155. A copy of the Final Regulatory Flexibility Analysis may be obtained by contacting Barry Mehlman, Division of Corporation Finance, United States Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549 at (202) 272–2573.

### List of Subjects in 17 CFR Part 230

Forms, Reporting and recordkeeping requirements, Securities.

### Text of Amendment

The Commission hereby amends Title 17, Chapter II of the Code of Federal Regulations as follows:

## PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

By revising § 230.406, Rule 406, to read as follows:

**§ 230.406 Confidential treatment of information filed with the Commission.**

**Preliminary Note.**—Confidential treatment of supplemental information or other information not required to be filed under the Act should be requested under 17 CFR 200.83 and not under this rule.

(a) Any person submitting any information in a document required to be filed under the Act may make written objection to its public disclosure by following the procedure in paragraph (b) of this section, which shall be the exclusive means of requesting confidential treatment of information included in any document (hereinafter referred to as the "material filed") required to be filed under the Act, *except* that if the material filed is a registration statement on Form S–8 (§ 239.16b of this chapter) or on Form S–3, F–2, or F–3 (§ 239.13, 32 or 33 of this chapter) relating to a dividend or interest reinvestment plan, or if the material filed is a registration statement that does not contain a delaying amendment pursuant to Rule 473 (§ 230.473 of this chapter), the person shall comply with the procedure in paragraph (b) *prior* to the filing of a registration statement.

(b) The person shall omit from the material filed the portion thereof which it desires to keep undisclosed (hereinafter called the "confidential portion"). In lieu thereof, the person shall indicate at the appropriate place in the material filed that the confidential portion has been so omitted and filed separately with the Commission. The person shall file with the material filed:

(1) As many copies of the confidential portion, each clearly marked "Confidential Treatment," as there are copies of the material filed with the Commission. Each copy shall contain an appropriate identification of the item or other requirement involved and, notwithstanding that the confidential portion does not constitute the whole of the answer or required disclosure, the entire answer or required disclosure, *except* that in the case where the confidential portion is part of a financial statement or schedule only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the material filed;

[1] Release No. 33–6495 (November 1, 1983) (48 FR 51155) November 7, 1983.

[2] *See* Release Nos. 33–6231 (September 2, 1980) (45 FR 63630), 33–6331 (August 6, 1981) (46 FR 41902) and 33–6383 (March 3, 1982) (47 FR 11380).

[3] 5 U.S.C. 552.

(2) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain: (i) An identification of the portion; (ii) a statement of the grounds of the objection referring to and analyzing the applicable exemption(s) from disclosure under § 200.80 of this chapter, the Commission's rule adopted under the Freedom of Information Act (5 U.S.C. 552), and a justification of the period of time for which confidential treatment is sought; (iii) a detailed explanation of why, based on the facts and circumstances of the particular case, disclosure of the information is unnecessary for the protection of investors; (iv) a written consent to the furnishing of the confidential portion to other government agencies, offices, or bodies and to the Congress; and (v) the name, address and telephone number of the person to whom all notices and orders issued under this rule at any time should be directed.

(3) The copies of the confidential portion and the application filed in accordance with this paragraph (b) shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549.

(c) Pending a determination as to the objection, the material for which confidential treatment has been applied will not be made available to the public.

(d) If it is determined by the Division, acting pursuant to delegated authority, that the application should be granted, an order to that effect will be entered, and a notation to that effect will be made at the appropriate place in the material filed. Such a determination will not preclude reconsideration whenever appropriate, such as upon receipt of any subsequent request under the Freedom of Information Act and, if appropriate, revocation of the confidential status of all or a portion of the information in question.

(e) If the Commission denies the application, or the Division, acting pursuant to delegated authority, denies the application and Commission review is not sought pursuant to § 201.26 of this chapter, confirmed telegraphic notice of the order of denial will be sent to the person named in the application pursuant to paragraph (b)(2)(v) of this section. In such case, if the material filed may be withdrawn pursuant to an applicable statute, rule, or regulation, the registrant shall have the right to withdraw the material filed in accordance with the terms of the applicable statute, rule, or regulation, but without the necessity of stating any grounds for the withdrawal or of obtaining the further assent of the Commission. In the event of such withdrawal, the confidential portion will be returned to the registrant. If the material filed may not be so withdrawn, the confidential portion will be made available for public inspection in the same manner as if confidential treatment had been revoked under paragraph (h) of this section.

(f) If a right of withdrawal pursuant to paragraph (e) of this section is not exercised, the confidential portion will be made available for public inspection as part of the material filed, and the registrant shall amend the material filed to include all information required to be set forth in regard to such confidential portion.

(g) In any case where a prior grant of confidential treatment has been revoked, the person named in the application pursuant to paragraph (b)(2)(v) of this section will be so informed by registered or certified mail. Pursuant to § 201.26 of this chapter, persons making objection to disclosure may petition the Commission for review of a determination by the Division revoking confidential treatment.

(h) Upon revocation of confidential treatment, the confidential portion shall be made available to the public at the time and according to the conditions specified in paragraphs (h) (1)–(2):

(1) Upon the lapse of five days after the dispatch of notice by registered or certified mail of a determination disallowing an objection, if prior to the lapse of such five days the person shall not have communicated to the Secretary of the Commission his intention to seek review by the Commission under § 201.26 of this chapter of the determination made by the Division; or

(2) If such a petition for review shall have been filed under § 201.26 of this chapter, upon final disposition adverse to the petitioner.

(i) If the confidential portion is made available to the public, one copy thereof shall be attached to each copy of the material filed with the Commission.

**Authority:** The Commission is adopting these amendments to Rule 406 under Sections 7, 10, and 19(a) of the Securities Act.

(Secs. 7, 10, 19(a), 48 Stat. 76, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 308(a)(2), 90 Stat. 57; 15 U.S.C. 77g, 77j, 77s(a))

Dated: March 23, 1984.

By the Commission.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 84-8897 Filed 4-3-84; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### 18 CFR Part 271

**[Docket No. RM79-76 (Colorado-1); Correction to Order No. 124]**

## High-Cost Gas Produced From Tight Formations; Final Rule

March 30, 1984.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule; correction.

**SUMMARY:** This correction publishes an appendix to Order No. 124 issued January 23, 1981 (46 FR 9921 (1–30–81)). The order designated the Wattenberg J Sand Formation as a tight formation, making natural gas produced therefrom eligible for an incentive price under the Commission's regulations under the Natural Gas Policy Act. The order also appended a description of areas excluded from the tight formation designation. This appendix was not and is not to be codified in the Commission's regulations and so was not originally published in the Federal Register; however, because the appendix will be amended from time to time, it is now being published for easier public reference.

**EFFECTIVE DATE:** Janaury 23, 1981.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner (202) 357–8307 or Victor Zabel (202) 357–8559.

**Lois D. Cashell,**

*Acting Secretary.*

**SUPPLEMENTARY INFORMATION:** FR Doc. 81–3503, appearing in the Federal Register of January 30, 1981 (48 FR 9922), is corrected by adding the following appendix at the end of the document.

Note.—This appendix will not appear in the Code of Federal Regulations.

**Appendix—Description of Area Excluded From Designation as a Tight Formation in RM79–76 (Colorado–1)**

*Weld County*

Township 1 North, Range 65 West, 6th P.M.
Sections 5, 6, 8, 9, 16, 17, 29 and 32: All
Sections 4 and 36: N½
Section 30: S½
Sections 14, 18 and 20: W½

Township 1 North, Range 66 West, 6th P.M.
Sections 2, 4–8, 14, 18–20, 24 and 28: All
Sections 10 and 32: N½
Sections 3, 21 and 27: S½
Sections 16, 22, 29 and 34: E½
Section 17: W½

Township 1 North, Range 67 West, 6th P.M.
Sections 1–15, 17, 19–30 and 32–35: All
Sections 13, 16 and 31: N½
Section 36: W½

Township 1 North, Range 68 West, 6th P.M
Sections 1, 12 and 13: All
Sections 7 and 16: N½
Section 8: S½
Section 24: W½
Township 2 North, Range 64 West, 6th P.M.
Sections 6, 7, 16 and 18: All
Sections 5, 8 and 20: S½
Section 30: W½
Township 2 North, Range 65 West, 6th P.M.
Sections 1–4, 6, 8, 10–16, 18, 20–24, 26–28 and 32–36: All
Section 29: N½
Section 17: S½
Sections 7, 9, 19 and 31: W½
Township 2 North, Range 66 West, 6th P.M.
Sections 2–12, 15–18, 20–22, and 26–34: All
Section 1: S½
Section 14: E½
Section 36: W½
Township 2 North, Range 67 West, 6th P.M.
Sections 1–5, 7, 9, 11, 12, 14–16, 18–20, 22–28, 30, 31 and 33–36: All
Sections 6, 8, 13, 17 and 21: N½
Section 32: E½
Sections 10 and 29: W½
Township 2 North, Range 68 West, 6th P.M.
Sections 2, 3, 10–13; 15, 22 and 36: All
Sections 1, 4 and 27: N½
Sections 16 and 24: S½
Sections 21, 25 and 35: E½
Sections 14 and 23: W½
Township 3 North, Range 64 West, 6th P.M.
Section 16: All
Sections 8 and 30: S½
Section 28: W½
Township 3 North, Range 65 West, 6th P.M.
Sections 12, 16, 18, 24, 26 and 30: All
Section 32: N½
Sections 6, 13, 22, 23, 27, 31, 33 and 34: S½
Sections 8, 19, 20 and 36: W½
Township 3 North, Range 66 West, 6th P.M.
Sections 2, 4, 6, 8, 10, 13–17 and 20–35: All
Sections 5, 7, 9, 11 and 12: S½
Sections 18 and 19: E½
Township 3 North, Range 67 West, 6th P.M.
Sections 12–14, 71–31 and 33–36: All
Section 4: N½
Sections 1 and 7: S½
Sections 2 and 32: E½
Sections 8 and 15: W½
Township 3 North, Range 68 West, 6th P.M.
Sections 22–27 and 34–36: All
Sections 28 and 33: E½
Section 14: W½
Township 4 North, Range 65 West, 6th P.M.
Section 34: All
Section 32: S½
Sections 29 and 36: W½
Township 4 North, Range 66 West, 6th P.M.
Sections 26 and 34: All
Sections 22, 32 and 36: N½
Sections 20, 31 and 33: S½
Section 19: W½
Township 4 North, Range 67 West, 6th P.M.
Sections 27 and 36: All
Section 35: S½
Section 22: E½

*Adams County*

Township 1 South, Range 67 West, 6th P.M.
Sections 1, 5 and 17: All
Sections 2, 3, 6 and 9: N½
Sections 10 and 16: E½
Sections 4, 13 and 18:W½

[FR Doc. 84-8882 Filed 4-3-84; 8:45 am]
BILLING CODE 6717-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Parts 1 and 101

**[Docket No. 81P-0298]**

## Exemption From Placement Requirements for Required Label Statements on Soft Drinks in Cans

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is granting manufacturers of soft drinks in cans an exemption from placement requirements for required label statements. The exemption permits the name of the manufacturer, packer, or distributor of soft drinks in cans to be declared on the lid of the can. This action is based on a petition submitted to FDA by the American Can Co.

**DATE:** Effective April 4, 1984, for all affected products initially introduced or initially delivered for introduction into interstate commerce.

**FOR FURTHER INFORMATION CONTACT:** Raymond W. Gill, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–3092.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of Novembr 16, 1982 (47 FR 51588), FDA published a proposal to grant manufacturers of soft drinks in cans an exemption from the placement requirements of §§ 1.24(a) and 101.2(b) (21 CFR 1.24(a) and 101.2(b)). The exemption permits the name of the manufacturer, packer, or distributor to be declared on the lid of the can. In addition, the exemption provides to manufacturers of soft drinks in cans the same flexibility as that now possessed by manufacturers of soft drinks in bottles. The proposal was based on a petition submitted to FDA by the American Can Co. Interested persons were given until January 17, 1983, to comment on the proposal.

FDA received one comment on the proposal, from the National Soft Drink Association. This comment stated that the industry supports the exemption as proposed because it would provide a significant benefit to small businesses.

The agency now is issuing a final regulation based on the proposal.

Under § 101.5(a) (21 CFR 101.5(a)), the label of a food in package form or multiunit retail food packages must "specify conspicuously the name and place of business of the manufacturer, packer, or distributor." Section 101.2(b) requires that this information be disclosed on either the information panel or the principal display panel of the food.

This final rule grants an exemption from placement requirements of §§ 101.5(a) and 101.2(b) by permitting manufacturers of soft drinks in cans to declare the name and place of business of the manufacturer, packer, or distributor on the lid of the can. Accordingly, § 1.24(a)(5)(v) is added to provide an exemption for multiunit retail packages for canned soft drinks from the placement requirements of § 101.5 regarding the name and place of business. Also, § 101.2(c)(4)(ii)(*a*) is revised to permit placement of the required information on the can lid.

The exemption provided by this final rule permits can manufacturers either to emboss or to print the name of the soft drink canner on the lid, provided the operation of the closure tab does not remove or obscure the declaration. If the declaration is embossed, the regulation requires that the type size of the embossed letters be at least one-eighth inch in height, twice the type size required for printed matter. If the declaration is printed, the regulation requires that the type size not be less than one-sixteenth inch in height. To enhance legibility, the embossed or printed declaration is allowed to follow the curvature of the lid. The type-size requirements parallel those requirements now in effect for soft drinks in bottles.

The regulation also provides that multiunit retail packages for soft drinks in cans shall be exempt from the declaration regarding name and place of business required by § 101.5 if the package does not obscure the declaration on unit containers or if it bears a statement that the declaration can be found on the unit containers and the declaration on the unit containers complies with § 101.5.

The agency has determined pursuant to 21 CFR 25.24(d)(13) (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.

In accordance with Executive Order 12291, the agency has previously

considered the potential economic effects of the final rule. As announced in the proposal, the agency has determined that the rule is not a major rule as determined by the order. FDA has not received any new information or comments that would alter its previous determination.

As a result of this exemption, different canners of the same soft drink will be able to use the same can bodies while individually ordering lids with their specific name and address. It is anticipated that this change will decrease the costs of labeling canned soft drinks, thereby alleviating an unnecessary cost for can manufacturers, soft drink canners, and, ultimately, consumers. Because most soft drink canners are small businesses, this exemption may provide a significant benefit to small businesses. The agency concluded that the information in the petition and this preamble constitute the information required in a final regulatory flexibility analysis as specified by the Regulatory Flexibility Act (Pub. L. 96–354). The apparent alternatives to this exemption, namely no exemption or mandating labeling information on can lids, would be less favorable to small businesses.

List of Subjects

*21 CFR Part 1*

Cosmetics, Drugs, Exports, Food labeling, Imports, Labeling

*21 CFR Part 101*

Food labeling, Misbranding, Nutrition labeling, Warning statements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 403(e), 701(a), 52 Stat. 1047 as amended, 1055 (21 U.S.C. 343(e), 371(a))) and under 21 CFR 5.11, Chapter I of Title 21 of the Code of Federal Regulations is amended in Parts 1 and 101 as follows:

## PART 1—GENERAL REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. Part 1 is amended in § 1.24 by adding new paragraph (a)(5)(v), to read as follows:

**§ 1.24 Exemption from required label statements.**

* * * * *

(a) * * *

(5) * * *

(v) A multiunit retail package for soft drinks in cans shall be exempt from the declaration regarding name and place of business required by § 101.5 of this chapter if the package does not obscure the declaration on unit containers or if it bears a statement that the declaration can be found on the unit containers and the declaration on the unit containers complies with § 101.5 of this chapter. The declaration required by § 101.5 of this chapter may appear on the top of soft drinks in cans if the statement is conspicuous and easily legible, provided that when the declaration is embossed, it shall appear in type size at least one-eighth inch in height, or if it is printed, the type size shall not be less than one-sixteenth inch in height. The declaration may follow the curvature of the lid of the can and shall not be removed or obscured by the tab which opens the can.

* * * * *

## PART 101—FOOD LABELING

2. Part 101 is amended in § 101.2 by revising paragraph (c)(4)(ii)(*a*), to read as follows:

**§ 101.2 Information panel of package form food.**

* * * * *

(c) * * *

(4) * * *

(ii) * * *

(*a*) If the soft drink is packaged in a bottle bearing a paper, plastic foam jacket, or foil label, or is packaged in a nonreusable bottle bearing a label lithographed onto the surface of the bottle or is packaged in metal cans, the product shall not be exempt from any requirement of this section other than the exemptions created by § 1.24(a)(5)(ii) and (v) of this chapter and the label shall bear all required information in the specified minimum type size, except the label will not be required to bear the information required by § 101.5 if this information appears on the bottle closure or on the lid of the can in a type size not less than one-sixteenth inch in height, or if embossed on the lid of the can in a type size not less than one-eighth inch in height.

* * * * *

Effective date. April 4, 1984. All labeling for affected products initially introduced or initially delivered for introduction into interstate commerce on or after April 4, 1984 may comply with §§ 1.24(a)(5)(v) and 101.2(c)(4)(ii)(*a*) and all other applicable regulations.

(Secs. 403(e), 701(a), 52 Stat. 1047 as amended, 1055 (21 U.S.C. 343(e), 371(a)))

Dated: March 6, 1984.

**Mark Novitch,**

*Acting Commissioner of Food and Drugs.*

**Margaret M. Heckler,**

*Secretary of Health and Human Services.*

[FR Doc. 84–8864 Filed 4–3–84; 8:45 am]

BILLING CODE 4160–01–M

## 21 CFR Parts 74, 81, and 82

**[Docket No. 82N–0268]**

## D&C Orange No. 5

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is permanently listing D&C Orange No. 5 for use in externally applied drugs and cosmetics. This action responds to a petition filed by the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA).

**DATE:** Effective May 7, 1984; objections by May 4, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of August 6, 1973 (38 FR 21199), FDA announced that the Toilet Goods Association, Inc. (now CTFA, c/o Hazleton Laboratories, Inc., 9200 Leesburg Turnpike, Vienna, VA 22180) had filed a petition (CAP 6C0041) for the permanent listing of D&C Orange No. 5 as a color additive for general use in drugs and cosmetics. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

In the **Federal Register** of November 2, 1982 (47 FR 49632), FDA published a final rule permanently listing D&C Orange No. 5 for use in lipsticks or other lip cosmetics and in drug and cosmetic mouthwashes and dentifrices. This action was a partial response to the petition filed by CTFA. At that time, the agency terminated the provisional listing of D&C Orange No. 5 for use in externally applied drugs and cosmetics because the estimated internal exposure to the color additive from such external uses in combination with the estimated exposure from the uses that the agency was approving would have exceeded the

calculated acceptable daily intake for D&C Orange No. 5. Consequently, on the basis of available data, the agency decided not to list the color additive for ingested drug (except mouthwashes and dentifrices) and external uses and to cancel all certificates for externally applied uses of D&C Orange No. 5.

**Background on the Evaluation of the Safety of D&C Orange No. 5**

The agency stated in the November 2, 1982 final rule, at 47 FR 49633, that under section 706(b)(4) of the act (21 U.S.C. 376(b)(4)), the so-called "general safety clause" for color additives, a color additive cannot be listed for a particular use unless the data presented to FDA establish that the substance is safe for that use. Although what is meant by "safe" is not explained in the general safety clause, the legislative history of the Color Additive Amendments of 1960 makes clear that this word is to have the same meaning for color additives as for food additives. (See H. Rep. No. 1761, "Color Additive Amendments of 1960," Committee on Interstate and Foreign Commerce, 86th Cong., 2d Sess. 11 (1960).) The Senate report on the Food Additives Amendment of 1958 states:

> The concept of safety used in this legislation involves the question of whether a substance is hazardous to the health of man or animal. Safety requires proof of a reasonable certainty that no harm will result from the proposed use of an additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance. This was emphasized particularly by the scientific panel which testified before the subcommittee. The scientists pointed out that it is impossible in the present state of scientific knowledge to establish with complete certainty the absolute harmlessness of any chemical substance.

S. Rep. No. 2422, "Food Additives Amendment of 1958," Committee on Labor and Public Welfare, 85th Cong., 2d Sess. 6 (1958).

FDA has incorporated this concept of safety into its color additive regulations. Under 21 CFR 70.3(i), a color additive is "safe" if "there is convincing evidence that establishes with reasonable certainty that no harm will result from the intended use of the color additive." Therefore, the general safety clause prohibits approval of a color additive if doubts about the safety of the additive for a particular use are not resolved to an acceptable level in the minds of competent scientists.

In evaluating the safety of D&C Orange No. 5, the agency evaluated the chronic studies in the color additive petition and other appropriate animal studies to identify any potential adverse effects from the use of the color additive and thus to determine the level at which exposure to the color additive can be considered safe. The agency makes the latter determination by first, if possible, establishing a no-adverse-effect level for each animal study, then applying a safety factor to each no-adverse-effect level, and finally selecting the lowest resultant level as the acceptable daily intake. The agency established an acceptable daily intake of 3 milligrams per day (mg/day) for D&C Orange No. 5 (47 FR 49634).

The agency generally considers a color additive to be safe under its intended conditions of use if the estimated daily intake of the additive does not exceed the acceptable daily intake. As explained in the preamble to the November 2, 1982 final rule, at 47 FR 49634, for purposes of determining the estimated daily intake, FDA concentrates on the high users in the total population and on the maximum estimated exposure of this population to known and probable uses of the color additive. For D&C Orange No. 5, the agency estimated the maximum daily intake from lipsticks and lip cosmetics and from mouthwashes and dentifrices, whether drugs or cosmetics, to be 2.7 mg/day. Based on the information available at the time it adopted the final rule, the agency could not be sure that unrestricted use of the color additive in ingested drugs or in externally applied drugs and cosmetics would result in a cumulative daily intake of less than 3 mg/day. Therefore, the regulation that FDA promulgated did not permit use of the color additive in ingested drugs (except mouthwashes and dentifrices) or externally applied drugs and cosmetics.

FDA recognized, however, that actual exposure to D&C Orange No. 5 from externally applied drugs and cosmetics might be less than it had estimated, but the agency found that no data were available to permit it to determine whether its exposure estimates were in fact too conservative. The agency stated in the preamble to the November 2, 1982 final rule (47 FR 49634) that it was not denying the petition for use of D&C Orange No. 5 in ingested drugs and externally applied drugs and cosmetics, but that additional information was necessary to support the permanent listing of the color additive for these uses. Therefore, FDA announced that it would accept and consider new information if the data were received by April 27, 1983, and that the agency would consider that portion of the petition that it had not approved to be withdrawn without prejudice under § 71.4 (21 CFR 71.4) if it did not receive the information by that date. CTFA has provided no further data supporting safe use of the color additive in ingested drugs. Therefore, FDA considers that portion of the petition to be withdrawn without prejudice under 21 CFR 71.4.

**CTFA Skin Penetration Study**

Before the regulatory action of November 2, 1982, CTFA had communicated to FDA that it was undertaking a skin absorption study with radiolabeled D&C Orange No. 5 to provide a better basis for calculating exposure to the color additive from its uses in externally applied drugs and cosmetics. CTFA, in a letter of October 29, 1982, advised FDA that it expected that the study would be completed in November 1982. On November 3, 1982, CTFA delivered to FDA a final report of an in vitro percutaneous absorption study of D&C Orange No. 5, in which excised human skin was used, and other information regarding short-term exposure to D&C Orange No. 5 from lipstick use. CTFA stated that it believed that this new evidence established that the use of D&C Orange No. 5 in externally applied cosmetics and drugs at levels consistent with current good manufacturing practice is safe, even if these uses are considered in combination with those authorized in the November 2, 1982 final rule.

FDA has evaluated the CTFA skin penetration study and has found deficiencies in the test system. The basic deficiencies include the use of only one skin sample, which does not allow firm conclusions regarding observed absorption values; a partition problem that resulted in CTFA's underestimating the amount of skin penetration; and a method of calculation of penetration that could not be used to estimate properly the absorption of the color additive under simulated use conditions because the amounts used in the test system were far in excess of amounts normally applied in known uses of the color additive. On the basis of these deficiencies, FDA has concluded that the CTFA study is not adequate to establish the safety of the external uses of D&C Orange No. 5.

**FDA Skin Penetration Study**

Before it published the November 2, 1982 final rule on D&C Orange No. 5, FDA decided to conduct an experiment to determine the degree to which D&C Orange No. 5 penetrates the skin. The FDA study was prompted by the lack of available data regarding the contribution of skin penetration to internal exposure to color additives. Based on its review of various color additive petitions, including that for D&C Orange No. 5, FDA realized that

base-line penetration information would be necessary to assess the safety of certain externally applied color additives.

The results of the FDA skin penetration study show that the permeability of D&C Orange No. 5 can vary, depending upon the vehicle chosen to simulate topical product formulations. In the agency's study, FDA scientists selected three vehicles to represent the classes of vehicles that could contain the color additive in drug and cosmetic products, namely: (1) Lipoidal vehicles, (2) aqueous vehicles, and (3) hand and body lotions (oil-in-water emulsion). Concentrations of D&C Orange No. 5 in these vehicles were representative of expected drug and cosmetic formulations. Data from the study show that slightly less than 0.5 percent of the applied dose of D&C Orange No. 5 penetrated skin in a 24-hour period in the presence of a lipoidal (castor oil) vehicle (0.34 microgram per square centimeter ($\mu g/cm^2$)); approximately 0.06 percent of applied dose penetrated skin in 24 hours in the presence of an aqueous (phosphate buffer, pH 7.2) vehicle (0.036 $\mu g/cm^2$); and approximately 0.15 percent of the applied dose penetrated skin in 24 hours in the presence of a hand or body lotion (oil-in-water emulsion) (0.090 $\mu g/cm^2$). Based on the results of this study, the agency concludes that D&C Orange No. 5 is absorbed from topical products in amounts that will not exceed 0.5 percent of the amount applied to intact skin.

**Estimates of Exposure to D&C Orange No. 5**

The agency has revised its estimates of short-term internal exposure to D&C Orange No. 5 and its lakes based on the new skin penetration data from the FDA study. FDA had based its previous estimates of skin penetration of D&C Orange No. 5 on the molecular weight and solubility properties of this color additive. FDA scientists used these physical properties to estimate that skin penetration from D&C Orange No. 5 would not exceed 10 percent of the topically applied dose. FDA recognized that this estimate could be exaggerated (47 FR 49634), but because no data were available, the 10 percent penetration factor appeared to be an appropriate estimate of internal exposure from external applications of the color additive.

On the basis of reported maximum use levels in various topical cosmetic products, combined with annual poundage data of certified D&C Orange No. 5, in the November 2, 1982 final rule, FDA estimated that short-term external exposure to this color additive would not likely exceed 20 mg/day, and that short-term internal exposure from externally applied products likely would be less than 2.0 mg/day (because skin penetration was not expected to exceed 10 percent). In view of the data now available, which show a maximum of 0.5 percent skin penetration, the agency concludes that the short-term internal exposure to D&C Orange No. 5 from its use in topical cosmetics is not likely to exceed 0.1 mg/day.

In addition, in response to the November 2, 1982 final rule, the agency received a comment from CTFA about FDA's estimate of short-term ingestion exposure from the use of D&C Orange No. 5 in lipsticks and lip cosmetics. In its letter, which was dated November 3, 1982, CTFA suggested that FDA's short-term exposure calculations inadvertently failed to correct for the fact that 100 percent of the applied lipstick and lip cosmetic products would not be ingested. CTFA requested that FDA recalculate the short-term exposure using the correction factor of 0.75 that the agency has used in its lifetime-averaged exposure calculation.

In the November 2, 1982 final rule, the agency stated that for purposes of estimating maximum short-term exposure, a consumer using lipsticks and lip cosmetics containing 5 percent D&C Orange No. 5 could ingest up to 2.5 mg/day, based on ingestion of all (100 percent) of the applied lipstick (see 47 FR 49634). In making this exposure estimate, the agency did not attempt to refine each variable in its calculation to arrive at an estimate that was necessarily close to actual exposure. The agency made general assumptions that assured that the estimate was not less than actual human exposure.

FDA usually makes its judgment on the safety of color additives on the basis of lifetime animal feeding studies and lifetime exposures. Consequently, the agency typically calculates the acceptable daily intake on the basis of a lifetime study and determines whether the color additive is safe by comparing the exposure estimate to the acceptable daily intake. Because the agency previously had not made its safety judgment on the basis of short-term toxicity tests and short-term exposure estimates, the agency had not refined its method of calculating short-term exposure estimates to the same degree that it had refined its calculation of lifetime exposure estimates. Thus, FDA had not developed a correction factor for the fraction of lipstick that is applied but that is not ingested over a short term. D&C Orange No. 5, however, represents a situation in which the agency must compare a short-term study with short-term exposure to the additive because the study that requires that the agency establish use limitations for the color additive was a short-term study (47 FR 49634). Therefore, the agency has developed a correction factor for short-term ingestion exposure from lipsticks and lip cosmetics.

The agency agrees with the CTFA comment that some portion of applied lipsticks is removed by blotting, wiping on napkins, and transfer to other objects. Thus, the agency finds that short-term exposure should be based on less than complete ingestion. The agency's calculations for lifetime-averaged exposure to color additives have consistently included a factor of 0.75 to recognize that the average fraction ingested from such use would be less than the total applied (see, e.g., supporting material for D&C Red No. 30, Docket No. 82N-0127, document No. 132; D&C Red No. 27 and D&C Red No. 28, Docket No. 82N-0307, document No. 137; D&C Orange No. 5, Docket No. 82N-0268, document No. 121).

Furthermore, the agency notes that the fraction of lipstick ingested will vary from application to application. On some days one is likely to ingest more than 75 percent of the lipstick one applies and on other days less. It is the maximum fraction that is likely to be ingested in the short term that is of importance in evaluating the safety of such exposure.

In recognition of the variability in ingestion, the agency has selected a factor of 0.85 as the maximum fraction of the applied product that is likely to be ingested over a short term rather than the 0.75 factor that it has used for lifetime-averaged exposure. Using the 0.85 factor for the fraction ingested, the agency estimates that short-term exposure to D&C Orange No. 5 from lipstick use is not likely to exceed 2.1 mg/day.

The agency is permanently listing D&C Orange No. 5 for use in externally applied drugs with limitations on the maximum amount of the color additive that can be added to topical drug products. Externally applied drugs are likely to be applied to diseased or damaged skin. Such skin does not function as a barrier to externally applied products as effectively as healthy skin. The degree to which substance will penetrate diseased or damaged skin depends on the individual skin as well as the properties of the substance and vehicle. Although the agency expects D&C Orange No. 5 to penetrate diseased or damaged skin to a greater extent than it penetrates healthy

skin, FDA estimates that the increased penetration rate will not exceed 20 times the rate it penetrates through healthy skin.[1] A twentyfold increase in penetration over the 0.5 percent of D&C Orange No. 5 that penetrates healthy skin would result in 10 percent of the color additive penetrating diseased or damaged skin.

Thus, in the absence of actual penetration data for diseased or damaged skin, the agency estimates that not more than 10 percent of D&C Orange No. 5 in a topically applied drug would penetrate diseased or damaged skin. Because of the potential penetration and resultant internal exposure from external drug use, FDA is establishing a maximum limitation of 5 mg per daily dose of drug product containing D&C Orange No. 5. If 10 percent of a drug preparation that contains 5 mg of the color additive penetrates the skin, the short-term internal exposure to D&C Orange No. 5 will not exceed 0.5 mg per daily dose of the drug product. The agency believes that it is unlikely that individuals would be exposed to more than one drug at a time that contains D&C Orange No. 5 because a review of the available survey data indicated that very few drugs contain this color additive. Therefore, FDA is permanently listing D&C Orange No. 5 with a 5 mg per daily dose limitation on its use in topical drug products.

In summary, the agency has developed the following estimates for maximum short-term internal exposure from the various petitioned uses of D&C Orange No. 5: lipsticks, 2.1 mg/day; mouthwashes and dentifrices, 0.2 mg/day; topical cosmetics, 0.1 mg/day; topical drugs (with 5 mg/daily dose limitation), 0.5 mg/day.

As noted previously, the agency generally considers a color additive to be safe under its intended conditions of use if the estimated daily intake (exposure) of the additive does not exceed its acceptable daily intake. The agency has calculated 3 mg/day for a 60-kilogram (kg) person as the acceptable daily intake for D&C Orange No. 5. The sum of the estimated exposure to D&C Orange No. 5 under the various use categories noted above is 2.9 mg/day. However, this estimate of exposure is exaggerated because it is not likely that even a high user will be exposed to D&C Orange No. 5 at maximum or near maximum levels from each of the broad use categories described above on any given day.

[1] Memorandum for the file, "Effect of Diseased or Damaged Skin on the Percutaneous Absorption of D&C Orange No. 5," Bronaugh, R.L., August 12, 1983.

Based on the estimates discussed above, the agency concludes that exposure to D&C Orange No. 5 under the restricted conditions of use will not exceed the acceptable daily intake of 3 mg/day. Consequently, the agency is amending its regulations to permanently list D&C Orange No. 5 for use in externally applied cosmetics and for use in externally applied drugs in amounts not exceeding 5 mg per daily dose of the drug product.

In the November 2, 1982 final rule (47 FR 49632), FDA cancelled certificates issued for D&C Orange No. 5, its lakes, and all mixtures containing the color additive, as pertained to its use in externally applied drugs and cosmetics, after October 29, 1982. The cancellation of certificates by promulgation of the regulations under § 81.30(q) (21 CFR 81.30(q)) prohibited such uses of the color additive in manufactured products after October 29, 1982. The regulation set forth below will amend § 81.30 by removing paragraph (q) and thus after May 7, 1984 certificates issued for D&C Orange No. 5, its lakes, and all mixtures containing the color additive for use in externally applied drugs and cosmetics will be effective in accordance with the provisions of the regulations.

In addition, in the **Federal Register** of November 2, 1982 (47 FR 49636, 49637), FDA adopted § 81.10(p) (21 CFR 81.10(p)), which explained that the agency had terminated the provisional listing of the use of D&C Orange No. 5 in externally applied drugs and cosmetics because of unresolved questions about the safety of these uses. As explained in this final rule, these questions have now been resolved. Therefore, FDA is removing § 81.10(p) from its regulations.

### Conclusion on Safety

The agency concludes that certified D&C Orange No. 5 is safe when used in externally applied drugs and cosmetics under the conditions of use set forth below. The final toxicity study reports, the interim reports, the agency's toxicology evaluations of these studies, and other relevant information are on file at the Dockets Management Branch (address above) where they may be reviewed between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(5) (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 74*

Color additives, Color additives subject to certification, Cosmetics, Drugs.

*21 CFR Part 81*

Color additives, Color additives provisional list, Cosmetics, Drugs.

*21 CFR Part 82*

Color additives, Color additives lakes, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 74, 81, and 82 are amended as follows:

## PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. Part 74 is amended:

a. In § 74.1255 by revising paragraph (c) to read as follows:

**§ 74.1255 D&C Orange No. 5.**

* * * * *

(c) *Uses and restrictions.* D&C Orange No. 5 may be safely used for coloring mouthwashes and dentifrices that are ingested drugs in amounts consistent with current good manufacturing practice. D&C Orange No. 5 may be safely used in externally applied drugs in amounts not exceeding 5 milligrams per daily dose of the drug.

* * * * *

b. In § 74.2255 by revising paragraph (b) to read as follows:

**§ 74.2255 D&C Orange No. 5.**

* * * * *

(b) *Uses and restrictions.* D&C Orange No. 5 may be safely used for coloring mouthwashes and dentifrices that are ingested cosmetics in amounts consistent with current good manufacturing practice. D&C Orange No. 5 may be safely used for coloring lipsticks and other cosmetics intended to be applied to the lips in amounts not exceeding 5.0 percent by weight of the finished cosmetic products. D&C Orange No. 5 may be safely used for coloring externally applied cosmetics in amounts consistent with current good manufacturing practice.

* * * * *

## PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

2. Part 81 is amended:

**§ 81.10 [Amended]**

a. In § 81.10 *Termination of provisional listings of color additives* by removing and reserving paragraph (p).

**§ 81.30 [Amended]**

b. In § 81.30 *Cancellation of certificates* by removing paragraph (q).

## PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

3. Part 82 is amended by revising § 82.1255 to read as follows:

**§ 82.1255 D&C Orange No. 5.**

(a) The color additive D&C Orange No. 5 shall conform in identity and specifications to the requirements of § 74.1255(a)(1) and (b) of this chapter. D&C Orange No. 5 is restricted to the used described in this section.

(b) The color additive D&C Orange No. 5. may be safely used for coloring externally applied drugs in amounts not exceeding 5 milligrams per daily dose of the drug. The color additive D&C Orange No. 5 may be safely used for coloring lipsticks and other cosmetics intended to be applied to the lips in amounts not exceeding 5.0 percent by weight of the finished cosmetic products, and for coloring mouthwashes, dentifrices, and externally applied cosmetics in amounts consistent with current good manufacturing practice.

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 4, 1984 file with the Dockets Management Branch (address above) written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objection shall state the issues for the hearing presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulations may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

*Effective date.* This regulation shall become effective May 7, 1984, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the **Federal Register.**

(Sec. 706(b), (c), and (d)), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d)))

Dated: March 23, 1984.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 84–8868 Filed 4–3–84; 8:45 am]

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**21 CFR Part 81**

**[Docket No. 76N–0366]**

## Provisional Listing of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 for Use in Externally Applied Drugs and Cosmetics; Postponement of Closing Dates

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 for use as color additives in externally applied drugs and cosmetics. The new closing date will be June 4, 1984. This postponement will provide additional time for determining the applicability of the statutory standard for the listing of noningested color additives to the results of the scientific investigations of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37.

**DATES:** Effective April 4, 1984, the new closing date for D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 will be June 4, 1984.

**FOR FURTHER INFORMATION CONTACT:** Gerad McCowin, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF–330), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202–472–5676.

**SUPPLEMENTARY INFORMATION:** FDA established the current closing date of April 4, 1984, for the provisional listing of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 for use in externally applied drugs and cosmetics by a final rule published in the **Federal Register** of February 3, 1984 (49 FR 4201). The agency had previously extended the closing dates for these color additives on several occasions. For a full procedural history of the provisional listing of these color additives, see 48 FR 38814 for D&C Red No. 19 and D&C Red No 37 and 48 FR 44774 for D&C Orange No. 17.

FDA extended the closing date for the provisional listing of these color additives on these occasions to permit the agency to consider the scientific and legal aspects of the submissions by the petitioner, the Cosmetic, Toiletry and Fragrance Association, Inc., in support of the safety of the external uses of these color additives. Although D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 have been shown to be animal carcinogens upon ingestion, the agency believes that somewhat different questions are raised by the request to list these color additives for noningested use. It has taken more time to evaluate the data involved in resolving these questions than the agency anticipated. FDA finds that it still needs additional time to determine the applicability of the statutory standard for the listing of color additives for noningested use to D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37. The regulations set forth below will postpone the April 4, 1984 closing date for the provisionally listed use of these color additives until June 4, 1984. This postponement will also provide additional time for the agency to prepare and to publish **Federal Register** documents setting forth its final decision on the petitions for the permanent listing of these color additives for external use. The continued use of these color additives in externally applied products for the short time needed for the adequate evaluation of the data and for the preparation of **Federal Register** documents that will announce the agency's decision on these color additives will not pose a hazard to the public health.

Because of the short time until the April 4, 1984 closing date, FDA concludes that notice and public procedure on these amendments are impracticable, and that good cause exists for issuing the postponement as a final rule. This final rule will permit the uninterrupted use of these color additives until June 4, 1984. To prevent any interruption in the provisional listing of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 and in accordance with 5 U.S.C. 553(d) (1) and (3), this final rule is being made effective April 4, 1984.

**List of Subjects in 21 CFR Part 81**

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b) (c), and (d), 52 Stat. 1055–1056 as

amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

## PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOOD, DRUGS, AND COSMETICS

**§ 81.1 [Amended]**

1. In § 81.1 *Provisional lists of color additives*, by revising the closing date for "D&C Orange No. 17," "D&C Red No. 19," "D&C Red No. 37" in paragraph (b) to read "June 4, 1984."

**§ 81.27 [Amended]**

2. In § 81.27 *Conditions of provisional listing*, by revising the closing date for "D&C Orange No. 17," "D&C Red No. 19," and "D&C Red No. 37" in paragraph (d) to read "June 4, 1984."

Effective date. April 4, 1984.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note))

Dated: March 15, 1984.

William F. Randolph,

*Acting Associate Commissioner for Regulatory Affairs.*

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**21 CFR Part 81**

**[Docket No. 76N-0366]**

## Provisional Listing of FD&C Red No. 3 and of FD&C Yellow No. 5 in Cosmetics and Externally Applied Drugs and of Their Lakes in Food and Ingested Drugs; Provisional Listing of FD&C Yellow No. 6 for Use in Food, Drugs, and Cosmetics; Provisional Listing of D&C Red No. 8, D&C Red No. 9, and D&C Red No. 33 in Drugs and Cosmetics; Postponement of Closing Dates

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is postponing the closing dates for the provisional listing of FD&C Red No. 3 and of FD&C Yellow No. 5 for use in coloring cosmetics and externally applied drugs and of the lakes of these color additives for use in coloring food and ingested drugs; of FD&C Yellow No. 6 for use in food, drugs, and cosmetics; and of D&C Red No. 8, D&C Red No. 9, and D&C Red No. 33 for use in drugs and cosmetics. The new closing date for the provisional listing of all of these color additives will be June 4, 1984. This postponement will provide additional time for the agency to determine the applicability of the statutory standard for the listing of color additives to the results of the scientific investigations of FD&C Red No. 3, FD&C Yellow No. 5, FD&C Yellow No. 6, D&C Red No. 8, D&C Red No. 9, and D&C Red No. 33.

**DATES:** Effective April 4, 1984, the new closing date for FD&C Red No. 3 and its lakes, FD&C Yellow No. 5 and its lakes, FD&C Yellow No. 6, D&C Red No. 8, D&C Red No. 9, and D&C Red No. 33 will be June 4, 1984.

**FOR FURTHER INFORMATION CONTACT:** Gerad McCowin, Center for Food Safety and Applied Nutrition (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5676.

**SUPPLEMENTARY INFORMATION:** FDA established the current closing date of April 4, 1984, for the provisional listing of FD&C Red No. 3 and of FD&C Yellow No. 5 for use in cosmetics and in externally applied drugs and for the provisional listing of the use of the lakes of FD&C Red No. 3 and of FD&C Yellow No. 5 in food and ingested drugs by a rule published in the **Federal Register** of February 3, 1984 (49 FR 4202). Additionally, the agency established the current closing date of April 4, 1984, for the provisional listing of D&C Red No. 8, D&C Red No. 9, and D&C Red No. 33 for use in drugs and cosmetics in that same **Federal Register** document. The agency had previously extended the closing dates for these color additives on several occasions. For a full procedural history of the provisional listing of these color additives, see 48 FR 45237 for FD&C Red No. 3, 48 FR 45760 for FD&C Yellow No. 5, 48 FR 42807 for D&C Red No. 8 and D&C Red No. 9 and 48 FR 44773 for D&C Red No. 33.

FDA established the current closing date of April 30, 1984, for the provisional listing of the use of FD&C Yellow No. 6 in food, drugs, and cosmetics by a rule published in the **Federal Register** of February 28, 1984 (49 FR 7224). Previously, FDA had established the closing date of February 28, 1984, for the provisional listing of the use of this color additive by a rule published in the **Federal Register** of March 27, 1981 (46 FR 18954).

FDA extended the closing dates for the provisional listing of each of these color additives and of the lakes of FD&C Red No. 3 and of FD&C Yellow No. 5 to permit the agency to consider the scientific and legal aspects of the data concerning the safety of their provisionally listed uses. FDA expected that these closing dates would provide time for the agency to prepare and to publish appropriate regulations in the **Federal Register** regarding the agency's final decision on the petitions for the permanent listing of the aforementioned uses of these color additives and of the lakes of FD&C Red No. 3 and of FD&C Yellow No. 5.

FDA's review and evaluation of the data relevant to the provisionally listed use of FD&C Red No. 3 and FD&C Yellow No. 5 and their lakes, D&C Red No. 8, D&C Red No. 9, and D&C Red No. 33 have required more time than anticipated, however. The agency finds that it still needs additional time to determine the applicability of the statutory standard for listing color additives to D&C Red No. 8, D&C Red No. 9, and D&C Red No. 33 as well as to FD&C Red No. 3 and FD&C Yellow No. 5 and their lakes. Because FD&C Yellow No. 6 presents similar issues, FDA also finds that administrative efficiency will be served if the closing date of FD&C Yellow No. 6 is made to coincide with that of the other five color additives. Therefore, the regulations set forth below will postpone the April 4 and April 30, 1984 (for FD&C Yellow No. 6) closing dates for the provisionally listed uses of these color additives until June 4, 1984. This postponement will provide additional time for the agency to prepare and to publish the appropriate **Federal Register** documents setting forth its decision on the petitions for the permanent listing of FD&C Red No. 3 and FD&C Yellow No. 5 for use in coloring cosmetics and externally applied drugs and of the lakes of FD&C Red No. 3 and of FD&C Yellow No. 5 for use in coloring food and ingested drugs; for the permanent listing of FD&C Yellow No. 6 for use in food, drugs, and cosmetics; and for the permanent listing of D&C Red No. 8, D&C Red No. 9, and D&C Red No. 33 for use in coloring drugs and cosmetics. The continued use of these color additives for the short time needed for the adequate evaluation of the data and for the preparation of the **Federal Register** documents will not pose a hazard to the public health.

Because of the short time until the April 4, 1984 and April 30, 1984 closing dates, FDA concludes that notice and public procedure on these amendments are impracticable, and that good cause exists for issuing this postponement as a final rule. This final rule will permit the uninterrupted use of D&C Red No. 8,

D&C Red No. 9, D&C Red No. 33, and FD&C Yellow No. 6, as well as FD&C Red No. 3 and FD&C Yellow No. 5 and their lakes until June 4, 1984. To prevent any interruption in the provisional listing of D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, and FD&C Yellow No. 6, as well as FD&C Red. No. 3 and FD&C Yellow No. 5 and their lakes and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective on April 4, 1984.

**List of Subjects in 21 CFR Part 81**

Color additives, Color additives provisional list, Food, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

## PART 81–GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

**§ 81.1 [Amended]**

1. In § 81.1 *Provisional lists of color additives,* by revising the closing dates for "FD&C Yellow No. 5," "FD&C Yellow No. 6," and "FD&C Red No. 3" in paragraph (a) to read "June 4, 1984" and by revising the closing dates for "D&C Red No. 8," "D&C Red No. 9," and "D&C Red No. 33" in paragraph (b) to read "June 4, 1984."

**§ 81.27 [Amended]**

2. In § 81.27 *Conditions of provisional listing,* by revising the closing dates for "FD&C Yellow No. 5," "FD&C Yellow No. 6," "FD&C Red No. 3," "D&C Red No. 8," "D&C Red No. 9," and "D&C Red No. 33" in paragraph (d) to read "June 4, 1984" and by revising the closing dates for "FD&C Red No. 3" and "D&C Red No. 33" in paragraph (e) to read "June 4, 1984."

Effective date. April 4, 1984.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note))

Dated: March 20, 1984.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 84–8863 Filed 4–3–84; 8:45 am]
BILLING CODE 4160–01–M

**21 CFR Part 178**

**[Docket No. 83F–0313]**

## Indirect Food Additives: Adjuvants, Production Aids and Sanitizers

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of di-*tert*-butylphenyl phosphonite condensation product with biphenyl as an antioxidant and/or stabilizer in polycarbonate resins intended for use in contact with food. This action responds to a petition filed by Sandoz Color and Chemicals.

**DATES:** Effective April 4, 1984, objections by May 4, 1984.

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

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

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of October 17, 1983 (48 FR 47073), FDA announced that a petition (FAP 3B3748) had been filed by Sandoz Color and Chemicals, Fairlawn Ave. and Third St., Fairlawn, NJ 07410, proposing that the food additive regulations be amended to provide for the safe use of di-*tert*-butylphenyl phosphonite condensation product with biphenyl as an antioxidant and/or stabilizer in polycarbonate resins complying with 21 CFR 177.1580 intended for use in contact with food.

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

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

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

**List of Subjects in 21 CFR Part 178**

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), Part 178 is amended in § 178.2010(b) by adding a new limitation and the Chemical Abstracts Service Registry number (CAS Reg. No.) for "Di-*tert*-butylphenyl phosphonite condensation product with biphenyl." As revised the entry reads as follows:

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

**§ 178.2010 Antioxidants and/or stabilizers for polymers.**

* * * * *

(b) * * *

| Substances | Limitations |
|---|---|
| * * * * * | |
| Di-*tert*-butylphenyl phosphonite condensation product with biphenyl (CAS Reg. No. 38613–77–3) produced by the condensation of 2,4-di-*tert*-butylphenol with the Friedel-Crafts addition product (phosphorus trichloride and biphenyl) so that the food additive has a minimum phosphorus content of 5.4 percent, an acid value not exceeding 10 mg KOH/gm, and a melting range of 85° C to 110° C (185° F to 230° F). | For use only:<br>1. At levels not to exceed 0.1 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter, item 1.1, 2.1, 2.2, 3.1, or 3.2, and used in contact with food only under conditions of use B through H described in table 2 of § 176.170(c) of this chapter.<br>2. At levels not to exceed 0.1 percent by weight of polycarbonate resins complying with § 177.1580 of this chapter. |
| * * * * * | |

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 4, 1984, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any

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

Effective date. April 4, 1984.

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

Dated: March 13, 1984.

**Richard J. Ronk,**

*Acting Director, Bureau of Foods.*

[FR Doc. 84-8867 Filed 4-3-84; 8:45 am]

BILLING CODE 4160-01-M

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**21 CFR Part 184**

**[Docket No. 80G-0412]**

## Certain Tocopherols; Affirmation of GRAS Status as Direct Human Food Ingredients

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is affirming that *d*- and *dl*-α-tocopherols are generally recognized as safe (GRAS) for use as inhibitors of nitrosamine formation in pump-cured bacon. This action responds to a petition filed by Hoffmann-La Roche, Inc., and to comments filed in response to the notice of filing of the petition.

**DATES:** Effective April 4, 1984. The Director of the Federal Register approves the incorporation by reference of certain publications in 21 CFR 184.1890 effective on April 4, 1984.

**FOR FURTHER INFORMATION CONTACT:** John W. Gordon, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–5487.

**SUPPLEMENTARY INFORMATION:** Under the procedures established in § 170.35 (21 CFR 170.35), Hoffmann-La Roche, Inc., Nutley, NJ 07110, submitted a petition (GRASP OG0265) requesting that *dl*-α-tocopherol be affirmed as GRAS for use as an inhibitor of nitrosamine formation in bacon. FDA published a notice of the filing of this petition in the **Federal Register** of November 7, 1980 (45 FR 74061), and offered interested persons an opportunity to review the petition and to submit comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Four comments were submitted in response to the notice of filing. The issues raised by the comments and the agency's responses are presented later in this preamble.

Tocopherols are a group of chemically related sustances, including some that possess vitamin E activity. Eight *d*-forms of tocopherol occur naturally in many plant and animal tissues. The major sources of tocopherols are vegetable oils, cereals, nuts, and leafy vegetables. Of these, vegetable oils are the most important source.

*d*-α-Tocopherol is the chemical [2R,4'R,8'R]-2,5,7,8-tetramethyl-2-(4',8',12'-trimethyl-tridecyl)-6-chromanol. It is widely distributed in plant and animal tissues. It is produced as a concentrate from the vacuum distillation of edible vegetable oil products. *d*-α-Tocopherol is a red, nearly odorless, clear, viscous oil.

*dl*-α-Tocopherol is a mixture of steroisomers of 2,5,7,8-tetramethyl-2-(4',8',12'-trimethyl-tridecyl)-6-chromanol. It does not occur in nature but can be synthesized by a number of processes that are well documented in the scientific literature. It is a pale yellow viscous oil at room temperature. It is freely soluble in fats and oils and fat solvents such as acetone, alcohol, chloroform, and ether but is practically insoluble in water.

The petitioner has requested GRAS affirmation for the use of *dl*-α-tocopherol as a component of a bacon curing solution that also contains sodium nitrite and sodium ascorbate or sodium erythrobate. This curing solution is injected (pumped) into the pork bellies (pump cured). The final concentration of *d*- or *dl*-α-tocopherols in the bacon is approximately 500 parts per million (ppm) and, according to the U.S. Department of Agriculture, 120 ppm sodium nitrite and 550 ppm sodium ascorbate or sodium erythrobate. Based on the effectiveness studies submitted by the petitioner, the agency has determined that approximately 500 ppm of *d*- or *dl*-α-tocopherol is the maximum effective concentration for inhibiting nitrosamine formation in bacon.

The petitioner has submitted published and unpublished studies demonstrating the effectiveness of *dl*-α-tocopherol in reducing nitrosamine formation in bacon. In these studies, the bacon was cured by conventional processes with or without *dl*-α-tocopherol. Nitrosamine levels were analytically determined after the bacon was fried. Bacon in which *dl*-α-tocopherol was included in the curing process contained significantly lower levels of nitrosamines than bacon in which it was not included. In response to the notice of filing, references to published studies were submitted demonstrating that there is no basis to distinguish between *d*- and *dl*-α-tocopherols in their effectiveness in reducing nitrosamine formation in bacon.

The petitioner has submitted unpublished data showing that α-tocopherols have no effect on sodium nitrite's ability to inhibit *Clostridium botulinum*. The petition also contains unpublished studies showing that 96 percent of the *dl*-α-tocopherol added to bacon as a component of the curing solution remains unchanged when the bacon is heated to frying temperatures. The major reaction products, tocoquinone and orthoquinone (Toco Red), resulting from the *dl*-α-tocopherol and nitrite in bacon that is cooked at frying temperatures have been identified by the petitioner. Because of previous concerns over the potential mutagenicity of reaction products from sorbate-nitrite mixtures, the petition contains mutagenic screening tests for these reaction products in *Salmonella typhimurium* strains TA98 and TA100. These tests indicate no compound-related effects. This fact, and the fact that only very small amounts of these reaction products are created, eliminate any concern by FDA about the safety of these reaction products. In addition, the agency is unaware of any other basis for concern about the toxicity of the low levels of the other reaction products that are formed. FDA has also assessed the reaction products formed from *d*-α-tocopherol and concluded that the products would be no different from those formed from *dl*-α-tocopherol except for the ratio of stereoisomers.

Recently, the agency has become aware of published studies that suggest that *dl*-α-tocopherols may increase the formation of nitrosodimethylamine in dry-cured bacon, even though the overall formation of nitrosamines in dry-cured bacon is reduced significantly by the addition of *dl*-α-tocopherols (Ref. 1). In contrast, studies of the addition of *dl*-α-tocopherols to bacon that is pump-cured (the most frequently used method of curing bacon in the United States) have found that the formation of all nitrosamines is greatly reduced (Refs. 2 and 3). FDA has discussed these data with the U.S. Department of Agriculture

and concludes that the data suggest that more research is needed to delineate the reasons for the differences between pump-cured and dry-cured bacon with regard to the formation of nitrosodimethylamine.

The agency is aware that the immersion process is also used for curing bacon. However, because the agrency has no data on the inhibition of nitrosamine formation by *d*- and and *dl*-α-tocopherols in this process, no assessment of the effectiveness of *d*- and *dl*-α-tocopherols in the immersion cured process can be made.

A summary of the issues raised by the four comments submitted in response to the notice of filing and of the agency's responses follows:

1. One comment was concerned that toxic reaction products might be formed in bacon treated with tocopherols and nitrite when that bacon is heated to frying temperatures. The comment cited the sorbate and nitrite situation, in which a reaction product of sorbate and nitrite was shown to be mutagenic. The comment claimed that a number of chemical reactions between nitrite and *dl*-α-tocopherol could take place, listed some possible products of these reactions, and cautioned the agency against premature action on the petition.

The agency also had concerns that toxic reaction products might be formed when bacon containing nitrite and *dl*-α-tocopherol is heated to frying temperatures. The agency believes, however, that the reaction products suggested by the comment are purely speculative because the postulated compounds have not been shown to exist. The petitioner has provided data showing that under normal frying conditions *dl*-α-tocopherol remains 96 percent unchanged. Moreover, as discussed earlier, there are data in the petition that identify the major reaction products and demonstrate that they are not mutagenic. Further, the agency has no reason to suspect that the low levels of the other reaction products pose any toxicity concerns.

2. One comment from a manufacturer of tocopherols stated that there are no differences among the various forms of α-tocopherols in their ability to inhibit nitrosamine formation in bacon. The comment cited several published references that were not in the petition and requested that the GRAS affirmation regulation include both *d*- and *dl*-α-tocopherols.

The agency has reviewed the information cited in the comment and agrees that both *d*- and *dl*-α-tocopherol are effective in inhibiting the formation of nitrosamines in pump-cured bacon. (The comment did not present information on any other form of α-tocopherol.) The agency concludes that the safety data presented in the petition, which focused on *dl*-α-tocopherol, are relevant to the safety of *d*-α-tocopherol. The petition referenced the safety data from the report of the Select Committee on GRAS Substances (the Select Committee) of the Federation of American Societies for Experimental Biology (FASEB),[1] which contains safety data on both *d- and dl*-α-tocopherols. The Select Committee evaluated the safety of these substances and concluded that they are safe (see the **Federal Register** of October 27, 1978; 43 FR 50193).

3. One comment from a manufacturer of edible oils indicated that a regulation for the proposed use of *dl*-α-tocopherol or any other use of tocopherols is unnecessary. The comment claimed that the current GRAS listing of tocopherols in 21 CFR 182.5890 for use as a nutrient already permits the petitioned use. The comment further stated that because tocopherols have been proposed for GRAS affirmation, there is no need for an industry petition. The comment also stated that if a regulation results from the petition, it will be interpreted to mean that both *d*- and *l*-α-tocopherols are approved for the specified use. Finally, the comment questioned whether FDA is correctly interpreting existing prior sanctions for tocopherols in this case.

The agency disagrees with the assertion that there is provision in the current FDA regulations for the petitioned use of tocopherols in bacon. Although it is true that the current regulations provide for the nutrient use of tocopherols under 21 CFR 182.8890, that use does not encompass the proposed use. The petition does not seek GRAS affirmation of the use of *dl*-α-tocopherol as a nutrient source of vitamin E in bacon. The petition seeks affirmation of the use of the ingredient to inhibit nitrosamine formation in bacon. This function of the ingredient is not included in the definition of "nutrient supplements" that is set forth in 21 CFR 170.3(o)(20). Thus, the proposed use of *dl*-α-tocopherol is a new use and is subject to the petition procedures described in 21 CFR 170.35.

The safety data included in the petition are not relevant to the safety of the use of the isolated *l*-α-tocopherol. The petitioner relied on the Select Committee's evaluation of tocopherols, and *l*-α-tocopherol was not evaluated in the Select Committee's report.[2] No additional safety data on this substance were submitted with the comment. Therefore, the agency is not affirming as GRAS the use of isolated *l*-α-tocopherol isomer to inhibit nitrosamine formation in bacon. FDA has attempted to clarify the regulation to avoid this misinterpretation. However, if sufficient safety data are developed, agency approval of this use of *l*-α-tocopherol may be sought through the petition procedures described in 21 CFR 170.35 and 171.1.

The agency notes that the subject petition contains no reference to prior sanctions. Because the comment did not provide any evidence of or assert a prior sanction for this use of tocopherols in bacon, FDA cannot evaluate the comment's concern about prior sanctions. The agency is also of the opinion that the prior sanction for the use of tocopherols in fats and oils, which was referred to in the October 27, 1978 proposal, does not encompass the petitioned use because it applies only to the antioxidant use of tocopherols in fats and oils and cannot be used to support use of the ingredient to inhibit nitrosamine formation in bacon.

4. One comment from a firm associated with the meat industry indicated its support for the use of *dl*-α-tocopherol in bacon but did not present any new data or information.

FDA published the proposed GRAS affirmation regulations resulting from the general evaluation of the safety of the use of tocopherols in food in the **Federal Register** of October 27, 1978. FDA presently is preparing the final rule based on that proposal. FDA has not received in response to the proposal any comments that raise questions about the safety of tocopherols for the uses described in that document. However, there are complicated legal, policy, and technical issues that must be resolved before the final rule on the general safety evaluation of tocopherols can be issued. Because of the complexity of the issues to be resolved, the agency has decided to issue a separate GRAS affirmation regulation for the petitioned used to avoid unnecessarily delaying the petitioner's use of these ingredients.

The agency has evaluated all the available data on *d*- and *dl*-α-tocopherols and concludes that:

(1) *d*- and *dl*-α-tocopherols have a long history of safe use in food as antioxidants and nutrient supplements. However, the use of these ingredients in bacon to inhibit nitrosamine formation

[1] "Evaluation of the Health Aspects of the Tocopherols as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, p. 19, 1975.

[2] *Id.*

is a new use and is not GRAS based on a history of use before 1985.

(2) The use of *d*- and *dl*-α-tocopherols in bacon is GRAS based on scientific procedures. This conclusion is based on available published safety data that are reviewed in the Select Committee's report and on other information gathered during the general evaluation of the safety of tocopherols (see the **Federal Register** of October 27, 1978; 43 FR 50193), as well as on the unpublished data submitted in the petition.

(3) These ingredients are effective for the proposed use when used in accordance with current good manufacturing practice (CGMP) as described in the petition. Because of the uncertainties about the use of *d*- and *dl*-α-tocopherols in the dry curing and immersion processes, CGMP use of these ingredients is limited to the pump curing process. The agency has determined that establishing maximum CGMP use levels is not necessary because data in the petition show that use of *d*- and *dl*-α-tocopherols to pump-cure bacon results in level of these ingredients in the bacon of approximately 500 ppm. The exposure of *d*- and *dl*-α-tocopherols as a result of this use is insignificant when compared to the exposure to these ingredients from naturally occurring sources such as vegetable oils, cereals, nuts, and leafy vegetables, and there is a large margin of safety between the amounts of these ingredients ingested in the diet from naturally occurring sources and the amounts that show toxic effects in animals. The agency wants to make clear, however, that this GRAS affirmation regulation reflects only the agency's evaluation of the use of *d*- and *dl*-α-tocopherols in pump-cured bacon in accordance with CGMP conditions of use.

Usually, regulations for substances affirmed as GRAS under conditions of CGMP list the technical effects, as defined in § 170.3(o) (21 CFR 170.3(o)), for the ingredient in food and the food categories as defined in § 170.3(n), in which the National Academy of Sciences/National Research Council survey reported that the ingredient is used. However, the petitioned use of *d*- and *dl*-α-tocopherols as an inhibitor of nitrosamine formation in bacon is not well-described by the technical effects and food categories in § 170.3. Consequently, the agency has decided not to refer to § 170.3 in this regulation. It is listing these ingredients as inhibitors of nitrosamine formation in bacon.

Therefore, the agency is amending 21 CFR Part 184 in accordance with 21 CFR 170.30(k) and 184.1(b)(3) to affirm as GRAS the use of *d*- and *dl*-α-tocopherols as inhibitors of nitrosamine formation in bacon. Final action on the October 27, 1978 proposal to affirm other uses of these ingredients as GRAS is still under agency review, awaiting resolution of legal, policy, and technical issues. These ingredients can continue to be used under the provisions of the regulations in 21 CFR 182.3890, 182.5890, and 182.8890 until the agency completes final action.

### References

The following information has been placed on display in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

1. Reddy, S. K., and J. L. Gray, "Inhibition of *n*-Nitrosopyrrolidine in Dry Cured Bacon by Alpha-Tocopherols-Coated Salt Systems." *Journal of Food Science*, 47:1598–1601, 1982.

2. Gray, J. L., and S. K. Reddy, "Inhibition on *n*-Nitrosamines in Bacon," *Journal of Food Technology*, pp. 39–44, June 1982.

3. Fiddler, W., J. W. Pensabene, et al., "Inhibition of Formation of Volatile Nitrosamines in Fried Bacon by the Use of Cure Solubilized *d* Tocopherols," *Journal of Agricultural and Food Chemistry*, 26:653, 1978.

The agency has determined under 21 CFR 25.24(d)(6) (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.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this rule as defined by the Order. A copy of the threshold assessment supporting this determination is on file with the Dockets Management Branch (address above).

### List of Subjects in 21 CFR Part 184

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 184 is amended by adding new § 184.1890, to read as follows:

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

**§ 184.1890 α-Tocopherols.**

(a) The α-tocopherols that are the subject of this GRAS affirmation regulation are limited to the following:

(1) *d*-α-Tocopherol (CAS Reg. No. 59–02–9) is the chemical [2R,4'R,8'R]-2,5,7,8-tetramethyl-2-(4',8',12'-trimethyltridecyl)-6-chromanol. It occurs commercially as a concentrate and is a red, nearly odorless, viscous oil. It is obtained by vacuum steam distillation of edible vegetable oil products.

(2) *dl*-α-Tocopherol (CAS Reg. No. 10191–41–0) is a mixture of stereoisomers of 2,5,7,8-tetramethyl-2-(4',8',12'-trimethyl-tridecyl)-6-chromanol. It is chemically synthesized by condensing racemic isophytol with trimethyl hydroquinone. It is a pale yellow viscous oil at room temperature.

(b) The ingredients meet the specifications of the Food Chemicals Codex, 3d Ed. (1981), pp. 330–331, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L. St. NW., Washington, DC 20408..

(c) In accordance with § 184.1(b)(3), the affirmation of the ingredients as generally recognized as safe is limited to the following conditions of use while the agency concludes the general evaluation of all food uses of tocopherols:

(1) The ingredients are used as inhibitors of nitrosamine formation.

(2) The ingredients are used in pump-cured bacon at levels not to exceed current good manufacturing practice.

*Effective date.* April 4, 1984.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Dated: March 5, 1984.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 84-8865 Filed 4-3-84; 8:45 am]

BILLING CODE 4160-01-M

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## 21 CFR Part 558

## New Animal Drugs for Use in Animal Feeds; Tylosin

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the

animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Central Soya Co., Inc., providing for manufacturing 40- and 100-gram-per-pound tylosin premixes. The premixes are used to make finished feeds for swine, beef cattle, and chickens.

**EFFECTIVE DATE:** April 4, 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:** Central Soya Co., Inc., 1300 Fort Wayne Bank Bldg., Fort Wayne, IN 46802, is sponsor of a supplement to NADA 91–582 submitted on its behalf by Elanco Products Co. This supplement provides for the manufacture of 40- and 100-gram-per-pound premixes subsequently used to make finished feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The supplement is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.1(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 in 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), Part 558 is amended in § 558.625 by revising paragraph (b)(10) to read as follows:

**PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

**§ 558.625 Tylosin.**

* * * * *

(b) * * *

(10) To 012286: 0.4, 0.8, and 1.6 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 40 and 100 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date: April 14, 1984.

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

Dated: March 16, 1984.

**Richard A. Carnevale,**

*Acting Associate Director for Scientific Evaluation.*

[FR Doc. 84–8866 Filed 4–3–84; 8:45 am]

BILLING CODE 4160–01–M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 942

### Extension of Deadline for Satisfaction of Condition of Approval of the Tennessee Permanent Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule.

**SUMMARY:** OSM is announcing its decision to extend the deadline for Tennessee to meet a condition of the Secretary's approval of the State's permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The condition relates to State laws which conflict with SMCRA. The Secretary is establishing a new deadline of April 1, 1984, for Tennessee to submit provisions to satisfy the condition. This extension will allow the Tennessee Division of Surface Mining (DSM) sufficient time to obtain an opinion from the State Attorney General concerning the State laws that conflict with SMCRA.

**EFFECTIVE DATE:** April 4, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Curry, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, S.W., Suite 400, Knoxville, Tennessee 37902; Telephone: (615) 523–9523).

**SUPPLEMENTARY INFORMATION:** The Tennessee program was conditionally approved by the Secretary on August 10, 1982 (47 FR 34724–34754). The approval was conditioned on the State's correction of 11 minor deficiencies in its program.

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 explanation of the conditions of approval of the Tennessee program can be found in the August 10, 1982 **Federal Register** (47 FR 34724–34754).

On September 30, 1983, the Director, DSM, advised OSM that the State would be unable to submit the materials to satisfy condition (a) of the Secretary's approval of Tennessee's program by the September 30, 1983, deadline. Hence, the State requested an extension of the deadline for the State to meet this condition until December 30, 1983.

Condition (a) stipulates that Tennessee must submit copies of the bonding laws and procedures referred to in Chapter III of the Tennessee program, the Tennessee Safe Dams Act and an opinion from Tennessee's Attorney General that these laws and the Tennessee Uniform Administrative Procedures Act are superseded by SMCRA to the extent they are inconsistent with SMCRA.

DSM indicated that it had not yet been able to obtain the Attorney General's opinion needed to satisfy this condition. In accordance with the State's request, OSM proposed an extension of the deadline for the State to meet condition (a) until December 31, 1983, in order to allow DSM sufficient time to secure the opinion from the State Attorney General (48 FR 51385, November 8, 1983).

Following OSM's issuance of the notice proposing an extension until December 31, 1983, the State requested an additional extension until April 1, 1984, to satisfy condition (a). The State indicated that the additional time was necessary to obtain the needed opinion from the Attorney General. Therefore, OSM published a second notice in the **Federal Register** on February 24, 1984 (49 FR 6923), proposing to establish a new deadline, April 1, 1984, for Tennessee to satisfy condition (a).

**Secretary's Determination**

In accordance with the State's request, the Secretary has decided to extend the deadline for Tennessee to satisfy condition (a). As noted above, satisfaction of condition (a) requires DSM to obtain an attorney general's opinion regarding State laws that conflict with SMCRA. The extension

should allow DSM the time to secure the needed opinion.

**Public Comment**

OSM did not receive any public comments on its proposal to extend the deadline for satisfaction of condition (a).

**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 will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.).* This rule will not impose any new requirements; rather, it will 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 942**

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: March 26, 1984.

**Leona A. Power,**

*Acting Assistant Secretary for Land and Minerals Management.*

## PART 942—TENNESSEE

**§ 942.11 Conditions of State Regulatory Program Approval.**

1. 30 CFR Part 942.11 is amended by modifying paragraph (a) by substituting "April 1, 1984," for "September 30, 1983".

[FR Doc. 84–8711 Filed 4–3–84; 8:45 am]
BILLING CODE 4310–05–M

## DEPARTMENT OF DEFENSE

### Department of the Navy

### 32 CFR PART 701

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

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy hereby deletes the specific exemption from certain provisions of the Privacy Act for system of records and adopts a general exemption for that system.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B30), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone: 202/697–6497.

**SUPPLEMENTARY INFORMATION:** At 49 FR 7134, February 27, 1984, the Navy proposed to delete the specific exemption rule pertaining to system of records NO4385–1, "Investigatory (Fraud) System" and to adopt a general exemption rule for that system, because certain Navy Inspector General activities carry out law enforcement activities which require protection from the access provisions of the Act.

**List of Parts in 32 CFR Part 701**

Privacy.

In that no comments were received concerning the proposed amendment to Subpart G of 32 CFR Part 701, the rule is adopted as proposed and paragraph (g) to § 701.117 is revised as follows:

**Subpart G—Privacy Act Exemptions**

* * * * *

**§ 701.117 Exemptions for specific Navy records systems.**

* * * * *

(g) *Office of the Chief of Naval Operations.* (1) *ID–N04385–1:*

*Sysname.* Investigatory (Fraud) System.

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

**Authority:** 5 U.S.C. 552a(j)(2).

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

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

* * * * *

**M. S. Healy,**

*OSD Federal Register Liaison Officer, Department of Defense.*

March 30, 1984.

[FR Doc. 84–8693 Filed 4–3–84; 8:45 am]
BILLING CODE 3810–01–M

## VETERANS ADMINISTRATION

### 38 CFR Part 36

### Loan Guaranty; Delegation of Waiver Authority to VA Regional Offices and Centers Involving Joint Loans Closed Automatically

**AGENCY:** Veterans Administration.

**ACTION:** Final regulations.

**SUMMARY:** The VA (Veterans Administration) is amending its regulations to delegate to VA Regional Office Directors, Loan Guaranty Officers, and Assistant Loan Guaranty Officers, authority to waive the failure of lenders with automatic loan closing authority to secure prior VA credit underwriting approval for joint loans. A joint loan is a loan to two or more borrowers, other than a veteran and spouse. Some lenders with automatic processing authority inadvertently close joint loans automatically and submit them to the VA for guaranty. When this occurs VA field offices cannot issue guaranty and must submit the loan application and all supporting documents to VA's Central Office for review and consideration of waiving the failure of the lender to secure prior approval of the joint loan. Many of these joint loans are clearly approvable. The purpose of these amendments is to simplify the internal VA waiver process. These amendments will allow Regional Office Directors, Loan Guaranty Officers, and Assistant Loan Guaranty Officers to waive under most circumstances the failure to secure prior

approval for joint loans which have been closed automatically. The amendments should allow quicker processing of requests for loan guaranties of most joint loans closed inadvertently by lenders on the automatic basis.

**EFFECTIVE DATE:** March 20, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389-3042.

**SUPPLEMENTARY INFORMATION:** Section 1802(d), title 38, United States Code provides that housing loans made by banks, savings and loan associations, insurance companies, credit unions, or mortgage companies which are subject to examination and supervision by Federal or State agencies, and other mortgage lenders approved by the Administrator, may be automatically guaranteed. Section 1819(c)(1) authorizes the Administrator to approve an individual lender or an entire class of lenders to close manufactured home loans on the automatic basis. These statutes allow eligible lenders to process and close housing loans without the prior approval of the VA. When a loan is closed in this manner, the documentation is then submitted to the VA for issuance of VA loan guaranty to the lender making that loan.

Under authority granted to the Administrator, the VA has provided by regulation that certain types of loans may not be closed automatically but must be submitted to the VA for prior approval before closing. Joint loans are one type of loan which may not be closed automatically. Sections 36.4210 and 36.4307 provide that a joint loan is a loan for the purchase of a manufactured home or conventionally-built home to two or more borrowers who will acquire an undivided interest in the property and who will be jointly liable for repayment of the loan. A loan to a veteran and spouse is not a joint loan and is not subject to the requirements of §§ 36.4210 or 36.4307. VA requires that joint loans be submitted for prior approval because VA guaranty is limited to the veteran's part of the loan. This requires a special computation of the amount of guaranty to be applied to a portion of the loan. This prior approval requirement assures that lenders do not receive an amount of guaranty which is less than expected and assures the proper use of veterans' benefits.

Lenders with automatic closing authority sometimes submit joint loans which have been inadvertently closed by lender personnel on the automatic basis to VA field offices for guaranty. When this occurs, it would not be fair to the veterans involved or to the lenders to summarily reject VA guaranty. A review of the loan documentation after an unauthorized closing may reveal that the income and credit worthiness of an applicant meets VA income and credit guidelines. The VA, therefore, reviews these cases to determine whether the failure to secure prior approval should be waived.

Sections 36.4220 and 36.4335 provide that the Chief Benefits Director or the Director of Loan Guaranty Service may relieve undue prejudice to a debtor, holder, or other person, which might otherwise result, provided that the interests of the Government are not adversely affected. It is under the authority of these regulations that joint loans closed automatically previously were submitted to VA Central Office for waiver consideration. These amendments are being promulgated so that joint loans closed automatically may be reviewed, and a waiver of the automatic loan closing may be approved under most circumstances in the local field offices without authorization from the Chief Benefits Director or the Director of Loan Guaranty Service. These amendments to the regulations are considered to be of an administrative or procedural (nonsubstantive) nature which will have no adverse effects upon program participants. This procedure will reduce the internal paperwork burden for the local offices and Central Office. It will result in a savings of expended man-hours and will speed up the issuance of loan guaranties to lenders in the affected cases.

Technical amendments have also been made to §§ 36.4220 and 36.4221 of the regulations to change the term "mobile home" to "manufactured home." These changes are made so that the terminology of the regulations will be in conformity with the language of Pub. L. 97-306, 96 Stat. 1429, October 14, 1982. Amendments have also been made to section 36.4216(i) to revise the title "Federal Housing Commissioner" to "Secretary of Housing and Urban Development."

These amendments are exempt from public participation requirements. Publication of proposed regulations for notice and public comment is impracticable and unnecessary. The amendments are entirely an administrative matter dealing with the internal procedures followed to grant waivers to a specific VA regulation. The amendments will have no adverse effects on lenders, veterans or others. For these reasons, the VA finds that the amendments are exempt from public participation under the authority of title 5, United States Code, section 553(b)(3)(A) and (B), and § 1.12 of Title 38 CFR.

Because a proposed regulation notice will not be published, these changes do not come within the definition of the term "rule" (5 U.S.C. 601(2)) subject to the Regulatory Flexibility Act. In any case, the regulations will have no significant economic impact on small private and nonprofit organizations, and small governmental jurisdictions. These amendments will aid lenders in some instances by eliminating delays in receiving VA loan guaranties in the affected cases thereby allowing for quicker sales by lenders of such loans to secondary loan purchasers. There will be no compliance costs or reporting burdens on individuals or organizations.

The regulations have been reviewed pursuant to Executive Order 12291 and have been found to be nonmajor regulation changes. The regulations will not impact on the public or private sectors as major rules. They will not have an annual effect on the economy of $100 million or more, and will not cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; nor will they have other significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic markets.

(Catalog of Federal Domestic Assistance Program numbers, 64.114 and 64.119)

These amendments are promulgated under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1819(g) of title 38, United States Code.

**List of Subjects in 38 CFR Part 36**

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured Homes, Veterans.

Approved: March 20, 1984.

By direction of the Administrator.

**Everett Alvarez, Jr.,**

*Deputy Administrator.*

## PART 36—[AMENDED]

38 CFR Part 36, Loan Guaranty, is amended as follows:

**§ 36.4216 [Amended]**

1. Section 36.4216(i) is amended by changing the title "Federal Housing Commissioner" to "Secretary of Housing and Urban Development" in the two

places it appears; and by inserting the word "an" before the word "action."

2. In § 36.4220, paragraph (a) is amended by changing the word "mobile" to "manufactured" and a new paragraph (a)(6) is added to read as follows:

**§ 36.4220 Substantive and procedural requirements—wavier.**

(a) * * *

(6) The requirement in § 36.4210(a) that a lender obtain the prior approval of the Administrator before closing a joint loan if the lender or class of lenders is approved by the Administrator to close loans on the automatic basis pursuant to 38 U.S.C. 1819(c)(1). (38 U.S.C. 1819(c)(1))

**§ 36.4221 [Amended]**

3. In § 36.4221, paragraph (a) is amended by changing the word "mobile" to "manufactured."

4. Section § 36.4335 is amended by adding a new paragraph (g) to read as follows:

**§ 36.4335 Supplementary administrative action.**

* * * * *

(g) The requirement in § 36.4307(a) that a lender obtain in prior approval of the Administrator before closing a joint loan if the lender or class of lenders is eligible or has been approved by the Administrator to close loans on the automatic basis pursuant to 38 U.S.C. 1802(d). (38 U.S.C. 1803(c)(1))

[FR Doc. 84-8921 Filed 4-3-84; 8:45 am]

BILLING CODE 8320-01-M

## POSTAL SERVICE

### 39 CFR Part 601

### Procurement of Property and Services, Amendments to Postal Contracting Manual

**AGENCY:** Postal Service.

**ACTION:** Amendments to Postal Contracting Manual.

**SUMMARY:** The Postal Service announces that it is amending the Postal Contracting Manual to correct certain errors in the mail transportation contracting section that occurred when transmittal letter 34 was published. In addition, certain new or revised forms are included.

**EFFECTIVE DATE:** March 15, 1984.

**FOR FURTHER INFORMATION CONTACT:** Eugene A. Keller, (202) 245-4818.

**SUPPLEMENTARY INFORMATION:** The Postal Contracting Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR 601.100), has been amended by the issue of PCM Circular 84-2, dated March 15, 1984.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

**List of Subjects in 39 CFR Part 601**

Government procurement, Postal Service, Incorporation by reference.

**Explanation of Changes**

This circular corrects errors to 19-307.1, 19-310.6, 19-312.1(b), 19-312.2(b), 19-410.3(b), and 19-903(a) that occurred in the publication of transmittal letter 34.

Also included are the following new or revised forms:

Form 7445, Inquiry Concerning Renewal of Transportation Services Contract, Jan. 1983

Form 7447, Transportation Services Renewal Contact, Sep. 1976

Form 7460, Transmittal Letter and Instructions for Completing Form 7463, Nov. 1979

Form 7464-A, Negotiated Cost Statement (Short Form)—Highway Transportation Contracts, Oct. 1974

Form 7468-A, Highway Transportation Contract—Bid or Renewal Worksheet, May 1982

Form 7468-B, Short Form—Cost Statement, July 1975.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411)

**W. Allen Sanders,**

*Associate General Counsel, Office of General Law and Administration.*

[FR Doc. 84-8903 Filed 4-3-84; 8:45 am]

BILLING CODE 7710-12-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

**[A-V-FRL-2556-1]**

### Designations of Areas for Air Quality Planning Purposes; Attainment Status Designations: Indiana

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rulemaking.

**SUMMARY:** This rulemaking revises the air quality designation under Section 107 of the Clean Air Act (Act) for Allen County, Indiana from nonattainment to attainment for ozone. This revision is based on a request from the State of Indiana to redesignate this area and on the supporting data the State submitted. Under the Act, designations can be changed if sufficient data are available to warrant such change.

**EFFECTIVE DATE:** This final rulemaking becomes effective on May 4, 1984.

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

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 S. Dearborn Street, Chicago, Illinois 60604

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

**FOR FURTHER INFORMATION CONTACT:** Anne E. Tenner (312) 886-6036

**SUPPLEMENTARY INFORMATION:** Under Section 107(d) of the Act, the Administrator of EPA has promulgated the attainment status of each National Ambient Air Quality Standards (NAAQS) for each area of every state. See 40 CFR Part 81 (1983). These area designations may be revised whenever the data warrant. On March 3, 1978 (43 FR 8962), pursuant to Section 107 of the Act, EPA designated Allen County, Indiana as nonattainment for ozone.

On March 31, 1983, the State of Indiana submitted new information to EPA and requested redesignation of Allen County, Indiana from nonattainment to attainment for ozone. This request was based on ambient ozone monitoring conducted at two sites during the period of 1980 through 1982. No exceedances of the Ozone NAAQS were recorded at the ozone monitor located at 17215 Woodburn Two exceedances of the ozone standard were recorded at the 2022 North Beacon site in 1980 and no exceedances were recorded during 1981 and 1982. Following procedures given in the "Guidelines for Interpretation of the Ozone Air Quality Standards", the number of daily expected exceedances for the North Beacon monitoring site was calculated to be 0.8 for the three year period. These data demonstrate that the ozone NAAQS was not violated in Allen County, Indiana during the period of 1980 through 1982. In addition to this lack of violations, significant VOC emission reductions have occurred in the area during the most recent years as a result of the implementation of the

Federal Motor Vehicle Control Program.

Based on the information submitted by the State, on September 19, 1983 (48 FR 41786), EPA proposed to revise the designation of Allen County, Indiana from nonattainment to attainment for ozone. A more detailed discussion of Indiana's redesignation request and EPA's review of the request can be found in the September 19, 1983, notice.

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

No comments were received by the Agency on this proposal. Therefore, EPA is approving the redesignation of Allen County, Indiana to attainment for ozone because no violations of the ozone NAAQS occurred in Allen County for the three years 1980 through 1982.

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 June 4, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

**List of Subjects in 40 CFR Part 81**

Air pollution control, National parks, Wilderness areas, Intergovernmental relations.

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

Dated: March 27, 1984.

**William D. Ruckelshaus,**

*Administrator.*

## PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES—INDIANA

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows: 1. Section § 81.315 is amended by revising the designation for Allen County in the Table for Ozone as follows:

**§ 81.315 Indiana.**

INDIANA—O,

| Designated area | Does not meet primary standards | Cannot be classified or better than national standards |
|---|---|---|
| * * * | * | * |
| Allen County | | x |
| * * * | * | * |

[FR Doc. 84-8686 Filed 4-3-84; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### 41 CFR Part 14-2

### Interior Procurement Regulations; Mistakes in Bids

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Correction of the effective date of the final rule.

**SUMMARY:** A final rule amending the Interior Procurement Regulations (IPR) to the delegate authority to procurement offices to make administrative determinations regarding mistake in bid allegations under the conditions in Federal Procurement Regulations (FPR) § 1-2.406-3(a)(1) was published in the **Federal Register** on March 2, 1984, 49 FR 7807). The effective date was erroneously stated as April 2, 1984, thirty days after publication. This correction changes the effective date to the date of publication, March 2, 1984.

**EFFECTIVE DATE:** March 2, 1984.

**FOR FURTHER INFORMATION CONTACT:** David C. Metz, Office of Acquisition and Property Management, Division of Acquisition and Grants, Department of the Interior, Washington, D.C. 20240, (202) 343-3345.

**SUPPLEMENTARY INFORMATION:** This correction is necessary in order to make the final rule effective during the time remaining before the transition from the FPR to the Federal Acquisition Regulation (FAR), which is to be effective on April 1, 1984. The IPR implements the FPR, thus, it will cease to be effective or transactions occurring after April 1, 1984. If the final rule's original effective date of April 2, 1984 were left unchanged, the rule would not be effective until after the IPR was replaced by the Department's FAR supplement, the Department of the Interior Acquisition Regulation (DIAR). Therefore, the usual effective date of thirty days after date of publication is not appropriate in this instance. Instead, the final rule is made effective on its publication, date March 2, 1984.

Accordingly, pursuant to the authority of 5 U.S.C. 301 and 40 U.S.C. 486(c), the amendment to 41 CFR 14-2.4 published at 49 FR 7807 is made effective as of the date of publication, March 2, 1984.

Dated: March 23, 1984.

**Joseph E. Dodderidge,**

*Acting Assistant Secretary of the Interior.*

[FR Doc. 84-8940 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-10-M

### 43 CFR Part 4

### Hearings and Appeals Procedures

**AGENCY:** Office of Hearings and Appeals, Interior.

**ACTION:** Final Rule; Correction.

**SUMMARY:** On February 2, 1984, a final rule was published (49 FR 4077) to reflect the change of address for the Regional Solicitor, Alaska Region of the Office of the Solicitor, U.S. Department of the Interior. An inadvertent error was made in the change of address, and this document corrects that error.

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

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** document appearing at 49 FR 4077 of February 2, 1984, concerning § 4.413 of 43 CFR Part 4, "P.O. Box 34" is corrected to read "Box 34."

Dated: March 26, 1984.

**Donald R. Tindal,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 84-8939 Filed 4-3-84; 8:45 am]

Billing Code 4310-10-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR PART 67

### National Flood Insurance Program; Final Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

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

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

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

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

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

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

The Agency has developed criteria for flood plain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Federal Insurance Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 1229, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

**List of Subjects in 44 CFR Part 67**

Flood insurance, Flood plains.

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

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Arizona | Marana (town), Pima County (FEMA–6541) | Santa Cruz River | At the intersection of Tangerine Road and Frontage Road. | *2,039 |
| | | East Branch Brawley Wash | At the intersection of Sanders Road and Silver Bell Road. | #1 |
| | Maps available for inspection at Planning and Zoning Department, 12775 N. Sanders Drive, Marana, Arizona. | | | |
| California | Grover City (city), San Luis Obispo County (FEMA–6574). | Meadow Creek | 150 feet upstream from the center of North 12th Street. | *38 |
| | | Pacific Ocean | 600 feet west from the center of the intersection of Grand Avenue and Le Sage Drive. | *10 |
| | Maps available for inspection at the Department of Community Development, 154 South Eighth Street, Grover City, California. | | | |
| California | Pismo Beach (city), San Luis Obispo County (FEMA–6574). | Pacific Ocean | At the confluence with Pismo Creek | *10 |
| | | Pismo Creek | 75 feet upstream from the center of Southern Pacific Railroad. | *32 |
| | | Meadow Creek | 50 feet upstream from the center of North 4th Street | *25 |
| | Maps available for inspection at the Planning Department, 1000 Bello Street, Pismo Beach, California. | | | |
| Idaho | Bonner County (unincorporated areas) (FEMA–6568) | Clark Fork | At the intersection of stream and center of Light Duty Road. | *2,076 |
| | | Grouse Creek | 10 feet upstream from center of Colburn-Culver Road | *2,149 |
| | | Lightning Creek | 480 feet upstream from center of State Route 200 | *2,105 |
| | | Pack River | 50 feet upstream from center of Pack River Road | *2,175 |
| | | Priest River | At the intersection of River and center of State Route 200. | *2,070 |
| | | | At the confluence of Priest River with East River | *2,240 |
| | | | 100 feet upstream from the center of Peninsula Road | *2,199 |
| | | Rapid Lightning Creek | 50 feet upstream from the center of Rapid Lightning Creek Road, which is 70 feet downstream of the confluence with Spring Creek. | *2,413 |
| | | Sand Creek North | 50 feet downstream from center of Samuels Road | *2,129 |
| | | Sand Creek | 50 feet upstream from the center of Schweitzer Basin Road. | *2,073 |
| | | Spring Creek | 50 feet upstream from the center of Spring Creek Road. | *2,184 |
| | | Lake Cocolalla | 100 feet west of the intersection of Cocolalla Creek and Burlington Northern Railroad. | *2,212 |
| | | Lake Kelso | Along entire lake shoreline | *2,154 |
| | | Lake Pend Oreille | At mouth of Pack River | *2,071 |
| | Maps available for inspection at County Clerk's Office, 2155 1st Avenue, Sandpoint, Idaho. | | | |
| Illinois | Village of Lomax, Henderson County (Docket No. FEMA–6576). | Mississippi River | Within community | *530 |
| | Maps available for inspection at the Lomax Post Office. | | | |
| Illinois | City of Markham, Cook County (Docket No. FEMA–6576). | Cal-Union drainage ditch | About 3,100 feet downstream of Wood Street | *608 |
| | | | About 900 feet upstream of southbound ramp to Interstate 294. | *610 |
| | | Southwest Branch Cal-Union drainage ditch. | Mouth at Cal-Union drainage ditch | *609 |
| | | | Just upstream of Interstate 294 | *624 |
| | | Dixie Creek | Within corporate limits | *607 |
| | | Belair Creek | Mouth at Dixie Creek | *607 |
| | | | About 3,000 feet upstream of Interstate 294 | *608 |
| | | I-57 drainage ditch | About 2,150 feet downstream of Kedzie Avenue | *606 |
| | | | About 3,350 feet upstream of Kedzie Avenue | *612 |
| | | Park Creek | Mouth at I-57 drainage ditch | *608 |
| | | | About 2,700 feet upstream of Kedzie Avenue | *611 |

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Maps available for inspection at the Building Inspector's Office, City Hall, 16313 Kedzie Parkway, Markham, Illinois. | | | | |
| Illinois | (V) Nebo, Pike County (Docket No. FEMA-6574) | Bay Creek | About 1,400 feet downstream of confluence of Spring Creek. | *479 |
| | | | About 2,425 feet upstream of Pittsfield Road | *483 |
| | | Spring Creek | At confluence with Bay Creek | *481 |
| | | | About 2,900 feet upstream of Union Street | *485 |
| Maps available for inspection at the Nebo Post Office, Nebo, Illinois. | | | | |
| Illinois | (C) Sumner, Lawrence County (Docket No. FEMA-6574). | Muddy Creek | About 0.25 mile downstream of confluence of Shirley Creek. | *450 |
| | | | About 0.36 mile upstream of Cedar Street | *455 |
| | | Shirley Creek | Mouth at Muddy Creek | *451 |
| | | | About 0.22 mile upstream of State Highway 250 | *454 |
| Maps available for inspection at City Hall, Sumner, Illinois. | | | | |
| Illinois | Village of Thebes, Alexander County (Docket No. FEMA-6581). | Mississippi River | About 2.16 miles downstream of Missouri Pacific Railroad. | *345 |
| | | | About 0.55 mile upstream of Missouri Pacific Railroad | *348 |
| Maps available for inspection at the Village Hall, Thebes, Illinois. | | | | |
| Iowa | (C) Coggon, Linn County (Docket No. FEMA-6574 | Buffalo Creek | About 2,300 feet downstream of Third Street | *895 |
| | | | About 5,100 feet upstream of Illinois Central Golf Railroad. | *910 |
| Maps available for inspection at City Hall, Coggon, Iowa. | | | | |
| Kansas | (C) White Cloud, Doniphan County (Docket No. FEMA-6574). | Missouri River | Within community | *855 |
| Maps available for inspection at the Golden Age Center, Main Street, White Cloud, Kansas. | | | | |
| Massachusetts | Town of Phillipston, Worcester County (Docket No. FEMA-6557). | Millers River | Approximately 350 feet downstream of downstream corporate limits. | *747 |
| | | | Upstream Boston and Maine RR | *762 |
| | | | Upstream corporate limits | *770 |
| | | Beaver Brook | Downstream corporate limits | *820 |
| | | | Upstream State Route 68 | *824 |
| | | | Upstream Fornald School Road | *938 |
| | | | 3rd upstream corporate limits | *1,002 |
| | | | Approximately 8,500 feet upstream of 3rd upstream corporate limits. | *1,006 |
| Maps available for inspection at the Town Hall, Phillipston, Massachusetts. | | | | |
| Massachusetts | Rutland, town, Worcester County (Docket No. FEMA-6553). | Moulton Pond Brook | Approximately .45 mile downstream of abandoned railroad bridge. | *977 |
| | | | Approximately 20 feet downstream of Depot Road | *985 |
| | | | Approximately 80 feet upstream of State Route 56 | *1,009 |
| | | East Branch Ware River | Downstream corporate limits | *813 |
| | | | Approximately 560 feet upstream of Intervale Road | *814 |
| | | | Upstream of Harris Road | *824 |
| | | | Approximately .41 mile downstream of Harris Road | *837 |
| | | | Upstream of State Route 68 | *868 |
| | | | At upstream corporate limits | *875 |
| Maps available for inspection at the Planning Board, 250 Main Street, Rutland, Massachusetts. | | | | |
| Massachusetts | Town of Southwick, Hampden County (FEMA Docket No. 6557). | Great Brook | Downstream State Route 57 | *160 |
| | | | Approximately 5,000 feet upstream of State Route 57 | *170 |
| | | | Approximately 2,000 feet downstream of South Longyard Road. | *160 |
| | | | Upstream Sheep Pasture Road | *222 |
| | | | Upstream Industrial Drive | *229 |
| | | | Downstream Berkshire Avenue | *230 |
| | | Tributary to Great Brook | Confluence with Great Brook | *222 |
| | | | Approximately 70 feet upstream of State Route 57 | *243 |
| | | Munn Brook | Downsteam corporate limits | *208 |
| | | | Upstream covered bridge | *238 |
| | | | Approximately 2,020 feet upstream of covered bridge | *251 |
| | | Shurtleff Brook | Confluence with Munn Brook | *216 |
| | | | Approximately 5,060 feet above confluence with Munn Brook. | *245 |
| Maps available for inspection at the Town Hall, Southwick, Massachusetts. | | | | |
| Missouri | (C) Carterville, Jasper County (Docket No. FEMA-6574). | Mine Branch | About 2,050 feet downstream of Sharon drive | *921 |
| | | | About 200 feet upstream of Missouri Pacific Railroad (near U.S. Highway 66). | *962 |
| | | Ben's Branch | About 1,950 feet downstream of U.S. Highway 71 and 66. | *954 |
| | | | Just upstream of County Highway AA | *994 |
| Maps available for inspectional City Hall, 301 East Main, Carterville, Missouri. | | | | |
| Nevada | Washoe County (unincorporated areas) (FEMA-6568) | Truckee River | 200 feet upstream from center of Clark Gypsum Plant Road. | *4,247 |
| | | | At the intersection of River and Mayberry Drive | *4,614 |
| | | Steamboat Creek | At the intersection of Ellis Street and Sinelio Drive | *4,393 |
| | | | 50 feet upstream from the center of Towne Road | *4,572 |
| | | Bailey Canyon Creek | 50 feet upstream from center of Toll Road | *4,586 |

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | Boynton Slough | 200 feet south along South McCarran Boulevard from its intersection with Pembroke Drive. | *4,393 |
| | | North Truckee Drain | 50 feet upstream from center of East Prater Way | *4,395 |
| | | Dry Creek | 125 feet upstream from center of Timothy Drive | *4,577 |
| | | Galena Creek | At the intersection of U.S. Highway 395 and East Laramie Road. | #1 |
| | | Thomas Creek | At the intersection of Foothill Road and Thomas Creek Road. | #1 |
| | | Evans Creek | 500 feet south along Lakeside Drive from intersection with Hash Lane. | #1 |
| Maps available at the County Engineering Department, 1201 Mill Street, Reno, Nevada. | | | | |
| New Jersey | Guttenberg, town, Hudson County (FEMA Docket No. 6550). | Hudson River | Entire shoreline within community | *10 |
| Maps available for inspection at the Town Hall, 6808 Park Avenue, Guttenberg, New Jersey. | | | | |
| New York | Amsterdam, City Montgomery Co. (FEMA Docket No. 6568). | Mohawk River | At downstream corporate limits | *269 |
| | | | At confluence with South Chuctonunda Creek | *273 |
| | | | At upstream corporate limits | *278 |
| | | North Chuctanunda Creek | Upstream side of culvert at Conrail crossing | *272 |
| | | | State Route 67 (downstream side) | *352 |
| | | | Prospect Street (upstream side) | *384 |
| | | | Fourth Avenue (upstream side) | *448 |
| | | | Second Avenue (upstream side) | 493 |
| | | | Upstream side of upstream Conrail crossing | *525 |
| | | | Upstream side of Clizbe Avenue | *606 |
| | | | Upstream corporate limits | 646 |
| | | South Chuctanunda Creek | At confluence with Mohawk River | *273 |
| | | | Florida Avenue crossing (upstream side) approximately 1,000 feet downstream of State Route 55. | *302 |
| | | Bunn Creek | At confluence with North Chuctanunda Creek | *378 |
| | | | Upstream side of Brookside Avenue | *448 |
| | | | Footbridge (upstream side) | *487 |
| | | | Upstream side of dam approximately 750 feet upstream of Brookside Reservoir. | *597 |
| | | | Upstream corporate limits | *638 |
| | | Dove Creek | Confluence with Mohawk River | *278 |
| | | | Steadwell Avenue (upstream side) | *305 |
| | | | Upstream corporate limits | *382 |
| Maps available for inspection at the City Hall, 61 Church Street, Amsterdam, New York. | | | | |
| New York | Ellicott, town, Chautauqua County (FEMA Docket No. 6574). | Cassadaga Creek | Downstream corporate limits | *1,248 |
| | | | Approximately 2,985 feet upstream of State Route 17 | *1,249 |
| Maps available for inspection at the Town Hall, 215 Work Street, Falconer, New York. | | | | |
| New York | Fredonia, village, Chautauqua County (FEMA Docket No. 6568). | Canadaway Creek | Downstream, corporate limits | *641 |
| | | | Matteson Road (downstream side) | *650 |
| | | | Approximately .38 mile upstream of Matteson Street | *661 |
| | | | At Risley Street | *679 |
| | | | West Main Street (upstream side) | *703 |
| | | | Approximately 700 feet upstream of Water Street | *715 |
| | | | Approximately 2,900 feet downstream of Liberty Street | *730 |
| | | | Liberty Street (upstream side) | *749 |
| | | | Approximately .45 mile upstream of Liberty Street | *764 |
| | | | Upstream corporate limits | *777 |
| Maps available for inspection at the Village Hall, Fredonia, New York. | | | | |
| New York | Larchmont, village, Westchester County (FEMA Docket No. 6568). | Long Island Sound | Entire shoreline within community | *18 |
| Maps available for inspection at the Office of the Village Clerk, Municipal Building, 120 Larchmont Avenue, Larchmont, New York. | | | | |
| New York | Pawling, village, Dutchess County (FEMA Docket No. 6576). | Swamp River | Upstream corporate limits | *477 |
| | | | Upstream of access road approximately 960 feet downstream from Allison Drive. | *451 |
| | | | Upstream of Main Street | *443 |
| | | | Downstream corporate limits | *434 |
| | | East Branch Croton River | Approximately 100 feet upstream State Route 22 | *493 |
| | | | Upstream of Spring Street | *474 |
| | | | Upstream of East Main Street | *467 |
| | | | Approximately 160 feet upstream of Conrail | *450 |
| | | | Downstream corporate limits | *444 |
| Maps available for inspection at the Village Hall, Pawling, New York. | | | | |
| New York | Schaghticoke, town, Rensselaer County (FEMA Docket No. 6568). | Hudson River | Downstream corporate limits | *36 |
| | | | Lock No. 1 (upstream side) | *39 |
| | | | Approximately 2 miles upstream of Lock No. 1 | *41 |
| | | | Lock No. 2 (upstream side) | *60 |
| | | | Mechanicville Bridge (upstream side) | *63 |
| | | | Lock No. 3 (upstream side) | *82 |
| | | | Dam (upstream side) | *92 |
| | | | Upstream corporate limits | *94 |
| | | Hoosic River | Confluence with Hudson River | *82 |
| | | | Approximately 2 miles upstream of confluence with Hudson River. | *100 |
| | | | Approximately .85 mile downstream of Concrete Arc bridge. | *120 |

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | | Concrete Arc bridge (upstream side) | *138 |
| | | | Most upstream corporate limits within Village of Schaghticoke. | *277 |
| | | | Fourth upstream corporate limits upstream of State Route 67. | *315 |
| | | | County Route 111 (upstream side) | *323 |
| | | | Dam (upstream side) upstream of County Route 111 | *353 |
| | | | Most upstream corporate limits | *356 |
| | | Tomhannock Creek | Confluence with Hoosic River | *105 |
| | | | Approximately .7 mile upstream of Old Schaghticoke Road. | *113 |
| | | | Approximately 720 feet downstream of Buttermilk Road. | *126 |
| Maps available for inspection at the Office of the Town Supervisor, Town Hall, Schaghticoke, New York. | | | | |
| New York | Tivoli, village, Dutchess County (FEMA Docket No. 6574). | Hudson River | Downstream corporate limits | *9 |
| | | | Upstream corporate limits | *9 |
| | | Stony Creek | Downstream corporate limits | *76 |
| | | | Upstream of dam (near Mill Street) | *107 |
| | | | Upstream corporate limits | *132 |
| Maps available for inspection at the Village Hall, 48 Broadway, Tivoli, New York. | | | | |
| New York | Queensbury, town, Warren County (FEMA Docket No. 6568). | Hudson River | Most downstream corporate limits | *211 |
| | | | Downstream of feeder dam | *275 |
| | | | Upstream of feeder dam | *290 |
| | | Halfway Creek | Approximately .6 mile downsteam of Ridge Road | *288 |
| | | | Upstream of Ridge Road | *293 |
| | | | Upstream of Cronin Road | *306 |
| | | | Upstream of Bay Road | *315 |
| | | | Upstream of U.S. Route 9 | *332 |
| | | | Downstream of Dixon Road | *349 |
| Maps available for inspection at the Town Hall, Glens Falls, New York. | | | | |
| North Carolina | Unincorporated areas of Haywood County (FEMA-6499). | Pigeon River | Just upstream of Interstate Highway 40 | *2,486 |
| | | | Just upstream of S.R. 1513 | *2,512 |
| | | | Just downstream of River Road | *2,598 |
| | | | Approximately 150 feet upstream of S.R. 1869 | *2,630 |
| | | | At confluence of East Fork Pigeon River, just downstream of State Highway 110. | *2,653 |
| | | Jonathan Creek | Just upstream of Interstate Highway 40 | *2,437 |
| | | | Just downstream of U.S. Highway 276 at downstream crossing. | *2,493 |
| | | | Just upstream of S.R. 1316 | *2,588 |
| | | | Just upstream of S.R. 1309 | *2,698 |
| | | | Just upstream of S.R. 1302 at downstream crossing | *2,772 |
| | | | Just downstream of Evans Cove Road | *2,954 |
| | | | Just downstream of Rich Cove Road | *3,000 |
| | | | Just upstream of S.R. 1302 at its crossing upstream of the confluence of Carpenter Branch. | *3,146 |
| | | | Just upstream of S.R. 1301 | *3,358 |
| | | Richland Creek | Just downstream of State Highway 209 | *2,524 |
| | | Hominy Creek | Just upstream of U.S. Highways 19 and 23 (downstream crossing). | *2,259 |
| | | | Just upstream of Highways 19 and 23 at its crossing location upstream of the confluence of North Hominy Creek. | *2,395 |
| | | North Hominy Creek | Just upstream of U.S. Highway 19 and 23 | *2,394 |
| | | | Approximately 1,000 feet upstream of S.R. 1601 | *2,585 |
| | | | Just upstream of Newfound Road | *2,658 |
| | | Tributary to North Hominy Creek | Just downstream of S.R. 1608 | *2,691 |
| | | Beaverdam Creek | Just downstream of Beaverdam Road | *2,627 |
| | | | Just downstream of S.R. 1614 | *2,708 |
| | | West Fork Pigeon River | Approximately 150 feet downstream of U.S. Highway 276. | *2,662 |
| | | East Fork Pigeon River | Just upstream of U.S. Highway 276, at downstream crossing. | *2,690 |
| | | | Just upstream of U.S. Highway 276 at its second crossing of the river located approximately 350 feet upstream of the confluence of Lenior Creek. | *2,741 |
| | | | Just upstream of S.R. 1104 approximately 1,200 feet at downstream of the confluence of Henderson Branch where S.R. 1104 links with U.S. Highway 276. | *2,774 |
| | | | Just upstream of U.S. Highway 276 at its uppermost crossing located approximately 2,600 feet upstream of the confluence of Long Branch. | *2,860 |
| | | | Just upstream of Hunger Creek Road | *3,042 |
| Maps available for inspection at County Commissioner's Office, County Courthouse Annex and at the County Planner's Office, County Courthouse, Waynesville, North Carolina 28786. | | | | |
| Ohio | (C) Bellefontaine, Logan County (Docket No. FEMA-6574). | Blue Jacket Creek | Just upstream of Troy Street | *1,177 |
| | | | Just downstream of Main Street | *1,203 |
| | | | Just upstream of Main Street | *1,206 |
| | | | Just downstream of Harding Street | *1,221 |
| | | | Just upstream of Harding Street | *1,230 |
| | | | Just downstream of Eastern Avenue | *1,280 |
| | | Possum Run | About 950 feet downstream of Niven Avenue | *1,175 |
| | | | Just downstream of Conrail (about 250 feet downstream of Niven Avenue). | *1,175 |

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | | Just upstream of Conrail (About 250 feet downstream of Niven Avenue). | *1,181 |
| | | | Just downstream of Troy Street | *1,184 |
| | | | Just upstream of Troy Street | *1,190 |
| | | | Just downstream of Elm Street | *1,213 |
| | | Blue Jacket Creek Tributary 1 | Just upstream of Township Road 185 | *1,275 |
| | | | About 110 feet upstream of Township Road 185 | *1,277 |
| | | Blue Jacket Creek Tributary 2 | About 1,000 feet downstream of Heritage Drive | *1,245 |
| | | | About 700 feet downstream of Heritage Drive | *1,246 |
| | | Wissahicken Creek | About 1,340 feet downstream of Private Drive | *1,176 |
| | | | Just downstream of Private Drive | *1,189 |
| Maps available for inspection at the Engineer's Department, City Hall, 135 N. Detroit Street, Bellefontaine, Ohio. | | | | |
| Ohio | (V) Proctorville, Lawrence County (Docket No. FEMA-6574). | Ohio River | Within the community | *555 |
| Maps available for inspection at the Clerk Treasurer, Village Hall, P.O. Box 406, Proctorville, Ohio. | | | | |
| Ohio | (C) Troy, Miami County (Docket No. FEMA-6574) | Great Miami River | Just upstream of Conrail | *821 |
| | | | About 0.4 mile upstream of Hobart Arena Road | *832 |
| | | Great Miami River Bypass | At confluence with Great Miami River | *824 |
| | | | At divergence from Great Miami River | *829 |
| | | Island No. 3 Tributary | About 0.71 mile downstream of Conrail | *819 |
| | | | Just upstream of Peters Avenue | *832 |
| | | | About 0.34 mile upstream of State Route 55 | *863 |
| | | Staunton Tributary | Just upstream of State Route 55 | *830 |
| | | | About 1,100 feet upstream of Market Street | *837 |
| Maps available for inspection at the Office of Public Service and Safety, City Hall, 100 S. Market Street, Troy, Ohio. | | | | |
| Oregon | Athena (city), Umatilla County (FEMA-6568) | Waterman Gulch | At the intersection of Garfield Street and 2nd Street | *1,728 |
| Maps available for inspection at City Planner's Office, Umatilla County Courthouse, Pendleton, Oregon. | | | | |
| Oregon | Coos Bay (city), Coos County (FEMA-6574) | Coos Bay | At the intersection of Newmark Avenue and Mill Street | *8 |
| | | | At the intersection of Pine Avenue and U.S. Highway 101. | *9 |
| | | | At the intersection of Coos River Highway and Ross Slough Road. | *9 |
| | | Pony Creek | 50 feet downstream of center of Ocean Boulevard | *16 |
| Maps available for inspection at the Planning Department, 500 Central, Coos Bay, Oregon. | | | | |
| Oregon | Lakeside (city) (Coos County) (FEMA-6574) | Tenmile Creek | At the intersection of Creek and Hill Top Drive | *20 |
| | | Tenmile Lake | At the intersection of S. 11th Street and Park Avenue | *20 |
| Maps available for inspection at City Hall, 120 N. 9th, Lakeside, Oregon. | | | | |
| Oregon | Myrtle Point (city), Coos County (FEMA-6568) | South Fork Coquille River | 50 feet upstream from center of Spruce Street | *40 |
| Maps available for inspection at City Recorder's Office, 424 5th Street, Myrtle Point, Oregon. | | | | |
| Oregon | North Bend (city) (Coos County) (FEMA-6574) | Pony Creek | 100 feet upstream of center of Newmark Avenue | *5 |
| | | Coos Bay | At the intersection of Cape Arago Highway No. 240 and Harbor Avenue. | *9 |
| Maps available for inspection at City Engineer's Office, California and Union Streets, North Bend, Oregon. | | | | |
| Oregon | Scio (city), Linn County (FEMA-6574) | Thomas Creek | At the center of North Main Street | *313 |
| | | Shallow Flooding | At the center of intersection of North Fourth Avenue and North Cherry Street. | #1 |
| | | Peters Ditch | At the center of intersection of South Six Avenue and South Alder Street. | *312 |
| Maps available for inspection at City Hall, 38759 NW 1st, Scio, Oregon. | | | | |
| Pennsylvania | Honey Brook, township, Chester County (FEMA Docket No. 6550). | West Branch Brandywine Creek | Approximately 3,800 feet downstream of South Birdell Road. | *596 |
| | | | Confluence of Two Log Run | *603 |
| | | | Just downstream of Horseshoe Pike | *609 |
| | | Two Log Run | Confluence with West Branch Brandywine Creek | *603 |
| | | | Approximately 60 feet upstream of Beaver Dam Road | *606 |
| Maps available for inspection at the Township Building, Suplee Road, Honey Brook, Pennsylvania. | | | | |
| Pennsylvania | Newlin, township, Chester County (FEMA Docket No. 6550). | West Branch Brandywine Creek | Downstream corporate limits | *203 |
| | | | Upstream side State Route 162 | *227 |
| | | | Upstream side Youngs Road | *235 |
| | | | Upstream corporate limits | *251 |
| Maps available for inspection at the Township Building, Strasburg Road, Newlin, Pennsylvania. | | | | |
| Pennsylvania | Valley, township, Chester County (FEMA Docket No. 6550). | Sucker Run | Downstream corporate limits | *319 |
| | | | Downstream Grove Avenue | *365 |
| | | | Approximately 50 feet downstream of Red Road | *413 |
| | | Rock Run | Confluence with West Branch Brandywine Creek | *335 |
| | | | Upstream of U.S. Route 30 Bypass | *378 |
| | | | Approximately 400 feet downstream of corporate limits | *405 |
| | | West Branch Brandywine Creek | Most downstream corporate limits | *308 |
| | | | Most upstream corporate limits | *345 |
| | | | Upstream of Glencrest Road | *322 |

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Maps available for inspection at the Valley Township Building, 890 West Lincoln Highway, Coatesville, Pennsylvania. | | | | |
| Pennsylvania | West Nantmeal, township, Chester County (FEMA Docket No. 6550). | Tributary to East Branch Brandywine Creek | Approximately 800 feet downstream of Creek Road | *498 |
| | | | Upstream Creek Road | *524 |
| | | | Approximately 320 feet upstream of Access Road | *544 |
| Maps available for inspection at the Township Building, Route 82, West Nantmeal, Pennsylvania. | | | | |
| South Carolina | Unincorporated areas of Spartanburg County (FEMA-6574). | Beaverdam Creek | Approximately 130 feet upstream of Secondary Road 88. | *591 |
| | | Cherokee Creek | Approximately 140 feet upstream of Clinchfield Railroad. | *691 |
| | | | Just downstream of Secondary Road 190 (Green River Road). | *733 |
| | | | Just downstream of U.S. Highway 221 | *768 |
| | | Chinquepin Creek | Approximately 100 feet downstream of U.S. Highway 221. | *719 |
| | | Fairforest Creek | Approximately 250 feet upstream of State Highway 56 | *575 |
| | | | Just downstream of Burke Street | *647 |
| | | | Approximately 100 feet downstream of Old Greenville Highway. | *680 |
| | | Fawn Branch | Just upstream of County Road 348 | *790 |
| | | Ferguson Creek | Approximately 100 feet downstream of Secondary Road 200. | *553 |
| | | | Just upstream of Secondary Road 454 | *573 |
| | | Foster Creek | Approximately 70 feet downstream of Secondary Road 651. | *593 |
| | | Greys Creek | Approximately 140 feet downstream of Secondary Road 317. | *696 |
| | | | Just upstream of Southern Railway | *726 |
| | | Halfway Branch | Approximately 200 feet upstream of Cart Drive | *669 |
| | | Holston Creek | Approximately 150 feet downstream of the northern city of Spartanburg corporate limits. | *695 |
| | | Lawson Fork Creek North | Approximately 150 feet downstream of Clinchfield Railroad. | *688 |
| | | | Approximately 150 feet upstream of Interstate Highway 85 southbound access road. | *723 |
| | | | Approximately 350 feet upstream of Old Boiling Springs Road. | *735 |
| | | | Just upstream of Belcher Road | *785 |
| | | Lawson Fork Creek South | Approximately 100 feet downstream of Secondary Road 106. | *544 |
| | | Little Chinquepin Creek | Approximately 65 feet upstream of Wood Street | *739 |
| | | | Approximately 80 feet downstrem of Centennial Street | *751 |
| | | Maple Creek | Just upstream of Harvey Road | *872 |
| | | Middle Tyger River | Approximately 150 feet downstream of Secondary Road 591. | *653 |
| | | North Tyger River | Approximately 100 feet downstream of Secondary Road 64. | *620 |
| | | | Approximately 100 feet upstream of Secondary Road 64. | *630 |
| | | | Approximately 120 feet upstream of State Highway 296 (Reidville Road). | *662 |
| | | Reedy Creek | Just upstream of Secondary Road 590 (Canaan Road) | *597 |
| | | Shoally Creek | Approximately 60 feet downsteam of County Road 43 (Paris Bridge Road). | *763 |
| | | | Approximately 80 feet upstream of County Road 775 (Shoally Creek Road). | *784 |
| | | South Tyger River (North) | Approximately 500 feet downstream of Interstate Highway 85. | *725 |
| | | | Approximately 220 feet upstream of Secondary Road 62. | *739 |
| | | | Approximately 250 feet downstream of State Highway 290. | *748 |
| | | South Tyger River (south) | Approximately 160 feet downstream of Interstate 26 | *542 |
| | | | Approximately 320 feet upstream of County Road 230 | *547 |
| | | Standing Stone Branch | Just downstream of Valley Falls Road | *763 |
| | | | Just upstream of Secondary Road 79 | *790 |
| | | Williams Branch | Approximately 100 feet downstream of the city of Spartanburg corporate limits. | *692 |
| Maps available for inspection at Spartanburg County Human Resources Center, Planning and Development Office, 142 South Dean Street, Spartanburg, South Carolina 29304. | | | | |
| Texas | City of Cut and Shoot, Montgomery County (FEMA-6574). | Crystal Creek | Just upstream of State Highway 105 | *179 |
| | | Crystal Creek tributary No. 3 | Approximately 200 feet downstream of Conroe-By Spot Road. | *184 |
| | | West Fork of Crystal Creek | Approximately 300 feet upstream of State Highway 105. | *197 |
| | | Caney Creek | Approximately 400 feet upstream of State Highway 105. | *175 |
| Maps available for inspection at the home of Mayor Raymond Rushing, corner of Rolling Hills Road and Old Rt. 105, Cut and Shoot, Texas 77303. | | | | |
| Texas | Unincorporated areas of Montgomery County (FEMA-6574). | West Fork of San Jacinto River | Approximately 1,100 feet downstream of Missouri Pacific Railroad. | *124 |
| | | | Approximately 1,120 feet upstream of FM 2854 | *149 |
| | | Woodsons Gully | Approximately 550 feet upstream of Riley Fussel Road | *103 |
| | | White Oak Creek-West | Approximately 120 feet upstream of Piney Point Drive | *117 |
| | | White Oak west tributary No. 1 | Approximately 550 feet downstream of Long Leaf Drive. | *112 |

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | Crystal Creek | Approximately 300 feet upstream of Exxon Road | *128 |
| | | | Just upstream of Whipporwill Road | *200 |
| | | | Just downstream of dam (approximately 3,780 feet downstream of Powell Street). | *321 |
| | | | Just upstream of dam (approximately 3,780 feet downstream of Powell Street). | *327 |
| | | Crystal Creek tributary No. 1 | Approximately 120 feet upstream of Humble Road (downstream crossing). | *148 |
| | | West Fork of Crystal Creek | Approximately 250 feet upstream of Rocky Road | *156 |
| | | | Approximately 300 feet upstream of State Highway 105. | *197 |
| | | Crystal Creek tributary No. 2 | Approximately 300 feet upsteam of dam (approximately 800 feet above mouth). | *173 |
| | | | Just upstream of Deep Forest Drive | *176 |
| | | Crystal Creek tributary No. 3 | Just downstream of State Highway 105 | *181 |
| | | Crystal Creek tributary No. 4 | Approximately 250 feet upstream of Oak Leaf Road | *201 |
| | | Crystal Creek tributay No. 5 | Just upstream of Long Leaf Road | *206 |
| | | Carters Slough | Just upstream of White Birch Drive | *123 |
| | | Sandy Branch | Approximately 80 feet upstream of Stidham Road | *130 |
| | | Gleneagles diversion ditch | Approximately 1,800 feet upstream of Shallow Lane | *117 |
| | | Little Caney Creek | Approximately 350 feet upstream of Stidham Road | *126 |
| | | | Just upstream of Porter Highway (FM 1314) | *151 |
| | | Stewarts Creek | Just upstream of Crighton Road | *132 |
| | | | Just upstream of Avenue F | *175 |
| | | | Approximately 450 feet downstream of Dam (Approximately 2,800 feet downstream of U.S. Highway 75). | *241 |
| | | | Just upstream of dam (approximately 2,800 feet downstream of U.S. Highway 75). | *256 |
| | | Stewarts Creek tributary No. 1 | Approximately 250 feet downstream of Missouri Pacific Railroad. | *211 |
| | | | Approximately 1,750 feet upstream of Missouri Pacific Railroad. | *222 |
| | | Grand lake Creek | Approximately 100 feet upstream of North Rivershire Drive. | *158 |
| | | Alligator Creek | Approximately 300 feet downstream of Old Montgomery Road. | *168 |
| | | White Oak Creek, North | Approximately 330 feet upstream of State Highway 105. | *158 |
| | | Egypt Creek | Approximately 110 feet upstream of Old State Highway 105. | *179 |
| | | Sand Branch | Approximately 100 feet upstream of West Creek Drive | *175 |
| | | Base Creek | Approximately 100 feet downstream of old State Highway 105. | *172 |
| | | | Approximately 400 feet upstream of dam (approximately 400 feet upstream of old State Highway 105). | *197 |
| | | Bens Branch | Just upstream of Sorter's Road | *94 |
| | | Bebs Branch tributary No. 1 | Approximately 470 feet upstream of Martin Drive | *86 |
| | | | Approximately 600 feet upstream of Ford Road | *97 |
| | | Caney Creek | Just upstream of FM 1485 (East River Road) | *77 |
| | | | Just downstream of Atchison Topeka and Santa Fe Railway. | *169 |
| | | | Just downstream of Royal Bridge Road | *219 |
| | | Caney Creek tributary No. 1 | Just upstream of FM 1485 (East River Road) | *91 |
| | | Dry Creek | Approximately 580 feet upstream of FM 1485 | *99 |
| | | | Just upstream of FM 3083 | *154 |
| | | Spring Branch | Just upstream of Walker Drive | *118 |
| | | | Just upstream of old State Highway 105 | *172 |
| | | West Fork of Spring Branch | Approximately 230 feet upstream of old State Highway 105. | *177 |
| | | | Just upstream of Weaver Lane | *255 |
| | | McRae Creek | Approximately 100 feet upstream of FM 1484 | *225 |
| | | | Approximately 150 feet upstream of Tanyard Road | *309 |
| | | Camp Creek | Just upstream of FM 1884 | *218 |
| | | | Just upstream of Zapata Way | *254 |
| | | | Approximately 300 feet downstream of Missouri Pacific Railroad. | *320 |
| | | | Approximately 1,000 feet upstream of Missouri Pacific Railroad. | *337 |
| | | Caney Creek tributary No. 2 | Approximately 130 feet downstream of FM 1484 | *212 |
| | | | Approximately 500 feet upstream of dam (approximately 400 feet upstream of FM 1484). | *225 |
| | | Little Caney Creek No. 2 | Just downstream of Willis Mt. Zion Road | *258 |
| | | Caney Creek tributary No. 3 | Just upstream of Mount Zion Road | *262 |
| | | Peach Creek | Approximately 200 feet downstream of FM 1485 (East River Road). | *78 |
| | | | Just upstream of Holly Road | *111 |
| | | | Approximately 400 feet upstream of Walker Road | *194 |
| | | | Just upstream of Willis-Coldspring Road | *267 |
| | | Peach Creek tributary No. 1 | Just upstream of Dale Avenue | *100 |
| | | Waterhole Branch | Just upstream of Unnamed Road (approximately 3,150 feet above mouth). | *103 |
| | | Gulley Branch | Approximately 200 feet upstream of Lakeshore Drive (downstream crossing). | *106 |
| | | Peach Creek tributary No. 2 | Just upstream of Morgan Drive | *111 |
| | | Hightower Branch | Approximately 300 feet upstream of McShan Road | *128 |
| | | Jayhawker Creek | Just upstream of Atchison Topeka and Santa Fe Railway. | *138 |
| | | Bee Branch | Approximately 700 feet upstream of Fostoria Road | *144 |
| | | Lawrence Creek | Approximately 150 feet upstream of State Highway 105. | *154 |

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | Duck Creek | Approximately 650 feet upstream of Duck Road | *171 |
| | | Peach Creek Tributary No. 3 | Approximately 950 feet above mouth | *281 |
| | | | Just upstream of unnamed road (approximately 10,180 feet above mouth). | *329 |
| | | Spring Creek | Just upstream of Riley Fussel Road | *98 |
| | | | Approximately 600 feet upstream of Hufsmith-Conroe Road (FM 2978). | *151 |
| | | | Approximately 450 feet upstream of Cypress-Rosehill Road. | *176 |
| | | Sam Bell gully diversion channel | Approximately 900 feet downstream of Missouri Pacific Railroad. | *114 |
| | | | Approximately 150 feet upstream of Basswood Drive | *120 |
| | | Tributary to Sam Bell gully diversion channel | Just upstream of Robinson Road | *117 |
| | | Sam Bell gully | Approximately 150 feet upstream of Maplewood Road | *123 |
| | | Panther Branch | Approximately 600 feet upstream of MacDonald Road | *121 |
| | | | Approximately 100 feet upstream of FM 1488 | *167 |
| | | Panther Branch Tributary No. 1 | Approximately 3,800 feet above mouth | *114 |
| | | Bear Branch | Approximately 150 feet upstream of FM 2978 | *184 |
| | | | Just upstream of FM 1488 | *204 |
| | | Panther Branch Tributary No. 2 | Approximately 150 feet downstream of FM 1488 | *191 |
| | | Dry Creek No. 2 | Just downstream of Dry Creek Drive | *142 |
| | | | Just upstream of Dobbin-Huffsmith Road | *211 |
| | | Dry Creek No. 2 Tributary No. 1 | Just downstream of Glenda Drive | *211 |
| | | Mill Creek | Just upstream of Hardin Store Road | *160 |
| | | | Approximately 700 feet upstream of FM 149 | *181 |
| | | | Approximately 700 feet upstream of FM 1486 | *235 |
| | | Decker Branch | Approximately 350 feet upstream of Hardin Store Road. | *160 |
| | | | Just upstream of Rolling Wood Street | *193 |
| | | Goodson Branch | Approximately 2,300 feet upstream from dam (approximately 2,550 feet above mouth). | *196 |
| | | Decker Branch Tributary No. 1 | Approximately 420 feet upstream of Coe Road | *196 |
| | | Mill Creek Tributary No. 1 | Approximately 280 feet upstream of Little Thorn Lane | *194 |
| | | | Approximately 240 feet upstream of Gossamer Lane | *207 |
| | | Mill Creek Tributary No. 2 | Just upstream of Little Thorn Lane | *201 |
| | | | Approximately 80 feet upstream of Sunflower Lane | *220 |
| | | Mill Creek Tributary No. 3 | Just upstream of Cole Valley Drive | *213 |
| | | Mill Creek Tributary No. 4 | Approximately 1,150 feet above mouth | *197 |
| | | Mill Creek Tributary No. 5 | Approximately 130 feet upstream of FM 1486 | *246 |
| | | Walnut Creek | Approximately 150 feet downstream of Hunters Grove Road. | *176 |
| | | | Approximately 160 feet downstream of Nichols Sawmill Road. | *197 |
| | | Sulphur Branch | Just upstream of Green Oak | *219 |
| | | | Approximately 120 feet downstream of FM 1774 | *254 |
| | | Walnut Creek Tributary No. 1 | Approximately 100 feet upstream of Butera Road | *186 |
| | | Mink Branch | Approximately 450 feet downstream of Nichols Sawmill Road. | *204 |
| | | Arnold Branch | Approximately 80 feet upstream of Nichols Sawmill Road. | *221 |
| | | | Approximately 250 feet upstream of FM 1488 | *244 |
| | | Log Gully | Approximately 200 feet upstream of Alford Road | *228 |
| | | | Approximately 100 feet downstream of Lake Shore Drive. | *238 |
| | | | Just upstream of Lake Shore Drive | *244 |
| | | Brushy Creek | Approximately 300 feet upstream of Nichols Sawmill Road. | *198 |
| | | Threemile Creek | Approximately 1,300 feet above mouth | *206 |
| | | Mills Branch | Approximately 1,060 feet downstream of Hamblen Road. | *72 |
| | | East Fork San Jacinto River | Just upstream of East River Road (FM 1485) | *71 |
| | | Church House Gully | Just downstream of McGager DriveD*79 | |
| | | Orton Gully | Just downstream of McGinnis Monday Drive | *74 |
| | | Live Branch | Approximately 70 feet upstream of State Highway 830 | *210 |
| | | | Just upstream of Anderson Road | *239 |
| | | Bell Creek | Approximately 250 feet upstream of State Highway 830. | *211 |
| | | Lewis Creek | Approximately 350 feet downstream of Back Toe of Dam. | *212 |
| | | Weirs Creek | Just downstream of Calvert Road | *220 |
| | | | Approximately 150 feet upstream of Interstate Highway 45. | *273 |
| | | Chambers Creek | Approximately 1,900 feet above mouth | *216 |
| | | Shepard Branch | Approximately 350 feet upstream of Shepard Hill Road | *250 |
| | | Weirs Creek Tributary No. 1 | Approximately 150 feet upstream of U.S. Highway 75 | *280 |
| | | Hosstetter Creek | Approximately 350 feet upstream of Wruff Wruff Road | *209 |
| | | Gum Branch | Approximately 80 feet upstream of Old Fire Trail | *204 |
| | | Rush Creek | Just downstream of Dam (approximately 1,300 feet downstream of Comanche Road). | *210 |
| | | | Just downstream of Comanche Road | *220 |
| | | Rush Creek Tributary No. 1 | Approximately 100 feet downstream of Tejas Road | *211 |
| | | Rush Creek Tributary No. 2 | Approximately 160 feet downstream of Dam (approximately 850 feet upstream of Comanche Road). | *216 |
| | | | Approximately 100 feet downstream of Cheyenne Road. | *249 |
| | | Martin Creek | Approximately 130 feet downstream of Roman Hill Boulevard. | *225 |
| | | | Approximately 470 feet upstream of Roman Hill Boulevard. | *237 |

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | Stewart Creek North | Approximately 450 feet upstream of Walden Road | *209 |
| | | | Just downstream of FM 149 | *267 |
| | | Atkins Creek | Approximately 200 feet upstream of FM 1097 | *236 |
| | | Town Creek | Approximately 350 feet upstream of Clepper Road | *224 |
| | | | Approximately 400 feet upstream of FM 149 | *242 |
| | | Town Creek Tributary No. 1 | Just upstream of Bethel Road | *249 |
| | | | Just upstream of FM 1097 | *273 |
| | | Town Creek Tributary No. 2 | Approximately 100 feet downstream of State Highway 105. | *265 |
| | | Carwile Creek | Approximately 1,000 feet above mouth | *252 |
| | | Lake Creek | Just upstream of Honea-Egypt Road | *150 |
| | | | Just upstream of FM 149 | *186 |
| | | | Approximately 600 feet upstream of Dacus Road | *230 |
| | | Fish Creek | Approximately 200 feet downstream of Atchison, Topeka and Santa Fe Railway. | *228 |
| | | | Approximately 500 feet upstream of Dam (Approximately 300 feet upstream of FM 2854). | *239 |
| | | Mound Creek | Approximately 350 feet upstream of Honea-Egypt Road. | *180 |
| | | | Approximately 240 feet upstream of FM 2854 (upstream crossing). | *248 |
| | | Deer Lake Branch | Approximately 150 feet downstream of Buckridge Road. | *201 |
| | | | Just upstream of Buckridge Road | *211 |
| | | Mound Creek Tributary No. 1 | Just downstream of Dam (Approximately 4,500 feet above mouth). | *230 |
| | | | Approximately 170 feet downstream of Stinson Lane | *247 |
| | | Lake Creek Tributary No. 1 | Approximately 140 feet upstream of Pin Oak Road | *164 |
| | | Lake Creek Tributary No. 2 | Approximately 100 feet upstream of Boars Head Road | *155 |
| | | Lake Creek Tributary No. 3 | Just downstream of Dam (Approximately 22,200 feet above mouth). | *249 |
| | | | Just upstream of Dam (Approximately 22,200 feet above mouth). | *255 |
| | | Landrum Creek | Approximately 100 feet upstream of Spring Branch Road. | *207 |
| | | Spring Branch No. 2 | Just upstream of Spring Branch Road | *269 |
| | | | Approximately 70 feet upstream of FM 149 | *283 |
| | | Lake Creek Tributary No. 4 | Approximately 470 feet upstream of Jackson Road | *202 |
| | | | Just upstream of FM 1486 | *239 |
| | | Lake Creek Tributary No. 5 | Approximately 140 feet downstream of Tri-Lake Road | *253 |
| | | | Approximately 250 feet upstream of Tri-Lake Road | *265 |
| | | Caney Creek No. 2 | Approximately 1,000 feet upstream of FM 1486 | *213 |
| | | | Approximately 600 feet upstream of Old State Highway 105. | *220 |
| | | Lake Creek Tributary No. 6 | Just upstream of State Highway 105 | *228 |
| | | Lake Creek Tributary No. 7 | Approximately 170 feet upstream of FM 1486 | *221 |
| | | | Approximately 170 feet downstream of Mount Mariah Road. | *240 |
| | | | Approximately 70 feet upstream of Mount Mariah Road. | *247 |
| | | Little Caney Creek No. 3 | Approximately 200 feet upstream of FM 1486 | *218 |
| | | Kidhaw Branch | Approximately 120 feet upstream of FM 149 | *313 |
| | | Little Lake Creek | Approximately 350 feet upstream of FM 149 | *221 |
| | | Little Lake Tributary No. 1 | Just upstream of Big Oak Drive | *213 |
| | | Little Lake Tributary No. 2 | Just upstream of Blue Water Road | *220 |
| | | | Just upstream of Forest Woods Lane | *226 |
| | | Little Lake Tributary No. 3 | Approximately 1,300 feet above mouth | *215 |
| | | Little Lake Tributary No. 4 | Approximately 170 feet upstream of FM 149 | *234 |
| | | Little Lake Tributary No. 5 | Approximately 500 feet upstream of Bailey Grove Road. | *231 |
| | | Pole Creek | Approximately 1,000 feet above mouth | *240 |
| | | Sand Branch No. 2 | Approximately 160 feet above Unimproved Road (approximately 4,100 feet above mouth). | *260 |
| | | Caney Creek North | Approximately 760 feet above FM 1375 | *236 |
| | | | Approximately 600 feet above FM 1791 | *277 |
| | | Kelley Branch | Approximately 70 feet upstream of Osborn Road | *251 |
| | | Green Branch | Approximately 270 feet upstream of FM 1375 | *249 |
| | | Caney Creek North Tributary No. 1 | Approximately 760 feet above mouth | *240 |
| | | Anthony Branch | Approximately 200 feet downstream of FM 149 | *298 |
| | | Caney Creek North Tributary No. 2 | Approximately 230 feet upstream of FM 1791 | *301 |
| | | Caney Creek North Tributary No. 3 | Approximately 1,000 feet above mouth | *265 |
| | | Bay Branch | Just upstream of FM 1791 | *278 |
| | | | Approximately 200 feet downstream of FM 149 | *315 |
| Maps available for inspection at County Clerk's Office, County Courthouse, Main and Davis Streets, Conroe, Texas 77301. | | | | |
| Texas | City of Oak Ridge North, Montgomery County (FEMA-6574). | Sam Bell gully | Just downstream of Ridgewood Road | *130 |
| | | | Just upstream of Robinson Road | *133 |
| Maps available for inspection at City Secretary's Office, City Hall, 27506 Interstate 45, Oak Ridge North, Texas 77380. | | | | |
| Texas | City of Panorama Village, Montgomery County (FEMA-6574). | Stewarts Creek | Approximately 250 feet downstream of Farm Road 830. | *277 |
| | | White Oak Creek North | Approximately 200 feet upstream of League Line Road | *254 |
| Maps available for inspection at City Secretary's Office, City Hall, 98 Hiwon Drive, Panorama Village, Texas 77304. | | | | |
| Texas | City of Patton Village, Montgomery County (FEMA-6574). | Peach Creek | Just downstream of Southern Pacific Railroad | *96 |
| | | Peach Creek Tributary No. 1 | Just downstream of Short Street (extended) | *96 |

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Maps available for inspection at City Hall, Patton Village, Texas 77372. Send comments to Mayor Wilson Holder or Mr. Glen McDonald, Police Chief, City Hall, P.O. Box 437, Splendora, Texas 77372 | | | | |
| Texas | City of Roman Forest, Montgomery County (FEMA-6574). | Peach Creek | Just upstream of Roman Forest Boulevard | *86 |
| | | Peach Creek tributary No. 1 | Approximately 400 feet west of the intersection of Michelangelo Drive and Catacombs Drive. | *94 |
| | | East Fork of San Jacinto River | Approximately 2,250 feet downstream of Roman Forest Boulevard. | *85 |
| Maps available for inspection at City Hall, 1603 Roman Forest Boulevard, Roman Forest, Texas 77367. | | | | |
| Texas | City of Splendora, Montgomery County (FEMA-6574) | Peach Creek | Approximately 900 feet upstream of FM 2090 | *107 |
| Maps available for inspection at City Library, City Hall, Splendora, Texas 77372. | | | | |
| Texas | City of Willis, Montgomery County (FEMA-6574) | Crystal Creek | Approximately 80 feet upstream of Montgomery Street | *358 |
| Maps available for inspection at City Secretary's Office, City Hall, 200 North Bell Street, Willis, Texas 77378. | | | | |
| Vermont | Castleton town, Rutland County (FEMA Docket No. 6574). | Castleton River | Downstream corporate limits | *371 |
| | | | Upstream of Blissville Road | *373 |
| | | | Approximately 200 feet upstream of State Route 30 | *383 |
| | | | Upstream of State Route 4A | *393 |
| | | | Upstream of North Road | *415 |
| | | | Confluence of North Breton Brook | *424 |
| | | | Upstream of Crampton Road | *440 |
| | | | Upstream of Bridseye Road | *469 |
| | | | Upstream corporate limits | *470 |
| | | North Breton Brook | Confluence with Castleton | *424 |
| | | | Downstream of East Hubbardton Road, second crossing. | *453 |
| Maps available for inspection at the Town Clerk's Office, Castleton, Vermont. | | | | |
| Vermont | Marshfield, town, Washington County (FEMA Docket No. 6470). | Winooski River | Downstream corporate limits | *751 |
| | | | Downstream of Town Road 57 | *759 |
| | | | Upstream of Town Road 48 | *776 |
| | | | Upstream of Town Road 38 | *782 |
| | | | Upstream of Town Road 12 | *867 |
| | | | Upstream corporate limits | *888 |
| Maps available for inspection at the Town Clerk's Office, Marshfield, Vermont. | | | | |
| Vermont | Marshfield, village, Washington County (FEMA Docket No. 6470). | Winooski River | Downstream corporate limits | *791 |
| | | | Downstream of Marshfield Dam | *809 |
| | | | Upstream of U.S. Route 2 | *848 |
| Maps available for inspection at the Village Offices, Marshfield, Vermont. | | | | |
| Virginia | Hampton, city, independent city (FEMA Docket No. 6546). | Chesapeake Bay | Shoreline of Southwest Branch Back River at Boeing Road (extended). | *10 |
| | | | Shoreline of Southwest Branch Back River at Meribeth Road (extended). | 11 |
| | | | Shoreline of Back River 500 feet southwest of Stoney Point. | *12 |
| | | | Shoreline of Back River at Stony Point | *13 |
| | | | Entire shoreline of Chesapeake Bay within community | *13 |
| | | | Shoreline of Hampton River at Victoria Boulevard (extended). | *9 |
| | | | Shoreline of Hampton Roads at Segar Street (extended). | *11 |
| | | | Shoreline of Hampton Roads at Congress Avenue (extended). | *12 |
| | | | Shoreline of Mill Creek at Cumming Avenue (extended). | *11 |
| | | | Shoreline of Mill Creek at Ambrose Street (extended) | *10 |
| Maps available for inspection at the Planning and Zoning Department, City Hall, Hampton, Virginia. | | | | |
| Washington | North Bend (city), King County, FEMA-6449 | South Fork Snoqualmie River | 50 feet downstream from center of Chicago, Milwaukee, St. Paul and Pacific Railroad. | *429 |
| | | Middle Fork Snoqualmie River | At the intersection of Ballarat Avenue Northeast and Northeast 8th Street. | #2 |
| Maps available for inspection at City Hall, 211 Main Avenue North, North Bend, Washington. | | | | |
| West Virginia | Clendenin, town, Kanawha County (FEMA Docket No. 6568). | Elk River | Downstream corporate limits | *629 |
| | | | Confluence of Big Sandy Creek | *630 |
| | | | Upstream corporate limits | *630 |
| | | Big Sandy River | Confluence with Elk River | *630 |
| | | | Upstream corporate limits | *630 |
| Maps available for inspection at the Mayor's Office, Town Hall, Maywood and 1st Avenues, Clendenin, West Virginia. | | | | |

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Montana | Gallatin County (unincorporated areas) (FEMA-6262) | Bozeman Creek | Intersection of creek and center of Nash Road | *5,166 |
| | | Bridger Creek | Upstream side of an Irrigation Drop Structure located approximately 150 feet upstream from the center of State Highway 293. | *4,797 |
| | | East Gallatin River | Intersection of creek and center of Airport Road | *4,461 |
| | | Buster Gulch | 100 feet upstream from center of the most downstream crossing of Nelson Road. | *4,478 |
| | | West Gallatin River | Intersection of the river and the upstream side of State Highway 347 (Amsterdam Road). | *4,432 |
| | | | The area along Axtell Gateway Road, approximately 200 feet south of the intersection of McReynolds Road and Axtell Gateway Road. | *4,852 |
| | | Baker Creek Area | 100 feet upstream from center of drainage line crossing of Linney Road. | *4,430 |
| | | Camp Creek | Area just on the upstream (south) side of Interstate Highway 90. | *4,263 |
| | | Baker Creek West Overflow | Intersection of overflow and center of Veltkamp Road | *4,435 |
| | | Jefferson River | Intersection of Front Road and Sebena Road | *4,080 |
| | | Madison River | Intersection of river and center of U.S. Highway 10/ County Route 205. | *4,065 |
| Maps available for inspection at County Surveyor's Office, Gallatin County Courthouse, Bozeman, Montana. | | | | |
| Washington | Aberdeen (city), Grays Harbor County (FEMA-6286) | Grays Harbor | Intersection of S. Washington Street and W. Heron Street. | *10 |
| | | | Intersection of Bay Avenue and N. Conger Street | *10 |
| | | Wilson Creek | Intersection of Fairfield Street and Summit Street | *12 |
| | | Wishkah River | Intersection of Thomas Street and Sheridan Street | *10 |
| Maps available for inspection at Engineering Department, 200 E. Market Street, 2nd Floor, Aberdeen, Washington. | | | | |

(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; and E.O. 12127, 44 FR 19367)

Dated: March 7, 1984.

**Jeffrey S. Bragg,**

*Administrator, Federal Insurance Administration.*

[FR Doc. 84-8761 Filed 4-3-84; 8:45 am]

BILLING CODE 6718-03-M

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

### 46 CFR Part 310

### Merchant Marine Training

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Maritime Administration (MARAD) is amending its merchant marine training regulations to implement a 10 percent reduction in the number of student incentive payments offered to incoming students at the state maritime academies/colleges, to ease the administration of various program requirements for MARAD and to lessen the burdens imposed on state maritime academies.

**EFFECTIVE DATE:** April 4, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edwin M. Hackett, Academies Program Officer, Office of Maritime Labor & Training, Maritime Administration—DOT, 400 Seventh Street, SW, Room 7302, Washington, DC 20590, Telephone: (202) 426–5759.

**SUPPLEMENTARY INFORMATION:** The Maritime Administration provides federal support to six state maritime schools located in California, Maine, Massachusetts, Michigan, New York and Texas. Financial support consists of an annual assistance payment for the maintenance and support of the school, student incentive payments, loan of a government owned training vessel and funds for its maintenance and repair. This rulemaking amends 46 CFR Part 310 to (1) effect a 10 percent reduction in the number of student incentive payments offered to incoming students at the state maritime academies/colleges; (2) delete the restrictive recency of service requirement for state maritime school training ship commanding officers; and (3) effect a number of minor changes in the state maritime academy regulations. The amendments to Subpart A follows:

*Section 310.3 Schools and Courses*—This section changes the address where Federal Curriculum Standards may be obtained, to reflect the relocation of the Maritime Administration.

*Section 310.5 Personnel*—This section deletes the restrictive recency of service requirement for training ship commanding officers. The requirement that acceptable candidates for training ship commanding officer must have served at least two years within the immediate last five years, at command or executive officer levels, has been found to be too restrictive insofar as the recency of service portion of this requirement is concerned. The field of qualified applicants has been unnecessarily restricted by this recency of service requirement imposed by Federal regulation. The selection of the commanding officer for a training ship is the ultimate responsibility of the state maritime academy and the respective state. Recency of service is one of a number of factors which are appropriate for evaluation of a commanding officer by state selection officials and is not deemed to be such an overriding factor as to be required by Federal regulation.

*Section 310.7 Federal student subsistence allowances and student incentive payments*—This provision reduces the annual student incentive payment allocations to each state maritime academy and college by ten percent, after a special adjustment involving a decrease in the allocation for the State University of New York Maritime College. It also changes the reference to "Secretary of Transportation" to "Secretary of Commerce," with respect to the reference to the Department in which the National Oceanic and Atmospheric Administration operates.

The special adjustment for the State University of New York Maritime College stems from an administrative action taken by MARAD in January 1982, with the consent of that school. MARAD reduced the State University of New York Maritime College's allocation by 29 incentive payments for 251 to 222. This administrative action resulted from a MARAD policy decision, in cooperation with each state maritime

academy and college, to extend the deadline from October to February for selecting students to receive the student incentive payment. The state maritime academies requested this deadline extension because students selected to receive the incentive payment in October did not always remain with the educational program after the first grading period in December. Once an individual disenrolled from a school, the incentive payment was lost to the program since substitution of students is not permitted. Extending the selection deadline until February reduced the first year student attrition by approximately 8 percent, which would have increased the dollar outlays for incentive payments. As a result, MARAD decided to reduce its contribution by 29 incentive payments in order to remain within the $2.6 million annual appropriation for such payments. The reduction of 29 student incentive payments was made at the State University of New York Maritime College because they have the highest ratio of incentive payments to students in the entering class. The resulting total number of incentive payments allocated to all schools in 1982 was 644.

As stated above we are amending the provisions of the existing regulations to achieve a 10 percent reduction in the number of student incentive payments offered to incoming students at each of the state maritime schools. This amendment reduces the number of annual student incentive payments from 644 to 580 and changes the allocation of incentive payments to each state school. This reduction in Federal incentive payment support is necessary because it is estimated that there are 37 percent more deck officers and 21 percent more engine officers than are needed to maintain an adequate deck and engine officer workforce for our present active fleet of large ocean going ships through 1986. The state maritime schools presently receive incentive payments for approximately 71 percent of their entering classes which total 907 students. The 10 percent reduction will bring the subsidized student level to 64 percent or 580 students.

*E.O. 12291, Statutory Requirements and DOT Procedure*

The Maritime Administrator has made a determination that this rulemaking is not a major rule as defined by E.O. 12291. Under DOT regulator policies and procedures (44 FR 11034; February 26, 1979), this rule is considered to be nonsignificant. A savings of $76,800 will be realized by reducing the student incentive payments from 644 to 580 based on a $1,200 payment per student. The economic impact of this proposal will affect 644 incoming students at 6 state academies. The impact of reducing by 10 percent or 64 incentive payments has been found to be so minimal that further regulatory evaluation is unnecessary. Since this rule affects only students at and applicants to the state academies, the Maritime Administrator certifies that the regulation would have no significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act of 1980 (Pub. L. 96–354). The regulation contains no new or amended reporting requirement within the scope of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

The recruiting and interviewing process for the state maritime academy classes, that will begin with the classes entering the state academies in June 1984, is under way. Therefore, each academy must be notified as soon as possible of the number of incentive payments that will be available to it to avoid creating financial hardship for students needing financial assistance. Moreover, the Maritime Administration regularly and periodically issues regulations on merchant marine training as final rules, without opportunity for comment, since it believes it would not receive any substantive or meaningful comments on the subject. Accordingly, pursuant to 5 U.S.C. 553, MARAD finds that notice and public procedure are unnecessary and impracticable. MARAD also believes that good cause exists for making this rule effective upon publication, since it is imperative that these state academies be notified as early as possible of the number of incentive payments that will be available for their incoming students.

**List of Subjects in 46 CFR Part 310**

Grant programs, Education, Maritime Administration, Schools, Seamen.

Accordingly, 46 CFR Part 310 is amended in Subpart A as follows:

## PART 310—MERCHANT MARINE TRAINING

### Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges.

**§ 310.3 [Amended]**

1. Section 310.3, *Schools and Courses,* is amended by revising paragraph (c)(3) to read:

* * * * *

(c) * * *

(3) Copies of the Federal Curriculum Standards for Merchant Marine Officers Training Program at the State maritime academies may be obtained from the Maritime Administration, Office of Maritime Labor and Training, 400 Seventh Street, SW, Washington, DC 20590.

**§ 310.5 [Amended]**

2. Section 310.5, *Personnel,* is amended by revising paragraph (b)(1) to read:

* * * * *

(b) * * *

(1) *Commanding Officer.* The Commanding Officer shall hold a valid Master's Ocean, Unlimited Tonnage license including Radar Observer endorsement issued by the United States Coast Guard and shall have served at least two (2) years as Master, Chief Officer, Commanding Officer, or Executive Officer either (i) on oceangoing vessels under the authority of said Master's Ocean, Unlimited Tonnage license, or (ii) in the case of sea service as a member of the Uniformed Services of the United States, on ships accepted by the United States Coast Guard as equivalent for qualifying service for issue of a Master's Ocean, Unlimited Tonnage license.

**§ 310.7 [Amended]**

3. Section 310.7, *Federal student subsistence allowances and student incentive payments,* is amended:

a. By amending the second sentence of paragraph (a)(1) to read:

* * * * *

(a) * * *

(1) * * * The freshman subsidy allocations for each school are as follows: California Maritime Academy 99; Maine Maritime Academy 135; Massachusetts Maritime Academy 69; State University of New York Maritime College 200; Great Lakes Maritime Academy 45; and the Texas Maritime College 32.

b. By revising the second sentence of paragraph (b)(9) to read:

* * * * *

(b) * * *

(9) * * * However, the Secretary of the department in which the United States Coast Guard is operating and the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration, which has jurisdiction over such service shall approve any deferment of service as a commissioned officer.

Authority: Section 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)); Pub. L. 97–31 (August 6, 1981); 49 CFR 1.66 (46 FR 47458, September 28, 1981).

Dated: March 1, 1984.

By Order of the Maritime Administrator.

Murray A. Bloom,

*Assistant Secretary.*

[FR Doc. 84-8925 Filed 4-3-84; 8:45 am]

BILLING CODE 4910-81-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Ch. I

**[CC Docket No. 78-72; Phase I]**

### MTS and WATS Market Structure

**AGENCY:** Federal Communications Commission.

**ACTION:** Petition for reconsideration; Order granting waiver.

**SUMMARY:** The Federal Communications Commission, by its Common Carrier Bureau, has granted a motion filed by American Telephone and Telegraph Company ("AT&T") in which they requested permission to file a supplemental petition for reconsideration, in addition to AT&T's 25-page emergency petition for reconsideration, of the Commission order on further reconsideration in CC Docket No. 78-72, 49 FR 7810 (March 2, 1984). Absent a waiver, § 1.429(d) of the Commission's Rules precludes the filing of AT&T's supplemental petition. The Bureau found the request to be in the public interest in light of the importance of this proceeding and the unique circumstances under which this request was made. AT&T was granted a waiver allowing it to file a supplemental petition for reconsideration not in excess of 15 pages.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** William Kirsch, Common Carrier Bureau, (202) 632-9342.

### Order Granting Waiver

In the matter of MTS and WATS Market Structure; CC Docket No. 78-72, Phase I.

Adopted: March 27, 1984.
Released: March 28, 1984.

By the Chief, Common Carrier Bureau.

1. On March 23, 1984, American Telephone and Telegraph Company ("AT&T") filed in the above-captioned proceeding a Conditional Motion to File a Supplemental Petition for Reconsideration in Excess of the Page Limitation of § 1.429(d) of the Commission's Rules. Earlier, on February 27, 1984, AT&T filed an Emergency Petition for Reconsideration which was 25 pages in length. AT&T filed the present motion conditionally because it does not believe that the 25-page limitation contained in Section 1.429(d) constrains if from filing a Supplemental Petition. It asks the Commission to act on this motion only to the extent considered necessary.

2. AT&T states that the Emergency Petition addressed the issue of the potentially confiscatory result caused by the interplay of the Commission's recent Orders in CC Dockets 78-72 and 83-1145.[1] In AT&T's view, the question is whether the 25-page limitation of § 1.429(d) could be construed to prevent any supplement to AT&T's 25-page Emergency Petition. AT&T argues that it would be inappropriate to construe the rule in this manner in view of the fact that the Emergency Petition raised issues not limited solely to this proceeding. AT&T argues that its Emergency Petition raising the single issue of the interplay of the two Orders should not preclude AT&T from raising further issues in each Docket in the normal course.

3. Section 1.429(d) clearly applies to the AT&T Emergency Petition and, absent a waiver, AT&T is precluded from filing a supplementary petition. We recognize, however, the importance of this proceeding and the unique circumstances under which this request has been made. As a result we find that it is in the public interest to allow AT&T to have the opportunity to file a supplementary petition for reconsideration of other issues. Therefore, we will waive the page limitation for AT&T in this instance and permit AT&T to file a supplementary petition not to exceed 15 pages.[2] Other parties will not be prejudiced by our waiver for AT&T because AT&T will still be required to file in a timely manner. In addition, the Emergency Petition has already been available for review for a considerable period of time.

4. For those parties which have already filed an opposition to the AT&T Emergency Petition, we will allow them to file in a timely manner a supplementary opposition subject to the page limitation contained in § 1.429(f) of the Commission's Rules. This page limitation does not include the initial filing in opposition.

5. Accordingly, it is ordered that the Conditional Motion of American Telephone and Telegraph Company to File a Supplemental Petition for Reconsideration in Excess of the Page Limitation of § 1.429(d) of the Commission's Rules is granted.

6. It is further ordered that such filing may not exceed 15 pages in length.

7. This Order is issued under § 0.291 of the Commission's Rules and is effective on its adoption date.

Federal Communications Commission.

**Jack D. Smith,**

*Chief, Common Carrier Bureau.*

[FR Doc. 84-8872 Filed 4-3-84; 8:45 am]

BILLING CODE 6712-01-M

[1] Memorandum Opinion and Order, CC Docket No. 78-72, 49 FR 7810 (Mar. 2, 1984); Memorandum Opinion and Order, CC Docket No. 83-1145, 49 FR 9174 (Mar. 12, 1984).

[2] AT&T stated that its supplementary petition will be no more than 15 pages and requested that we permit it to file such a petition with this limitation.

### 47 CFR Part 0

### Amendment of the Commission's Rules To Update Regulations Dealing With the Freedom of Information Act and the Privacy Act

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action updates Part 0 of the Commission's rules dealing with provisions of the Freedom of Information Act and the Privacy Act.

This action is taken by the Commission to incorporate changes to the titles and organizational structure of the Commission's Bureaus and Offices and in the location of Commission offices. Editorial changes were also made to simplify language where possible.

**DATE:** Effective May 7, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Kathleen Fagan, Office of Managing Director, (202) 632-6390.

**List of Subjects in 47 CFR Part 0:**

Freedom of information, Organization and functions (Gov't agencies), Privacy.

### Order

In the matter of amendment of Part 0 of the Commission's Rules to Update Regulations dealing with the Freedom of Information Act and the Privacy Act.

Adopted: March 26, 1984.
Released: March 29, 1984.

The Managing Director has reviewed certain sections of Part 0 of the Commission's rules and regulations and has determined that several revisions are required.

Editorial changes were made to incorporate changes in organizational titles, changes in office location and to update outdated information. Some changes in grammar and organization of materials were also made.

Since these changes are procedural in nature and represent no substantive

changes in the Commission's rules, there is no need for public notice and comments thereon (See 5 U.S.C. 553(b)). Authority for this action is contained in Section 4(i) and (303(n) of the Communications Act of 1934, as amended, 147 U.S.C. 154(i) and 202(n) and § 0.23(d) of the Commission's rules and regulations. (47 CFR 0.231(d)).

Accordingly, Part 0 of the Commission's rules and regulations is amended as set forth in the attached Appendix, effective May 7, 1984.

Federal Communications Commission.

**Edward J. Minkel,**

*Managing Director.*

**PART 0—[AMENDED]**

In Title 47, Code of Federal Regulations, Part 0 is amended to read as follows:

1. In § 0.461, paragraphs (b)(1), (d) (1) and (2), (e), (f)(4), (g) and (g)(3), (h) (2), (3), and (4), (k), and the undesignated paragraph following (k)(3), are revised to read as follows:

**§ 0.461 Requests for inspection of materials not routinely available for public inspection.**

* * * * *

(a) * * *

(b)(1) Requests shall be captioned "Freedom of Information Act Request," shall be dated, shall list the telephone number (if any) of the person making the request and, for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document.

* * * * *

(d)(1) Requests shall be delivered or mailed to the Managing Director. (For purposes of this section, the custodian of the records is the Chief of the appropriate Bureau or Office.)

(2) If the request is enclosed in an envelope, the envelope shall be marked, "Freedom of Information Act Request."

* * * * *

(e) When the request is received by the Managing Director, it will be assigned to the Freedom of Information Act (FOIA) Control Office, where it will be date-stamped and assigned to the custodian of the records.

(f) * * *

(4) If it is determined that the Commission does have authority to withhold the records from public inspection, the considerations favoring disclosure and non-disclosure will be weighed in light of the facts presented, and the request will be granted, either conditionally or unconditionally, or denied.

* * * * *

(g) The custodian of the records will make every effort to act on the request within 10 working days after it is received by the FOIA Control Office.

(1) * * *

(2) * * *

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the Commission. If these circumstances are not present or if it is not possible to locate the records and make the determination within the extended period, the person or persons who made the request will be advised of their rights and asked to consent to an extension or further extension. If the requestor agrees to an extension, the custodian of the records will confirm the agreement in a letter specifying the length of the agreed-upon extension. If he does not agree to an extension, the request will be denied, on the grounds that the custodian has not been able to locate the records and/or to make the determination within the period for a ruling mandated by the Freedom of Information Act, 4 U.S.C. 552. * * *

(h)(1) * * *

(2) If the request for inspection of records submitted to the Commission in confidence under § 0.457(d) or § 0.459 is partially granted and partially denied, the person who submitted the records to the Commission and the person who filed the request for inspection of those records may file an application for review within the 10 working days after the date of the written ruling. The application for review and the envelope containing it (if any) shall be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION." The application for review shall be delivered or mailed to the General Counsel. If either person files an application for review, it shall be served upon the other person.

* * * * *

(3) If the application for review filed by either person is denied, that person will be notified in writing and advised of their rights.

(4) If an application for review filed by the person who submitted the records to the Commission is denied, or if the records are made available on review which were not initially made available, the person who submitted the records to the Commission will be afforded 10 working days from the date of the written ruling in which to move for a judicial stay of the Commission's action. If a motion for stay is not made within this period, the record will be produced for inspection.

* * * * *

(i) * * *

(j) * * *

(k) The Commission will make every effort to act on an application for review of an action on a request for inspection of records within 20 working days after it is filed. See, however, paragraph (h)(2) of this section. If it is not possible to locate the records and to determine whether they should be made available for inspection within 20 working days, the General Counsel may, in the following circumstances and to the extent time has not been extended under paragraphs (g) (1) (2) (3) of this section, extend the time for action up to 10 working days. (The total period of extensions taken under this paragraph and under paragrah (g) of this section without the consent of the person who submitted the request shall not exceed 10 working days.):

(1) * * *

(2) * * *

(3) * * *

If these circumstances are not present or if it is not possible to locate the records and make the determination within the extended period, the person who made the request will be advised of his/her rights and asked to consent to an extension or further extension. If the requester or person who made the request agrees to an extension, the General Counsel will confirm the agreement in a letter specifying the length of the agreed-upon extension. If the requestor or person who made the request does not agree to an extension, the Commission will continue to search for and/or assess the record and will advise the person who made the request of further developments; but that person may file a complaint in an appropriate United States district court.

* * * * *

2. In § 0.463, paragraphs (a) and (b) are revised to read as follows:

**§ 0.463 Demand by competent authority for the production of documents or testimony concerning information contained therein.**

(a) In the event that a demand (subpoena, order or other demand) is made by a court or other competent authority outside the Commission for the production of records or files or for testimony concerning information contained therein, the Managing Director shall promptly be advised of such demand, the nature of the papers or information sought, and all other relevant facts and circumstances. The Commissioin will thereupon issue such instructions as it may deem advisable.

(b) Unless specifically authorized to produce such records or files or to

testify with respect thereto, any officer or employee of the Commission who is served with a demand for the production of records or files or testimony concerning the same, shall appear in response to the demand and respectfully decline to produce such records or files or to testify concerning them, basing the refusal upon this rule.

3. In § 0.465, paragraph (a), including the note following (a), the address for the current contractor in (b), the last sentence in (c)(2), paragraphs (d) (1) and (3) are revised to read as follows:

**§ 0.465 Request for copies of materials which are available, or made available, for public inspection.**

(a) The Commission awards a contract to a commercial duplication firm to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of lowest overall cost and best service to the public. In addition to the cost of copying, the contractor may charge a search fee for extracting the requested documents from the Commission's files. The search fee charged by the contractor shall be that price set forth in the latest contract.

Note.—Currently, the Contractor is International Transcription Services, Inc., 4006 University Drive, Fairfax, VA, 22030 (Tel. 703 532–2400). The current contract specifies a search fee of $12.00 per hour. The duplication fee for 8½×11 inch documents is .049 cents per page; the coin-operated copying machines are set at 5 cents per page (August 1983). Copies of the FCC Telephone Directory are also available from the Contractor.

(b) * * * Requests for copies of the transcript of current proceedings should be directed to the current contractor, International Transcription Services, Inc., 4006 University Drive, Fairfax, VA 22030 (Tel. 703 352–2400).

* * * * *

(c)(1) * * *

(2) * * * Coin-operated photocopy machines are available for use by the public in various reference rooms for the duplication of records available for inspection at those locations.

(3) * * *

(4) * * *

(d)(1) Copies of computer maintained data bases produced by the Commission may be obtained from the National Technical Information Service (NTIS), Department of Commerce, in the form of computer tapes, or as microfiche. These materials are not available directly from the Commission. Data bases produced by the Commission are listed in two catalogs which may be obtained from NTIS. Extracts from these catalogs pertaining to the Commission are available without charge, from the Commission's Consumer Assistance and Small Business Division. The materials describe the data base, state the estimated fee for providing it, and specify ordering information.

(2) * * *

(3) Copies of computer source programs and associated documentation produced by the Commission may be obtained from the Computer Applications Division, Office of Managing Director. Requests shall be limited to computer source programs and associated documentation in existence when the request is submitted;

* * * * *

4. In § 0.466, paragraph (a), the second paragraph of the note, and paragraph (g) are revised to read as follows:

**§ 0.466 Search fee.**

(a) Subject to the provisions of this section, an hourly fee may be charged for recovery of the direct costs of searching for records requested under § 0.460(d) or § 0.461. The fee is based on the grade level of the employee(s) who makes the search, as specified in the following schedule:

| Grade | Hourly fee |
|---|---|
| GS–2 | 5.89 |
| GS–3 | 6.64 |
| GS–4 | 7.45 |
| GS–5 | 8.34 |
| GS–6 | 9.30 |
| GS–7 | 10.33 |
| GS–8 | 11.44 |
| GS–9 | 12.64 |
| GS–10 | 13.92 |
| GS–11 | 15.29 |
| GS–12 | 18.32 |
| GS–13 | 21.79 |
| GS–14 | 25.75 |
| GS–15 | 30.29 |

Note.—* * * The above fees were computed at Step 5 of each grade (based on the General Schedule effective January 1984) and include 11.0 percent for personnel benefits.

* * * * *

(g) The fee shall be paid to the Financial Management Division, Office of Managing Director, or as otherwise directed by the Commission.

* * * * *

5. Section 0.475 is revised to read as follows:

**§ 0.475 Applications for employment.**

Persons who wish to apply for employment should communicate with the Associate Managing Director-Personnel Management.

6. In § 0.551, paragraph (b)(2) is revised to read as follows:

**§ 0.551 Purpose and scope; definitions.**

(a) * * *

(b) * * *

(2) "Record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including but not limited to, such individual's education, financial transactions, medical history, and criminal or employment history, and that contains such individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

* * * * *

7. In § 0.552, the introductory paragraph is revised to read as follows:

**§ 0.552 Notice identifying Commission systems of records.**

The Commission publishes in the **Federal Register** upon establishment or revision a notice of the existence and character of the system of records, including for each system of records.

* * * * *

8. In § 0.554, the first sentence of paragraph (a), paragraph (b)(1), the last sentence of paragraph (b)(2), and paragraph (c) are revised to read as follows:

**§ 0.554 Procedures for requests pertaining to individual records in a system of records.**

(a) Upon request, the Commission will notify individuals as to whether it maintains information about them in a system of records and, subject to the provisons of § 0.555(b), will disclose the substance of such information to that individual.

* * * * *

(b) * * *

(1) Individuals who choose to register a request for information in person may verify their identity by showing any two of the following: social security care; drivers license; employee identification card; medicare card; birth certificate; bank credit card; or other positive means of identification. Documents incorporating a picture and/or signature of the individual shall be produced if possible. If an individual cannot provide suitable documentation for identification, that individual will be required to sign an identity statement stipulating that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5,000.

* * * * *

(2) * * * If the record contains no signatures and if positive identification cannot be made on the basis of other information submitted, the requestor will be required to sign an identity statement and stipulate that knowingly

or willfully seeking or obtaining access to records about another person under false pretense is punishable by a fine of up to $5,000.

(3) * * *

(c) All requests for notification of the existence of record information or for access to such information shall be delivered to the business address of the system manager responsible for the system of records in question, except that requests relating to official personnel records shall be addressed to the Associate Managing Director—Personnel Management. Such addresses can be found in the Federal Register Notice described in § 0.552.

* * * * *

9. In § 0.555, paragraph (a), the last two sentences in paragraph (a)(1), paragraph (a)(3), and the introductory text of (e) are revised to read as follows:

**§ 0.555 Disclosure of record information to individuals.**

(a) Individuals having been notified that the Commission maintains a record pertaining to them in a system of records may request access to such record in one of three ways: by in person inspection at the system location; by transfer of the record to a nearer location; or by mail.

(1) * * * Verification of identity is required as in § 0.554(b)(1) before access will be granted an individual appearing in person. Individuals may be accompanied by a person of their own choosing when reviewing a record. However, in such cases, a written statement authorizing discussion of their record in the presence of a Commission representative having physical custody of the records.

(2) * * *

(3) Individuals may request that copies of records be sent directly to them. In such cases, individuals must verify their identity as § 0.554(b)(2) and provide an accurate return address. Records shall be sent only to that address.

(b) * * *

(e) In the event that a determination is made denying an individual access to records pertaining to that individual for any reason, such individual may either:

* * * * *

10. In § 0.556, paragraphs (a) and (c), the introductory text of (c)(1), paragraphs (c)(2), (c)(2) (i) and (ii), and the last sentence of (d), are revised to read as follows:

**§ 0.556 Request to correct or amend records.**

(a) An individual may request the amendment of information contained in their record. Except as otherwise provided in this paragraph, the request to amend should be submitted in writing to the system manager responsible for the records. Requests to amend the official personnel records of active FCC employees should be submitted to the Associate Managing Director—Personnel Management, Office of Managing Director, 1919 M Street, NW., Washington, D.C. 20554. Requests to amend official personnel records of former FCC employees should be sent to the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415. Any request to amend should contain as a minimum:

* * * * *

(c) The responsible system manager, or in the case of official personnel records of active FCC employees, the Associate Managing Director—Personnel Management, shall (normally within 30 days) take one of the following actions regarding a request to amend:

(1) If the system manager agrees that an amendment to the record is warranted, the system manager shall:

* * * * *

(2) If the system manager, after an initial review, does not agree that all or any portion of the record merits amendment, the system manager shall:

(i) Notify the individual in writing of such refusal to amend and the reasons therefore;

(ii) Advise the individual that further administrative review of the initial decision by the full Commission may be sought pursuant to the procedures set forth in § 0.557. (In cases where the request to amend involves official personnel records, review is available exclusively from the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, Washington, D.C. 20415; and

* * * * *

(d) * * * Moreover, the system manager shall ajudge the merits of any request to delete information based on whether or not the information in controversy is both relevant and necessary to accomplish a statutory purpose required of the Commission by law or executive order of the President.

11. In § 0.557, paragraphs (a), (d) (2) and (4) are revised to read as follows:

**§ 0.557 Administrative review of an initial decision not to amend a record.**

(a) Individuals have 30 days from the date of the determination not to amend a record consistent with their request to seek further administrative review by the full Commisison. Such a request shall be in writing and should be addressed to either the system manager who made the initial adverse decision, or, in the case of official personnel records of active FCC employees, to the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, Washington, D.C. 20415. Any request for administrative review must:

* * * * *

(d) * * *

(2) Advise the individual that a concise statement of the reasons for disagreeing with the decision of the Commisison may be filed;

(3) * * *

(4) Advise the individual that judicial review of the Commisison's decision not to amend the record in any district court of the United States is available.

12. In § 0.558, the second paragraph and address are revised to read as follows:

**§ 0.558 Advice and assistance.**

* * * * *

Individuals who request clarification of the Notice described in § 0.552 or who have questions concerning the characterization of specific systems of records as set forth therein, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Records Management Branch, Office of Managing Director, 1200 19th Street, NW. Room BB-325, Washington, D.C. 20554

13. In § 0.561, paragraph (a), the introductory portion of paragraph (b), and paragraphs (c), (d), and (e) are revised to read as follows:

**§ 0.561 Exemptions.**

* * * * *

(a) *System Name:* Radio Operator Records—FCC/FOB-1. Parts of this system of records are exempt pursuant to Section (k)(2) of the Act because they contain investigatory material compiled solely for law enforcement purposes.

(b) *System Name.* Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)—FCC/FOB-2.

* * * * *

(c) *System Name.* Attorney Misconduct Files—FCC/OGC-2. This system of records is exempt pursuant to Section 3(k)(2) of the Act because it is maintained for law enforcement purposes.

(d) *System Name.* Licensees or Unlicensed Persons Operating Radio Equipment Improperly—FCC. Parts of

this system of records are exempt pursuant to Section 3(k)(2) of the Act because they embody investigatory material compiled solely for law enforcement purposes.

(e) *System Name.* Personnel Investigation Records—FCC/Central–6. Parts of these systems of records are exempt because they emobdy investigatory material pursuant to Sections 3(k)(2) and 3(k)(5) of the Act as applicable.

[FR Doc. 84–8671 Filed 4–3–84; 8:45 am]

BILLING CODE 6712–01–M

## 47 CFR Part 73

[MM Docket No. 83–366; RM–4285]

## TV Broadcast Station in Santa Barbara, California; Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Action taken herein assigns UHF Television Channel 38 to Santa Barbara, California, at the request of William V. Johnson. The assignment could provide Santa Barbara with its second commercial television facility.

**EFFECTIVE DATE:** June 4, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau (202) 634–6530.

### List of Subjects in 47 CFR Part 73

Television broadcasting.

### Report and Order; Proceeding Terminated

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Santa Barbara, California); MM Docket No. 83–366, RM–4285.

Adopted: March 21, 1984.

Released: March 27, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 48 FR 16919, published April 20, 1983, seeking comments on the proposed assignment of UHF Television Channel 38 to Santa Barbara, California, as that community's second commercial television channel. The *Notice* was issued in response to a petition for rule making filed by William V. Johnson ("petitioner"). Comments were filed by petitioner restating his intent to apply for the channel, if assigned. Opposing comments and reply comments were filed by Key Television, Inc. ("Key"), licensee of Station KEYT–TV, Santa Barbara, and late-filed comments and a request for leave to file were submitted by Sunbelt Television, Inc. ("Sunbelt").[1]

2. Santa Barbara (population 74,414),[2] the seat of Santa Barbara County (population 298,694), is located approximately 135 kilometers (85 miles) northwest of Los Angeles.

3. Key based its opposition to the requested assignment on the alleged inadequacy of the petition and inaccuracies in its associated engineering showing as prepared by petitioner's consultant. Key states that the petition failed to show the areas which would be precluded from obtaining television assignments should Channel 38 be assigned to Santa Barbara and that the mileage separation showing, which consisted only of a computer printout, failed to indicate the source of the data offered or any underlying assumptions used in concluding that the assignment could be made as proposed in conformity with the Commission's rules and regulations. Key further calls into question the qualifications of the petitioner's consultant, stating that he may have been misled to believe that the act of filing for a full-service television frequency was simply a means of avoiding the Commission's current freeze on low power television applications. If this were so, it is contended that petitioner may not be fully aware of the extent of regulations which a full-service station must comply with, which are not in existence for low power operators. Key, therefore, calls into question the petitioner's expressed intent to apply for and operate a full-service station at Santa Barbara. As a final matter, Key states that a second full-service operation at Santa Barbara is not economically viable and, in light of the pendency of 30 applicants for low power TV stations on different channels, there is no demonstration of need for an additional full-service facility.

4. The qualifications and competency of petitioner's consultant are not issues which can, or should, be handled in a rule making proceeding. It is incumbent upon a petitioner to ensure that he is fully aware of the Commission mandated responsibility in operating a broadcast facility before he states an intention to submit an application to activate a broadcast frequency.

5. The issue of whether or not a broadcast facility assigned to any particular locality would be economically viable is not one which is generally decided at the rule making stage. Rather, the issue is more properly raised at the application stage. See *e.g., Grand Junction, Colorado*, 26 R.R. 2d 513 (1973).

6. The assignment of Channel 38 at Santa Barbara can be made in conformance with the Commission's minimum distance separation and other technical criteria. The Commission does not require preclusion studies in TV assignment proceedings.

7. The concurrence of the Mexican government has been obtained since Santa Barbara is within 320 kilometers (199 miles) of the U.S.-Mexican border.

8. The Commission believes the public interest would be served by the assignment of a second commercial television allocation to Santa Barbara. Therefore, in accordance with the authority contained in sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and sections 0.61, 0.204(b) and 0.263 of the Commission's Rules, it is ordered, That effective June 4, 1984, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with respect to the community listed below:

| City | Channel No. |
|---|---|
| Santa Barbara, California | 3–, 14,[1] *20,[1] *32, and 38. |

[1] Following the decision in Docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

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

10. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

Federal Communications Commission.

**Roderick K. Porter,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 84–8673 Filed 4–3–84; 8:45 am]

BILLING CODE 6712–01–M

## 47 CFR Part 73

[MM Docket No. 83–495; RM–4407]

## TV Broadcast Stations in Claremore and Tulsa Oklahoma; Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

[1] The late-filed comments of Sunbelt have been accepted for consideration herein as they have only confirmed the staff study showing that the channel could be assigned in compliance with § 73.610 of the Commission's Rules. In addition, Sunbelt has expressed an interest in use of the channel at Santa Barbara. The final disposition of this proceeding was not delayed due to the late filing.

[2] Population figures are taken from the 1980 U.S. Census.

**ACTION:** Final rule.

**SUMMARY:** Action taken herein reassigns UHF noncommercial educational television Channel *35 from Tulsa to Claremore, Oklahoma, as that community's first local television outlet, and assigns Channel *63 to Tulsa as a replacement therefor, in response to a petition filed by Rogers State College.

**EFFECTIVE DATE:** June 4, 1984.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

**Report and Order; Proceeding Terminated**

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Claremore and Tulsa, Oklahoma); MM Docket No. 83–495, RM–4407.

Adopted: March 22, 1984.
Released: March 27, 1984.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 27561, published June 16, 1983, issued in response to a petition filed by Rogers State College ("petitioner") proposing the reassignment of UHF noncommercial educational television Channel *35 (vacant and unapplied for) from Tulsa to Claremore, Oklahoma, as that community's first noncommercial educational television broadcast service. In addition, the *Notice* proposed the assignment of noncommercial educational Channel *59 to Tulsa to replace Channel *35. Petitioner filed supporting comments reiterating its intention to apply for Channel *35, if assigned as proposed. An opposition was filed by Tulsa Family Television ("TFT"), applicant for a low power television station on Channel 53[1] in Tulsa. Additionally, comments were filed by the Association of Maximum Service Telecasters, Inc. ("AMST"). No reply comments were received.

2. Claremore (population 12,085),[2] the seat of Rogers County (population 46,436), is located approximately 40 kilometers (25 miles) northeast of Tulsa. It has no local television service.

3. In supporting comments, petitioner indicates that during the past several years, enrollment at the College has increased to near capacity levels. As a result thereof, petitioner states that many potential students may be prevented from attending on-campus classes. Therefore, it proposes to reach those students at home via the use of a television satellite down-link for the presentation of technical and educational programs and to encourage participation in other proposed programming by the citizenry of Claremore and surrounding communities.

4. In its opposition, TFT alleges that at the present time, there are a multiplicity of full service television stations in Tulsa, and that since the two communities involved herein are in close proximity, the proposed assignment of Channel *35 to Claremore would effectively provide an additional full service television outlet to Tulsa. The instant proceeding, TFT argues, would serve to impede the development of low power television in Tulsa. Therefore, it asserts that the need for such service is questionable since a low power television operation could effectively serve the public interest with programming tailored specifically to meet the local needs and interests.

5. AMST notes that the proposed assignment of Channel *59 to Tulsa would be short spaced by 37.9 miles to the proposed assignment of Channel 44 to Okmulgee, Oklahoma (MM Docket No. 83–609; RM–4433). Therefore, we will substitute Channel *63 at Tulsa for previously proposed Channel *59 since it complies with the minimum distance separation requirements of §§ 73.610 and 73.698 of the Commission's Rules.

6. TFT's arguments against the proposed assignment are without merit. Primarily, TFT alleges that presently there are a multiplicity of full service television stations in Tulsa, and that since Claremore lies in close proximity thereto, the proposed assignment would effectively provide an additional full service television outlet to Tulsa. Thus, TFT argues, the existence of those other television stations in the community obviates the need for another full service station which it feels would impede its proposed translator operation. However, as the Commission has previously held, the advantages inherent in a full power service, such as proposed herein, far outweigh the limited coverage that could be provided by a low power television station. See, *Rancho Palos Verdes, California*, 48 FR 1492, published January 13, 1983; *recons. den.* Mimeo. No. 5238, released July 13, 1983. Furthermore, TFT should note that, pursuant to the provisions of § 74.703 of the Commission's Rules, a low power television operation is licensed on a secondary basis and is not protected against interference from a regular broadcast station. See, *Albuquerque, New Mexico* (MM Docket No. 83–365). Nevertheless, the decision here to reassign Channel *35 does not affect TFT since its concern has been superseded by the Commission's recent action, as noted *supra*, which assigned Channel 53 to Tulsa. Consequently, TFT will, in any event, be required to specify another frequency for its proposed operation.

7. On the basis of the foregoing, we believe that the proposed reassignment of Channel *35 from Tulsa to Claremore and the substitution of Channel *63 for Channel *35 at Tulsa would serve the public interest by providing a first noncommercial educational television broadcast service to Claremore. Each channel can be assigned consistent with the minimum distance separation requirements of §§ 73.610 and 73.698 of the Commission's Rules.

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

| City | Channel No. |
|---|---|
| Claremore, Oklahoma | *35. |
| Tulsa, Oklahoma | 2+, 6+, 8–, *11–, 23, 41+, 47, 53, and *63. |

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

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

Federal Communications Commission.

**Roderick K. Porter,**

*Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 84–8874 Filed 4–3–84; 8:45 am]

BILLING CODE 6712–01–M

[1] Channel 53 was recently assigned to Tulsa in MM Docket No. 83–241, adopted January 6, 1984 (Mimeo. No. 1820).

[2] Population figures were extracted from the 1980 U.S. Census.

**47 CFR Part 73**

**[MM Docket No. 83–422; RM–4314]**

**TV Broadcast Station in Odessa, Texas; Changes Made in Table of Assignments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Action taken herein assigns UHF Television Channel 42 to Odessa,

Texas, in response to a petition filed by Stanley G. Emert.

**EFFECTIVE DATE:** June 4, 1984.

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

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

**List of Subjects in 47 CFR Part 73**

Television broadcasting.

**Report and order; Proceeding Terminated**

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Odessa, Texas); MM Docket No. 83–422, RM–4314.

Adopted: March 22, 1984.
Released: March 27, 1984.

By the Chief, Policy and Rules Divisions.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 23870, published May 27, 1983, which invited comments on a proposal to assign UHF Television Channel 42 to Odessa, Texas, in response to a petition filed by Stanley G. Emert ("petitioner"). Petitioner submitted comments in support of the proposal and expressed his interest in applying for the channel, if assigned. Ann C. Farhat filed comments in support of the proposal.

2. Since Odessa, Texas, is located within 320 kilometers (200 miles) of the U.S.-Mexican common border, the proposed assignment requires the concurrence of the Mexican government. This was overlooked in the *Notice*. Mexican concurrence has now been obtained.

3. We believe that the petitioner has adequately demonstrated the need for a fifth television assignment in Odessa and that the public interest would be served by assigning UHF Television Channel 42 to that community. The channel can be assigned in compliance with the minimum distance separation requirements of § 73.610 of the Commission's Rules.

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

| City | Channel No. |
|---|---|
| Odessa, Texas | 7–, 24–, 30, *36+, and 42. |

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

6. For further information contact Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

Federal Communications Commission.

**Roderick K. Porter,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 84–8875 Filed 4–3–84; 8:45 am]

**BILLING CODE 6712–01–M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 602

**[Docket No. 40320–32]**

### Guidelines for Fishery Management Plans

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; removal of codified regulations.

**SUMMARY:** NOAA issues this final rule which removes §§ 602.3, 602.4, 602.5 and 602.6 (reserved) from regulations issued in 1977 under the Fishery Conservation and Management Act of 1976 (renamed the Magnuson Fishery Conservation and Management Act (Magnuson Act)) to provide guidance concerning the content, format, and procedure for developing fishery management plans. This action furthers the Administration's policy of eliminating regulations that are no longer useful by removing codified regulations that have been, or are being, incorporated into other guidelines.

**EFFECTIVE DATE:** May 4, 1984.

**FOR FURTHER INFORMATION CONTACT:** Daphne White, Office of Fisheries Management, NMFS, 3300 Whitehaven Street, NW., Washington, D.C. 20235; telephone (202) 634–7218.

**SUPPLEMENTARY INFORMATION:** The regulations issued in 1977 were designed to provide initial guidance to the Regional Fishery Management Councils in developing fishery management plans. After seven years of operation, NOAA believes that (1) the Councils have gained sufficient experience not to require formal regulatory guidance regarding the contents, format, and procedures involved in developing fishery management plans, (2) such guidance has limited applicability to the general public, and (3) greater utility and flexibility will result from revising and reissuing this guidance as a part of NOAA's recently published "Operational Guidelines—Fishery Management Process." The "Operational Guidelines" were issued in December 1983 to implement Pub. L. 97–453, which amended the Magnuson Act, and to integrate and explain the requirements of eight other statutes and executive orders affecting the fishery management plan process. By updating the material contained in 50 CFR 602.3, 602.4, and 602.5 to conform to recent legislative and policy changes, and publishing it in the "Operational Guidelines," all Council guidance is located in one reference. This updating is expected to be completed and available as an Addendum to the Guidelines by summer 1984. The "Operational Guidelines" are available at the above address. Section 602.6 was reserved for regulations covering compliance with the National Environmental Policy Act, and is likewise no longer necessary since the "Operational Guidelines" and NOAA Directive 02–10 provide such guidance.

**Classification**

This final rule removes codified text from the Code of Federal Regulations. It imposes no information collection requests under the Paperwork Reduction Act, is not subject to E.O. 12291, the National Environmental Policy Act, or the Regulatory Flexibility Act. Because the regulations being removed are interpretive and concern agency procedure or practice, the Assistant Administrator has determined that to afford opportunity for prior public comment would be unnecessary and contrary to the public interest.

**List of Subjects in 50 CFR Part 602**

Administrative practice and procedures, Fish, Fisheries, Fishing.

Dated: March 30, 1984.

**Joseph W. Angelovic,**

*Deputy Assistant Administrator, for Science and Technology, National Marine Fisheries Service.*

### PART 602—[AMENDED]

For the reasons set out in the preamble, 50 CFR Part 602 is amended as follows:

1. The authority citation for Part 602 reads as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

**§§ 602.3, 602.4, 602.5 and 602.6 [Reserved]**

2. Sections 602.3, 602.4, 602.5, and 602.6 (Reserved) are hereby removed.

[FR Doc. 84–8984 Filed 4–3–84; 8:45 am]

**BILLING CODE 3510–22–M**

**50 CFR Part 655**

**[Docket No. 31220-244]**

## Atlantic Mackerel; Final Determination of Initial Annual Specifications

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Final determination of initial annual specifications.

**SUMMARY:** NOAA issues this notice to provide the final determination of initial annual specification for the Atlantic mackerel fishery for fishing year 1984–1985. Regulations governing this fishery require that the Secretary of Commerce publish his final determination of the initial annual specifications for the current fishing year. This action is intended to promote development of the Atlantic mackerel fishery and to maintain existing joint ventures in the new fishing year.

**EFFECTIVE DATE:** March 30, 1984.

**ADDRESS:** Copies of the regulatory flexibility analysis are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901.

**FOR FURTHER INFORMATION CONTACT:** Salvatore A. Testaverde, 617–281–3600, ext. 273.

**SUPPLEMENTARY INFORMATION:** Final regulations to implement Amendment No. 1 to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) were published January 4, 1984 (49 FR 402). Proposed preliminary initial specifications for the 1984–1985 fishing year and request for comments were published on February 10, 1984, with a 30-day comment period (49 FR 5139). No comments on the Atlantic mackerel preliminary initial specifications were received. Comments received on squid and butterfish preliminary initial specifications will be responded to when the final initial specifications for these species are published.

The following table lists the final initial annual specifications in metric tons (mt) of the Allowable Catch (AC), Optimum Yield (OY), Domestic Annual Harvest (DAH), Domestic Annual Processing (DAP), Reserve, and Total Allowable Level of Foreign Fishing (TALFF) for Atlantic mackerel. The FMP allows that if U.S. landings during the year, including amounts authorized for joint ventures, increase above the final initial estimates, DAH and OY may be increased by similar amounts up to the point where OY = AC. TALFF would not change from its value at the beginning of a year as a result of such adjustments to DAH and OY.

*Final Initial Specifications for Fishing Year* 1984–1985

[In metric tons (mt)]

| | AC | OY | DAH | DAP | JVP | Reserve | TALFF |
|---|---|---|---|---|---|---|---|
| Atlantic Mackerel | 87,000 | [1]83,500 | [1]26,500 | 7,300 | 13,400 | 28,500 | 28,500 |

[1] These amounts may be increased by 3,500 mt based upon domestic performance; DAH includes 5,800 mt for the recreational mackerel fishery.

The amounts in DAH will provide ample Atlantic mackerel for both the commercial and recreational fishery. The JVP amount will provide Atlantic mackerel for the two existing joint ventures. If needed, additional Atlantic mackerel, up to 28,500 mt from the reserve can be added to the DAP or the JVP to promote the domestic Atlantic mackerel fishery.

### Classification

This action is authorized by 50 CFR Part 655, and complies with E.O. 12291. The Council prepared a regulatory flexibility analysis for the rule which authorized this action (See Address for a copy).

(16 U.S.C. 1801 *et seq.*)

Dated: March 29, 1984.

**Joseph W. Angelovic,**

*Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.*

[FR Doc. 84-8890 Filed 3-30-84; 2:00 pm]

**BILLING CODE 3510-22-M**

**50 CFR Part 671**

**[Docket No. 31230-254]**

## Tanner Crab off Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of closure.

**SUMMARY:** The Director, Alaska Region, NMFS (Regional Director), has determined that the optimum harvest level of Tanner crab in certain sections of the Kodiak District in Registration Area J will be achieved on April 1, 1984, and that early closure of the fishery is necessary to protect Tanner crab stocks. The Secretary of Commerce therefore issues this notice closing the Northeast, Westside, Southeast, Southwest, South Mainland and Semidi Island Sections to fishing for Tanner crab by vessels of the United States on that date. The previously scheduled closing date is April 30, 1984, except for the Semidi Island Section for which the previously scheduled closing date is May 15, 1984.

**DATE:** This notice is effective 12:00 noon, Alaska Standard Time (AST), April 1, 1984. It was filed for public inspection with the Office of the Federal Register on March 30, 1984. Public comments on this notice of closure are invited until April 15, 1984.

**ADDRESSES:** Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Services, P.O. Box 1668, Juneau, AK 99802. During the 15-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m. AST (or ADT) weekdays) at (1) the NMFS Kodiak Field Office, ADF&G Building, Kashevaroff and Mission Roads, Kodiak, Alaska, and (2) the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Raymond E. Baglin (NMFS Fishery Management Biologist), 907–486–4791.

**SUPPLEMENTARY INFORMATION:**

### Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), which governs this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act, provides for inseason adjustments by field order of season and area openings and closures. Implementing rules at 50 CFR 671.27(b) specify that these orders will be issued by the Secretary of Commerce under criteria set out in that section.

Section 671.26(f) establishes six districts within Registration Area J in order to prevent overfishing of individual Tanner crab stocks by allowing closure or partial closure of a particular district when the desired harvest level in reached. The Kodiak District is further subdivided into eight sections. The Alaska Board of Fisheries has set the desired 1984 harvest level for each section based on pot index surveys conducted by the Alaska Department of Fish and Game (ADF&G) in 1983.

The 1984 fishing season for all sections began on February 10. Approximately 300 vessels participated, declining to 100 vessels by late March. Desired harvest levels in two of the eight sections—Eastside and North Mainland—have been achieved, and these sections were closed on March 17 and 24, respectively. The remaining six sections will be closed on April 1, 1984, for the following reasons:

*Northeast Section.* About 1.4 million pounds of desired harvest level of 2.14 million pounds was caught by March 22. The catch rate has declined from about 42 to about 15 crabs per pot. This rapid decline indicates that stocks are insufficient to support this fishery through the scheduled closure date of April 30. The desired harvest level is expected to be achieved on April 1.

*Westside, Southeast, Southwest, South Mainland, and Semidi Island Sections.* The desired harvest levels for these sections were set at 1.6, 4.97, 3.82, 0.15, and 0.91 million pounds, respectively. Stocks are low in abundance in each section, however, and the catch rate is currently 10 or fewer crabs per pot. The total harvests will fall short of those projected in each section. Increasing deadloss is being reported in the Westside, Southeast, and Southwest Sections.

Those crab reported as deadloss had been in a molting condition. The low catch rates in all sections and the increasing deadloss in three of the sections indicate that stocks are insufficient and/or in poor condition to support fisheries through the closure date of April 30 (May 15 for the Semidi Island Section).

In light of this information, the Regional Director, in accordance with § 671.27(b), has determined that: (1) The actual condition of Tanner crab stocks in the sections named above is substantially different from the condition anticipated at the beginning of the fishing year; and (2) this difference reasonably supports the need to protect those Tanner crab stocks by closing the remaining six sections of the Kodiak District, as listed above and as described in § 671.26(f)(1)(i). These sections are therefore closed to all fishing for Tanner crab from 12:00 noon, AST, April 1, 1984, until 12:00 noon ADT, April 30, 1984 (May 15, 1984 in the Semidi Island Section), at which time the closure of these areas prescribed in §.671.26(f)(2)(i) will begin.

This closure will become effective after this notice is filed for public inspection with the Office of the Federal Register and the closure is publicized for 48 hours through ADF&G procedures, under § 671.27(a)(2). Public comments on this notice of closure may be submitted to the Regional Director at the address stated above. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this field order's continued effect, modifying it, or rescinding it.

**Other Matters**

Tanner crab stocks in the above-named sections will be subject to damage by overfishing unless this order takes effect promptly. The Agency therefore finds for good cause that advance notice and public comment on this order are contrary to the public interest, and that no delay should occur in its effective date.

This action is taken under the authority of regulations specified at 50 CFR 671.27, and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information request, as defined in the Paperwork Reduction Act.

**List of Subjects in 50 CFR Part 671**

Fisheries.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 30, 1984.

**Joseph W. Angelovic,**

*Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.*

[FR Doc. 84-8980 Filed 3-30-84; 4:56 pm]
BILLING CODE 3510-22-M

# Proposed Rules

Federal Register
Vol. 49, No. 66
Wednesday, April 4, 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 TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Parts 36, 47, and 91

[Docket No. 23943; Petition Notice No. PR-84-3]

### Petition for Rule Making of the National Organization To Insure a Sound-Controlled Environment and Airport Operators Council International; Noise Certification of Turbojet and Large Transport Category Aircraft

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Publication of petition for rule making; request for comments.

**SUMMARY:** This notice publishes for public comment the petition of the National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E) and the Airport Operators Council International (AOCI) dated March 16, 1984, on behalf of its members for amendment of Parts 36, 47, and 91 of the Federal Aviation Regulations (14 CFR Parts 36, 47, and 91). These parts relate to airplane noise certification and operation and prescribe both the noise level limits for aircraft production and the rules by which both foreign and domestically produced aircraft are registered and operated in the United States. The N.O.I.S.E./AOCI petition concerns these rules as they apply to civil turbojet powered transport category airplanes greater than 75,000 pounds that have not had any flight time prior to January 1, 1986. Under the rule proposed in the petition, these aircraft would be prohibited from being registered or operated in the U.S. unless they were type certificated to the Part 36 Stage 3 noise level limits. It should be noted that aircraft already in the fleet before January 1, 1986, would not be affected by the proposed rule.

The petition would involve rulemaking similar to that promulgated by the FAA in 1973 (Amendments 36–2 and 21–39, published in 38 FR 29569, October 26, 1973), wherein further issuance of U.S. certificates of airworthiness were denied after December 31, 1973 to large turbojets powered by all engines except the JT3D and after December 31, 1974 for those powered by that engine. However, the petitioners' proposal would, if enacted, have some additional features. First, it would not inhibit continued production of the older, noisier airplanes by U.S. manufacturers for export purposes. Second, it would prohibit registration in the U.S. of foreign as well as U.S. built aircraft not meeting the requirement. Third, the petition proposes to bar noncomplying aircraft from landing or taking off from any airport in the U.S. This latter proposal would specifically affect foreign operators.

The FAA believes the petition should be published verbatim in order to fully expose it for public comment and to ensure full consideration of the issues raised. The notice sets forth the contents of the petition as received by the FAA without change, and its publication in accordance with FAA procedures governing the processing of petitions for rule making does not represent an FAA position on the merits of the petition or an FAA proposal to amend the current noise rules.

**DATES:** Comments must be received on or before June 1, 1984.

**ADDRESSES:** Comments on the proposal may be mailed in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23943, 800 Independence Avenue, SW, Washington, D.C. 20591

or delivered in duplicate:

Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591

Comments delivered must be marked: Docket No. 23943. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Richard Tedrick, Noise Policy and Regulatory Branch (AEE-110) Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-9027.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to submit such written data, views, or arguments on the petition for rule making as they may desire. Communications should identify the docket or petition notice number and be submitted in duplicate to the address for submitting comments indicated above under the "**ADDRESSES.**" All communications received on or before the closing date for comments will be considered by the FAA before taking action on the petition for rule making. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments.

**Issues**

The N.O.I.S.E./AOCI petition raises issues concerning the stringency of the noise certification requirements applicable to current and future production aircraft, the FAA's role in mitigating noise impacts around local airports, and distribution of the costs of mitigating those impacts. Therefore, rather than publishing a synopsis, it is believed that public comments on the full text of the petition would be helpful.

To assist the FAA in its review of the petition, comments are specifically welcomed on the following matters concerning the petition:

1. Economic reasonableness and technological practicability of the proposal.
2. Appropriateness of excluding jet airplanes under 75,000 pounds from the proposed limitations.
3. Equity of allowing export of noisy airplanes that would not be allowed to operate into the U.S.
4. Date of applicability for the proposed rule and aircraft types to which the rule would be applied.
5. Effect on foreign commerce and particularly on foreign air commerce.
6. Means of identification and enforcement of proposed operating rule on foreign owned and operated airplanes.

**List of Subjects**

*14 CFR Part 36*

Noise standards, Aircraft type, Airworthiness certification.

*14 CFR Part 47*

Aircraft registration.

*14 CFR Part 91*

Operating noise limits.

**The Petition**

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rule making from the National Organization to Insure a Sound-Controlled Environment and the Airport Operators Council International, dated March 16, 1984.

Issued in Washington on March 29, 1984.

**John H. Cassady,**

*Assistant Chief Counsel, Regulations and Enforcement Division.*

**Petition for Rulemaking Noise Standards, Aircraft Type, Registration, Airworthiness Certification**

*Requested By: National Organization To Insure a Sound-Controlled Environment (N.O.I.S.E.)*

Airport Operators Council International (AOCI)

1.0 *Summary.*

This petition requests amendments to the Federal Aviation Regulations that would effectively end the production of those turbojet-powered transport category airplanes that do not comply with Stage 3 noise standards of FAR Part 36 and are to be operated in or into the United States. These amendments are requested to bring the regulations into conformance with available noise reduction technology and to bring future relief and protection to the public health and welfare from aircraft noise in accordance with Pub. L. 92–574.

Several million residents in communities near airports are suffering unacceptable levels of noise exposure from the operations of the present jet transport fleet, 93 percent of which are airplanes of older noise control technology (Stage 1 and 2 technology). Stage 2 airplanes are the primary source of the noise problem: They are by far the most numerous, they include short-to-medium range airplanes that operate frequently, and they include designs with high noise levels.

Although FAA regulations now in place will end the operation of Stage 1 airplanes by 1988, present regulations permit the continued production of noisy Stage 2 airplanes indefinitely. FAA forecasts indicate that many of the Stage 2 airplanes presently in the fleet will continue operation into the next century. The continued addition of newly produced Stage 2 airplanes to the fleet, exacerbating the noise problem, will prolong the date of relief from the present unacceptable noise levels for an indefinite time into the next century.

As the FAA has earlier recognized,[1] a major precondition of responsive local land-use decisions around airports is Federal action to firmly contain, at predictable and definable levels, the source of aviation noise. Without such Federal activity, local land-use decisions are jeopardized and a firm basis for airline and airport planning is lacking. Moreover, as the FAA earlier recognized, the continued production of older aircraft designs is an economic disincentive to investment in new, quieter types of aircraft.

It is recognized that the production of Stage 2 airplanes should be ended only when a variety of economical, quieter Stage 3 airplanes is available for purchase by the airlines. The point has now been reached where Stage 3 airplanes in a complete spectrum of payload and range capabilities are available. In addition, studies conducted jointly by the FAA and other member groups of the Committee on Aircraft Noise (CAN) of the International Civil Aviation Organization (ICAO) show that large operating cost savings can be realized by an accelerated conversion of purchases to those of Stage 3 airplanes.

This petition therefore requests the adoption of amendments to the Federal Aviation Regulations that would effectively end by January 1, 1986 the production of Stage 2 jet transport airplanes for operation in the United States.

2.0 *Proposed rule language.*

2.1 Add a new paragraph (4) to Part 36, Subpart A, Section 36.1(d) as follows:

(4) The provisions of this Part in effect on (date of NPRM) except that for civil turbojet transport category airplanes with maximum weights greater than 75,000 lbs. that have not had any flight time prior to January 1, 1986 compliance must be shown with Stage 3 noise limits.

2.2 Add a new Section number 47.4 to Part 47, Subpart A as follows:

47.4 In addition to the other requirements, of Part 47, Subparts A and B, for the issuance of a Certificate of Aircraft Registration in effect on (date of NPRM) compliance must be shown with the Stage 3 noise limits and with the noise measurement and evaluation procedures for Stage 3 airplanes in Part 36 in effect on (date of NPRM) for civil subsonic turbojet airplanes with maximum weights of more than 75,000 lbs. that have not had any flight time before January 1, 1986.

2.3 Modify paragraph 9.301(a)(1) of Part 91, Subpart E to read as follows:

(1) Sections 91.302, 91.303, 91.305, 91.306, 91.307 and 91.312 apply to civil subsonic turbojet airplanes with maximum weights of more than 75,000 lbs. and

2.4 Add a new Section to Part 91, Subpart E as follows:

91.312 Airplanes newly produced after January 1, 1986. No person may land or take off an airplane that is covered in Section 91.301(a)(1) and that has not had any flight time before January 1, 1986, unless that airplane has been shown to comply with the Stage 3 noise limits and the noise measurement and evaluation procedures prescribed for Stage 3 airplanes in Part 36 in effect on (date of NPRM).

3.0 *Petitioners' interests.*

The National Organization To Insure a Sound-controlled Environment (N.O.I.S.E.) is a national organization composed of local governments of cities and counties whose residents are involuntary aviation noise consumers. These include, among others, Minneapolis, and St. Paul, MN, near Minneapolis St. Paul International Airport; Aurora, CO, near Denver Stapleton International Airport; Inglewood, CA, near Los Angeles International Airport; College Park and Forest Park near Atlanta's Hartsfield International Airport; Hempstead, N.Y., near John F. Kennedy International Airport. The petition is submitted in response to pressures from the noise impacted residents of our cities and counties who are demanding appropriate technological and regulatory action for relief.

Airport Operators Council International (AOCI) is the association of the governmental bodies which own and operate the principal airports in the United States, as well as in many countries abroad. AOCI members, such as those listed in the attachment, serve metropolitan regions in the United States which encompass the vast majority of citizens which are presently subjected to aircraft noise. Our U.S. member airports annually enplane more than 90 percent of the domestic and virtually all of the U.S. international scheduled airline passenger and cargo traffic. In addition, our local government members operate many reliever and other general aviation facilities which supplement the large airports in their communities and regions.

4.0 *Discussion.*

Pub. L. 90–411, enacted by the Congress in 1968, directs the FAA to prescribe and amend regulations for the control and abatement of aircraft noise, and, in doing so, to consider whether any proposed standard or regulation is economically reasonable, technologically practicable, and

[1] Peramble to Amendment 36–2 of Part 36, October 19, 1973.

appropriate for the particular type of aircraft to which it will apply.

One of the earliest responses of the FAA to this direction was the promulgation in 1969 of the first aircraft noise standards, which became a prerequisite for the issuance of aircraft type certificates. Aircraft of earlier designs, which were not able to meet the new noise standards, are called Stage 1 airplanes, and airplanes that meet the 1969 standards are called Stage 2 airplanes.

While it had been determined that economically reasonable technology was available to support Stage 2 standards for new designs in 1969, it had not been determined, at that time, that it was technologically or economically practicable to restrict the continued production of the earlier Stage 1 designs. However, by 1973, it was determined that the production lines could be economically converted to meet Stage 2 standards. The production of Stage 1 designs was therefore effectively ended by an amendment of Part 36 effective in December 1973.

By 1977, the FAA had determined that further developments in noise reduction technology had become available and could support even more stringent noise standard for airplanes of new design. Accordingly, more stringent standards (Stage 3 standards) were adopted and made applicable to new designs for which applications for type certificates were made after November 1975.

Although Stage 3 airplanes (1) are now available from aircraft manufacturers in a complete spectrum of payload and range capabilities, (2) have demonstrated lower fuel consumption and lower operating costs, and (3) have demonstrated noteworthy reductions in Stage 2 airport community noise exposure, the FAA, in contrast with the action taken in 1973, has not yet acted to end the production or earlier and noisier airplane designs. Regulations that permit the uncontrolled, unlimited production of Stage 2 designs thus fall short of regulations "* * * to provide for the control * * * " of aircraft noise, in accordance with the requirements of Pub. L. 92–574.

Because of their numbers, the frequency of their landings and takeoffs, and their high source noise levels, Stage 2 airplanes are the primary source of annoyance in communities around airports today. These airplanes represent 78 percent of the 1983 fleet of jet transports. Of the total fleet, the short-to-medium range twinjets and trijets of older noise technology are responsible for more than five times as many operations as all other types.

The later model short-to-medium range Stage 2 twinjets and trijets produced during the past 10 years (e.g., DC–9, B727, B737 airplanes) have become especially noisy. Due to increases in operating weights and engine power, these airplanes expose more people to annoying levels than their Stage 2 prototype designs that began operating 18 years ago. Calculations of land areas that are exposed to annoying noise levels and that lie outside typical airport boundaries show that Stage 2 Boeing 727–200 and McDonnell Douglas DC–9–50 airplanes expose 46 percent more area that their lower-powered predecessors. On the other hand, noise levels demonstrated for Stage 3 airplanes, now in production and designed for the short-to-medium range service responsible for the most frequent operations show large reductions relative to the order technology airplanes. FAA Advisory Circular 36–3C indicates reductions ranging from 5 to 17 decibels at takeoff and from 2 to 14 decibels at landing approach. Published airport noise monitor data for short to medium range airplanes designed for comparable service indicate reductions of 11 decibels at takeoff and 7 decibels at landing approach.

Airport neighbors will perceive welcome relief when such noise reductions are experienced. It is commonly recognized that a reduction of 10 decibels is perceived as a 50% reduction in noisiness. This will result in major reductions of noise levels and noise impacted areas around airports. A study by the Los Angeles Department of Airports, for example, shows that the total area of sensitive residential property impacted by operations at Ontario International if using aircraft were all Stage 3 would be reduced to only 11% of that forecast for currently projected operations in 1985.

More important than acoustical expressions such as Ldn or sheer acreage is the personal human impact of the individual noise event. Operational noise that stops conversations inside a home or interrupts normal activities such as using a telephone or listening to a radio or TV is in fact an invasive force that disrupts family life. The reduction of 50% or more in noise represented by even one Stage 3 aircraft replacing a Stage 2 version means that in every operation stress and disruption are significantly reduced in hundreds of thousands of homes.

Until 1980, Stage 3 technology was available only in large capacity airplanes powered by high bypass ratio turbofan engines (e.g., DC–10, (L–1011, B747, A300). However, Stage 3 airplanes in a complete spectrum of seating capacity and range are now in production or offered by manufacturers (seating capacities ranging from 90 to 480 and maximum ranges from 700 to 5300 miles). In addition, manufacturers' data show reduction in fuel consumption per seat-mile of up to 37 percent for Stage 3 airplances of equivalent category.

The FAA recently participated in a study by an ICAO CAN working group on the question of effectively ending the production of Chapter 2 airplanes. ("Chapter" is the ICAO equivalent of "Stage" in FAA nomenclature). Estimates were made of the additional number of Chapter 3/Stage 3 airplanes that would be purchased by airlines if purchases of Chapter 2/Stage 2 airplanes were terminated by regulation. Although the study indicated that a somewhat increased capital outlay by the airline industry would be required, large operating cost savings were indicated due to the substitution of the more efficient Chapter 3/Stage 3 airplanes. For the United States fleet, it was estimated that a 1985 cutoff date could force a requirement for an additional capital investment of $19 billion for the period 1980–2000, but it was estimated that operating cost savings of $19.0 billion would be realized in the same period. The report of the CAN working group noted that the absolute values of these estimates naturally depend on the assumptions made in the study, but it was considered that the relative values would provide a reasonable guide to the financial consequences of any Chapter 2 limitation. Thus, the operating cost savings could repay the added capital requirements in about 2 years. The large magnitude of the estimated surplus of savings relative to capital costs should easily accommodate capital or cost elements that were overestimated, underestimated, or overlooked, and should assure adequate access to the credit markets.

This is more than a theoretical prediction. Three airlines have recently placed mixed orders for Stage 2 and Stage 3 versions of the same medium range jet passenger aircraft. When interviewed and asked why they had placed a mixed order, they all answered: We didn't want any Stage 2's. We wanted all Stage 3's, even if they cost more. But we had to have some new planes fairly soon and the manufacturer couldn't supply the Stage 3 models on time. We had to take Stage 2's as second choice to meet our immediate needs.

It is clearly in the public interest to convert the fleet to all-Stage 3

technology at the earliest practicable time:

(1) Airport neighbors will enjoy welcome relief from excessive noise levels.

(2) Airlines will enjoy lower operating costs which can help reduce air fares paid by the travelling public.

(3) Manufacturer's investments in new technology designs will be compensated.

[FR Doc. 84-8715 Filed 4-3-84; 8:45 am]

BILLING CODE 4910-13-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Parts 3, 4 and 140

### Commodity Pool Operators and Commodity Trading Advisors; Exemption From Registration and From Subpart B of Part 4 for Certain Otherwise Regulated Persons and Other Regulatory Requirements

**AGENCY:** Commodity Futures Trading Commission.

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

**SUMMARY:** On February 8, 1984, the **Federal Register** published the Commission's proposed amendments to Parts 3, 4 and 140 of its regulations. 49 FR 4778. Among other things, these proposals would exempt certain otherwise regulated persons from regulation as a commodity pool operator. The comment period on the proposed amendments will expire on April 9, 1984.

The Commission has received several requests for an extension of the comment period. Because the Commission wishes to be certain that all parties have an opportunity to finalize and submit their comments, it is allowing an additional 30 days for comment.

**DATES:** Accordingly, notice is hereby given that all comments on the Commission's proposed amendments to Part 3, 4 and 140 of its regulations (49 FR 4778, February 8, 1984) must be submitted by May 9, 1984.

**FOR FURTHER INFORMATION CONTACT:** Barbara R. Stern, Special Counsel for Commodity Pool Operators and Commodity Trading Advisors, (202) 254-8955.

Issued in Washington, D.C. on March 30, 1984.

Jane K. Stuckey,

*Secretary of the Commission.*

[FR Doc. 84-8883 Filed 4-3-84; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

### 18 CFR Part 271

**[Docket No. RM79-76-227 Colorado-1 Amendment III]**

### High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982), to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1983)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado that portions of the J Sand Formation originally excluded by the Commission in Order No. 124 be included in the designated tight formation under § 271.703(d).

**DATE:** Comments on the proposed rule are due on May 16, 1984. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on April 13, 1984.

**ADDRESS:** Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8616

**SUPPLEMENTARY INFORMATION:**

In the matter of High-Cost Gas Produced from Tight Formations; Docket No. RM79-76-227, (Colorado-1 Amendment III).

Issued: March 22, 1984.

#### I. Background

On February 24, 1984, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (18 CFR 271.703 (1983)), that certain lands previously excluded from the J Sand Formation be designated as a tight formation pursuant to § 271.703(d). The J Sand Formation underlies portions of Adams, Boulder and Weld Counties in north central Colorado. The Commission adopted, in part, Colorado's recommendation of July 9, 1980, that the J Sand Formation be designated as a tight formation in Order No. 124, issued January 23, 1981, in Docket No. RM79-76 (Colorado-1). The description of the area as designated appears in § 271.703(d)(11) of the Commission's regulations. In Order No. 124, the Commission excluded certain lands contained in Colorado's recommendation from the designation under § 271.703(c)(i)(D), because it found that these areas had been subject to infill drilling orders, and information in Colorado's recommendation indicated that these areas could be developed absent the incentive price for tight formation gas. A description of the excluded acreage appears in the appendix to Order No. 124, in Docket No. RM79-76 (Colorado-1).

Colorado's recommendation contains economic data detailing current well development costs within the J Sand Formation. Colorado proposes that twelve 320-acre non-contiguous drilling units now be included in the tight formation designation. Eleven of these units were excluded by the Commission in Order No. 124 and the twelfth unit, S ½ of Section 8, Township 2 North, Range 67 West, was not excluded by Order No. 124 but should have been excluded because of infill drilling.

This Notice of Proposed Rulemaking is issued under § 271.703(c)(4) to determine whether Colorado's recommendation that the J Sand Formation be designated a tight formation should be adopted amending § 271.703(d)(11) to add certain lands to the Wattenberg J Sand tight formation area. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

#### II. Description of Recommendation

The units which Colorado recommends are located in Township 1 North, Range 66 West, Section 7, S½; Township 1 North, Range 67 West, Section 16, N½; Township 2 North, Range 67 West, W½ of Section 2, S½ of Section 8, W½ of Section 9, N½ of Section 17, N½ of Section 18, E½ of Section 32; Township 3 North, Range 66

West, Section 20, S½ and Section 34, E½; Township 3 North, Range 67 West, Section 35, E½ in Weld County, Colorado.

Colorado, in an August 11, 1983, letter to the Commission provided an amended completion report for the well in the Township 2 North, Range 68 West, Section 13, W½ unit. The amended completion report showed the well as completed for production after the date of Colorado's infill order for the field. By Order No. 271 in Docket No. RM79–76–214 (Colorado–1 Amendment II) issued December 2, 1982, the Commission deleted this unit from the area excluded from tight formation designation. Since this unit currently qualifies for the incentive price, its review in the instant recommendation is considered moot. The average depth to the top of the J Sand Formation in the recommended area is approximately 8,000 feet.

### III. Discussion of Recommendation

On August 21, 1979, Colorado issued Infill Drilling Order No. 232–20 covering portions of the J Sand Formation. In Order No. 124, the Commission excluded those portions of the recommended area which were subject to Infill Drilling Order No. 232–20 and in which wells were completed for production prior to August 21, 1979, the date the infill order was issued.

Colorado claims in its February 24, 1984, submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG–3, Order No. NG–3–4 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

(4) Economic data indicates that the recommended area cannot be further developed without the incentive price provided for in § 271.703(a).

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, [Reg. Preambles 1977–1981] FERC Stats. and Regs. ¶ 30,180 (1980), the Director gives notice of the proposal submitted by Colorado that certain areas of the J Sand Formation as described and delineated in Colorado's recommendation as filed with the Commission, be added to the designated area of the J Sand Formation.

### IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 16, 1984. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–227 (Colorado–1 Amendment III), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they want to make an oral presentation and so request a public hearing. The person shall specify the amount of time requested at the hearing, and should file the request with the Secretary of the Commission no later than April 13, 1984.

### List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

Accordingly, the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, will be amended as set forth below, in the event the Commission adopts Colorado's recommendation.

**Kenneth A. Williams,**

*Director, Office of Pipeline and Producer Regulation.*

## PART 271—[AMENDED]

Section 271.703 is amended as follows:

1. The authority citation for Part 271 reads as follows:

**Authority:** Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553.

2. The appendix to Order No. 124 Docket No. RM79–76 (Colorado–1) appearing in the Rules section of this issue, is amended by removing the following from the area excluded from the tight formation designation.

**Weld County**

*Township 1 North, Range 66 West, 6th P.M.*
Section 7: S½
*Township 1 North, Range 67 West, 6th P.M.*
Secion 16: N½
*Township 2 North, Range 67 West, 6th P.M.*
Section 2: W½
Section 9: W½
Section 17: N½
Section 18: N½
Section 32: E½
*Township 3 North, Range 66 West, 6th P.M.*
Section 20: S½
Section 34: E½
*Township 3 North, Range 67 West, 6th P.M.*
Section 35: E½

[FR Doc. 84–8187 Filed 4–3–84; 8:45 am]

BILLING CODE 6717–01–M

## INTERNATIONAL TRADE COMMISSION

### 19 CFR Ch. II

### Regulatory Flexibility Agenda

**AGENCY:** International Trade Commission.

**ACTION:** Semiannual publication of "regulatory flexibility agenda."

**SUMMARY:** Pursuant to Section 602 of the Regulatory Flexibility Act, the Commission hereby gives notice that (1) it does not expect to propose or promulgate any rule (as defined in 5 U.S.C. 601(1)); and (2) it does not currently have under consideration any such rule.

**FOR FURTHER INFORMATION CONTACT:** Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–3540.

(5 U.S.C. § 602(a))

By order of the Commission.

Issued: March 29, 1984.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 84–8965 Filed 4–3–84; 8:45 am]

BILLING CODE 7020–02–M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### 29 CFR Part 1910

[Docket No. H-041]

### Occupational Exposure to 1,3-Butadiene

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Extension of comment period.

**SUMMARY:** On January 5, 1984, OSHA published a Federal Register notice (49 FR 844) in which interested parties were requested to submit data and comments relevant to the adverse health effects resulting from 1,3-butadiene exposure. The comment period ended March 5, 1984. This notice announces that OSHA is extending the comment period for 1,3-butadiene and will keep the docket open for the submission of further information. This action is being taken in response to a request that the comment period be extended to allow time for the gathering and analysis of additional information on worker exposure, and in order to allow time for the submission of the results of laboratory studies, currently in progress, which may provide pertinent information.

OSHA requests that interest persons submit information concerning the health effects of 1,3-butadiene, its toxicologic properties, estimates of risk presented, current occupational exposure levels, control technologies and costs of reducing exposures and their cost-effectiveness, and health effects research in progress and planned. All written submission as well as other information will be considered by OSHA in its determinations.

**DATES:** Comments will be accepted until further notice.

**ADDRESS:** Comments should be sent to the Docket Officer, Docket, H-041, Occupational Safety and Health Administration, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. All written comments submitted in response to this notice will be available for inspection and copying at the Docket Office on weekdays between 8:15 a.m. and 4:15 p.m.

**FOR FURTHER INFORMATION CONTACT:** James Foster, Occupational Safety and Health Administration, Room N-3637, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C., 20210, Telephone (202) 523-8148.

Signed at Washington, D.C., this 30th day of March, 1984.

Thorne G. Auchter,

*Assistant Secretary for Occupational Safety and Health.*

[FR Doc. 84-8957 Filed 4-3-84; 8:45 am]

BILLING CODE 4510-26-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 913

### Public Comment Procedures and Opportunity for Public Hearing on Proposed Modifications to the Illinois 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 Illinois as an amendment to the State's permanent regulatory program (hereinafter referred to as the Illinois program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment submitted consists of proposed changes to the Illinois regulations concerning the exemption from prime farmland permitting requirements and performance standards. This notice sets forth the times and locations that the Illinois program and proposed amendment will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed for the public hearing.

**DATES:** Written comments from the public not received by 4:30 p.m., May 4, 1984 will not necessarily be considered in the decision on whether the proposed amendment should be approved and incorporated into the Illinois regulatory program. A public hearing on the proposed amendment has been scheduled for April 25, 1984. Any person interested in speaking at the hearing should contact Mr. James Fulton at the address or telephone number listed below by April 18, 1984. If no person has contacted Mr. Fulton by that date to express an interest in the hearing, the hearing will not be held. If only one person requests the opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

**ADDRESSES:** The public hearing is scheduled for 10:00 a.m. in Room 20, Springfield Office, 600 E. Monroe St., Springfield Field, Illinois 62701.

Written comments and requests for a hearing should be directed to Mr. James Fulton, Director, Springfield Field Office, Office of Surface Mining, Room 20, 600 E. Monroe St., Springfield, Illinois 62701; Telephone: (217) 492-4495.

Copies of the Illinois program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters Office and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays.

Office of Surface Mining, Room 5315, 1100 L Street NW., Washington, D.C. 20240

Illinois Department of Mines and Minerals, Land Reclamation Division, 227 South 7th Street, Springfield, Illinois 62706

**FOR FURTHER INFORMATION CONTACT:** Mr. James Fulton, Director, Springfield Field Office, Office of Surface Mining, Room 20, 600 E. Monroe Street, Springfield, Illinois 62701; Telephone: (217) 492-4495.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The Illinois program was conditionally approved by the Secretary of the Interior on June 1, 1982 (47 FR 23858). Information pertinent to the general background, revisions, modifications, and amendments to the Illinois program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Illinois program can be found in the June 1, 1982 Federal Register.

#### II. Submission of Revisions

By letter dated March 16, 1984, Illinois submitted regulatory amendments to revise the exemption from the prime farmland permitting requirements and performance standards.

Specifically, the proposed amendment includes the following revisions to Illinois rule 1785.17 *Prime Farmland:* [new text is shown by arrows and deleted language is in brackets]

*Section 1785.17 Prime Farmland*

(a) This section applies to any person who conducts or intends to conduct surface coal mining and reclamation operations on prime farmlands historically used for cropland. Nothing in this [sub]section shall apply to any permit issued prior to the date of enactment of the Act, or to any revisions or renewals thereof, or to any existing surface mining operation which a permit was issued prior to the date of enactment of the Act►as determined by the Department prior to September 29, 1981. For lands for which application for exemption was initially made or pending on or after September 29, 1981, this section does not apply to:◄

(1) ►Lands on which surface coal mining and reclamation operations are conducted pursuant to any permit issued prior to August 3, 1977; or ◄

(2) ►Lands on which surface coal mining and reclamation operations are conducted pursuant to any renewal or revision of a permit issued prior to August 3, 1977; or◄

(3) ►Lands included in any existing surface coal mining operations for which a permit was issued for all or any part thereof prior to August 3, 1977, provided that:◄

(i) ►Such lands are part of a single continuous surface coal mining operation begun under a permit issued before August 3, 1977; and◄

(ii) ►The permittee had a legal right to mine the lands prior to August 3, 1977, through ownership, contract or lease but not including an option to buy, lease, or contract; and◄

(iii) ►The lands contain part of a continuous recoverable coal seam that was being mined in a single continuous mining pit (or multiple pits if the lands are proven to be part of a single continuous surface coal mining operation) begun under a permit issued prior to August , 1977.◄

(4) ►For purposes of this section:◄

(i) ►"Renewal" of a permit shall mean a decision by the Department to extend the time by which the permittee may complete mining within the boundaries of the original mining within the boundaries of the original permit and "revision" of the permit shall mean a decision by the Department to allow changes in the method of mining operations within the original permit area, or the decision of the Department to allow amendment pursuant to state law prior to June 1, 1982, or other incidental boundary changes to the original permit;◄

(ii) ►A pit shall be deemed to be a single continuous mining pit even if portions of the pit are crossed by a road, pipeline, railroad, or powerline or similar crossing;◄

(iii) ►A single continuous surface coal mining operation is presumed to consist only of a single continous mining pit under a permit issued prior to August 3, 1977, but may include non-contiguous parcels if the operator can prove by clear and convincing evidence that, prior to August 3, 1977, the non-contiguous parcels were part of a single permitted operation. For the purposes of this paragraph, clear and convincing evidence includes, but is not limited to, contracts, leases, deeds or other properly executed legal documents (not including options) that specifically treat physically separate parcels as one surface coal mining operation.◄

(5) ►The exceptions granted by Paragraphs (a)(1)–(3) of this section shall apply fully only to lands permitted and exempted by a Departmental decision on applications made prior to August 1, 1982. Persons initially applying for exemption under subparagraphs (a)(1)–(3) after July 31, 1982 may obtain such exemption, but lands subject to such applications shall comply with the prime farmland productivity standards of Section 1823.15. Applications first made after July 31, 1982 shall be further subject to an acreage limitation of 13,000 acres statewide, as set out in subsection (6) below.◄

(6) ►The acreage limitation referred to in subsection (5) shall be implemented as follows:◄

►Applications for lands first made after July 31, 1982 and pending before the Department on the effective date of this rule shall be collectively totalled for acreage. If the acreage applied for is less than 13,000 acres, the applications may be granted (subject to determination of their merits). On a monthly basis thereafter, applications shall be cumulatively totalled. In month that the cumulative total exempted acreage applied for since July 31, 1982 exceeds 13,000 acres, the exemptions shall be granted for that month on a pro-rata basis, so that the cumulative total including that month's total, equals 13,000 acres. Once 13,000 total cumulative acres are grandfathered pursuant to this exemption, the exemption shall become unavailable to future applicants. Any permittee may relinquish exempted acreage to the Department in writing, identifying the acreage released. In the event available exempt acreage shall ever be so relinquished, the availability of the total number of acres shall be announced by the Department to all existing permittees and applicants made within 30 days of the announcement shall be granted on a pro-rata basis to the extent of available acres.◄

(7) ►All applicants for an exemption shall supply the Department with a scale map of the area proposed to be exempted, delineating all prime farmland soils and showing noting the total number of acres proposed for exemption to the nearest acre, and the numbers of acres of each prime farmland soil type in the area proposed to be exempted.◄

Upon request to OSM's Field Office Director, each person may receive, free of charge, one single copy of the proposed program amendment. The Director now seeks public comment on whether the proposed amendment is no less effective than the Federal regulations. If approved, the amendment will become part of the Illinois program.

**III. Procedural Requirements**

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursant 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 913**

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: March 29, 1984.

Carson W. Culp Jr.,

*Acting Director, Office of Surface Mining.*

[FR Doc. 84-8899 Filed 4-3-84; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Air Force

### 32 CFR Part 865

### Personnel Review Boards; Air Force Board for Correction of Military Records

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

**ACTION:** Proposed rule.

**SUMMARY:** The Department of the Air Force proposes to revise part 865, Subpart A of Subchapter G, Title 32 of the Code of Federal Regulations. This proposed revision includes changes in procedures for making application, and the consideration of applications, for the correction of military records by the Secretary of the Air Force acting through the Air Force Board for Correction of Military Records. This is intended to provide information necessary for submitting applications for the correction of military records to the Department of the Air Force.

**DATE:** Comments must be received by May 4, 1984.

**ADDRESS:** Air Force Board for Correction of Military Records, SAF/MICB, Washington, D.C. 20330.

**FOR FURTHER INFORMATION CONTACT:** Mr. D'Orazio, Secretary of the Air Force/MICB(S), Washington, D.C. 20303, telephone (202) 692-4726.

**SUPPLEMENTARY INFORMATION:** The proposed rule provides for the appointment of a vice chairman; expands on format requirements for submission of applications; changes procedures for denial for request for reconsideration when it has been determined that the evidence provided is insufficient to warrant such reconsideration; expands on policy for the conduct of formal hearings; adds provision for consideration of an appeal where a formal hearing has been requested, granted and applicant has indicated that he or she and his or her counsel will not be present; expands and adds to the listing of the categories of appeals where favorable action may be taken by the Board on the basis of a favorable recommendation by the Department of the Air Force; clarifies actions to be taken by the Board scretarait; and enlarges on the requested by the Board for its review. The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12291; is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354); and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

**List of Subjects in 32 CFR Part 865**

Administrative practices and procedures, Military personnel, Records.

Note.—This rule is affected by the Privacy Act of 1974. The authorities to collect and maintain the data prescribed in this rule are Title 10, U.S.C. 15-52 and E.O. 9397, 22 November 1943. The prescribed form which is used to collect personnel information contains a Privacy Act Statement.

The revised part 865—Subpart A is proposed to read as follows:

## PART 865—PERSONNEL REVIEW BOARDS

### Subpart A—Air Force Board for Correction of Military Records

Sec.

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865.27 Staff assistance.
865.28 Paying expenses.
865.29 Special category discharges.
865.30 Publication in the **Federal Register**.

**Authority:** Secs. 1552, 8012, 70A Stat. 116, 488; 10 U.S.C. 1552, 8012.

### § 865.0 Purpose.

This rule will establish procedures for making application, and the consideration of applications, for the correction of military records by the Secretary of the Air Force acting through the Air Force Board for Correction of Military Records (hereinafter referred to as the Board). This rule will apply to all Air Force activities.

### § 865.1 Legal authority.

Section 131 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190g) provides that no private bill or resolution, and no amendment to any bill or resolution, authorizing or directing the correction of military or naval records, shall be received or considered in either the Senate or the House of Representatives. Section 207 of the same Act, as amended, and as reenacted and codified in Title 10, U.S.C., section 1552, provides:

Sec. 1552. Correction of military records: claims incident thereto.

(a) The Secretary of a military department, under procedures established by him and approved by the Secretary of Defense, and acting through boards of civilians of the executive part of that military department, may correct any military record of that department when he considers it necessary to correct an error or remove an injustice. Under procedures prescribed by him, the Secretary of Transportation may in the same manner correct any military record of the Coast Guard. Except when procured by fraud, a correction under this section is final and conclusive on all officers of the United States.

(b) No correction may be made under subsection (a) unless the claimant or his heir or legal representative files a request therefor before October 26, 1961, or within three years after he discovers the error or injustice, whichever, is later. However, a board established under subsection (a) may excuse a failure to file within three years after discovery if it finds it to be in the interest of justice.

(c) The department concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compesnation, emoluments, or other precuniary benefits, or for the repayment of a fine or forfeilture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be. If the claimant is dead, the money shall be paid, upon demand, to his legal representative. However, if no demand for payment is made by a legal representative, the money shall be paid—

(1) to the surviving spouse, heir, or beneficiaries, in the order prescribed by law applicable to that kind of payment;

(2) if there is no such law covering order of payment, in the order set forth in section 2771 of this title; or

(3) as otherwise prescribed by the law applicable to that kind of payment.

A claimant's acceptance of a settlement under this section fully satisfies the claim concerned. This section does not authorize the payment of any claim compensated by private law before October 25, 1951.

(d) Applicable current appropriations are available to continue the pay, allowances, compensation, enoluments, and other precuniary benefits of any person who was paid under subsection (c), and who, because of the correction of his military record, is entitled to those benefits, but not for longer than one year after the date when his record is corrected under this section if he is not reenlisted in, or appointed or reappointed to, the grade to which those payment relate. without regard to qualifications for reenlistment, or appointment or reappointment, the Secretary concerned may reenlist a person in, or appoint or reappoint him to, the grade to which payments under this section relate.

(e) No payment may be made under this section for a benefit to which the claimant might later become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

**§ 865.2 Board establishment and composition.**

Pursuant to the foregoing statutory authority, the Air force Board for Correction of Military Records has been established in the Office of the Secretary of the Air Force. The Board consists of civilians of the executive part of the Department of the Air Force in such number, not less than three, as may be appointed by the Secretary of the Air Force. Three members present will constitute a quorum of the Board. The Secretary designates one member as Chairman and one member as Vice Chairman. In the absence or incapacity of the Chairman, the Vice Chairman will act as Chairman for all purposes.

**§ 865.3 Function of the board.**

The function of the Board is to consider all applications properly before it to determine the existence of an error or an injustice and, when appropriate, to make recommendations to the Secretary of the Air Force.

**§ 865.4 Board jurisdiction.**

The Board shall have jurisdiction to review and determine all matters properly brought before it, consistent with existing law.

**§ 865.5 General requirements.**

(a) Submission. The application for correction should be submitted on DD Form 1149, Application for Correction of Military or Naval Records under the Provisions of Title 10, U.S. Code Section 1552, or exact facsimile thereof, and should be addressed to:

USAFMPC-MPCDOA1
Randolph AFB, TX 78150

Note.—Forms and explanatory matter may be obtained from the same activity.

(b) Who Signs Application. Except as provided in § 865.5(c), the application will be signed by the person requesting corrective action with respect to his or her record and will either be sworn to or will contain a provision to the effect that the statements submitted in the application are made with full knowledge of the penalty provided by law for making a false statement or claim (18 U.S.C. 287,1001).

(c) When Person Is Unable to Submit Application for Self. When the record in question is that of a person who is incapable of making application himself or herself, or whose whereabouts are unknown, or when such person is deceased, for the purpose of bringing the application before the Board, the application may be made by the spouse, parent, heir, or legal representative. Proof of proper interest will be submitted as may be required by the Board.

**§ 865.6 Time limit for filing application.**

A claimant, heir, or legal representative, must file the application for correction of a record with the Secretary of the Air Force within 3 years after discovery of the alleged error or injustice. Failure to file within the time prescribed may be excused by the Board if it finds it would be in the interest of justice to do so. If the claimant, heir, or legal representative files an application more than 3 years after he or she discovers the error or injustice, he or she must include in his or her application his or her reasons why the Board should find it is in the interest or justice to excuse his or her failure to file the application within the time prescribed above.

**§ 865.7 Other proceedings not stayed.**

The application to the Board for correction of a record will not operate as a stay of any proceedings being taken with respect to the person involved.

**§ 865.8 Consideration of application.**

No application will be considered until the applicant has exhausted all effective administration remedies afforded by existing law or regulations, and such legal remedies as the Board shall determine are practical and appropriately available to the applicant. Briefs furnished in support of applications submitted according to this part will not exceed 25 double-spaced typewritten pages.

(a) *Review.* Each application and the available military or naval records pertinent to the corrective action requested will be reviewed by a panel of the Board in Executive Session to determine whether to authorize a hearing, recommend that the records be corrected without a hearing, or to deny the application without a hearing. The Board will make this determination in all cases except those in which the application has been denied administratively for the reason the applicant did not file the application within 3 years after he or she discovered the alleged error or injustice and did not submit any reason why the Board should find it to be in the interest of justice to excuse the failure to file the application within the prescribed 3 years.

(b) *Denial of Application.* The Board may deny an application if it determines that insufficient relevant evidence has been presented to demonstrate the existence of probable material error or injustice, that the applicant has not exhausted other effective administrative or legal remedies available to him or her, that effective relief cannot be granted, or that the applicant did not file his or her application within 3 years after he or she discovered the alleged error or injustice and insufficient evidence has been presented to warrant a finding that it would be in the interest of justice to excuse the failure to file within the prescribed 3 years. The Board will not deny an application on the sole ground that the record was made by or at the direction of the President or the Secretary in connection with proceedings other than proceedings of a board for correction of military or naval records. Denial of an application on the grounds of insufficient relevant evidence to demonstrate probable material error or injustice is without prejudice to further consideration if new relevant evidence is submitted. The applicant will be informed of his or her privilege to submit newly discovered relevant evidence for consideration.

(c) *Reconsideration.* All requests for further consideration will be initially screened by the staff of the Board to determine whether new, relevant evidence, that is, evidence not contained in the previous Record of Proceddings and not reasonably available to the applicant at the time of the previous application, has been submitted. If such evidence has been submitted, the request will be forwarded to the Board for a determination as explained in § 865.8(a). If no such evidence has been submitted, the applicant will be informed that his or her request was not considered by the Board because it did not contain newly discovered, relevant evidence that was not in the record at the time of any previous Board consideration. Denials of reconsideration on these grounds must be approved by the Executive Secretary or the Senior Examiner of the Board.

(d) *Written Proceedings.* When the Board determines that the record should

be corrected or that the application be denied, the detemination of the Board will be made in writing. The writings (proceedings) will include, but not be limited to, all facts of record, and statement of ground(s) upon which the Board's determination is based. Where the Board concludes complete relief should not be granted, written proceedings will address applicant's claim(s) of constitutional, statutory, and/or regulatory violation rejected by the Board and/or reviewing authority. In those cases involving the characterization of an individual's discharge or dismissal from the military service, the factors required by Air Force regulations to be considered for determination of the character of and reason for the discharge or dismissal in question will be included.

**§ 865.9 Appearing before the Board.**

In each case in which the Board determines that a hearing is warranted the applicant will be entitled to appear before the Board either in person or by counsel of his or her own selection or in person with counsel.

**§ 865.10 Notice of hearing.**

(a) *To Applicant and Counsel.* In each case in which a hearing is authorized, the Executive Secretary of the Board will transmit to the applicant and counsel, if any, a written notice stating the time and place of hearing. The notice will be mailed to the applicant and counsel, if any, at least 30 days before the date of hearing, except that an earlier date may be set where the applicant waives his or her right to such notice in writing.

(b) *To the Board.* Upon receipt of notice of hearing, the applicant will notify the Board in writing at least 15 days before the date set for hearing as to whether he or she will be present at the hearing and will indicate to the Board the name of counsel, if represented by counsel, and the names of such witnesses as he or she may intend to call in his or her behalf. Cases in which the applicant notifies the Board that he or she does not desire to be present at the hearing will be considered according to § 865.15(b) below.

**§ 865.11 Definition of counsel.**

The term "counsel" will be construed to include members in good standing of the bar of any state, accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs under Title 38, United States Code, section 3402, or such other persons, who in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for correction, unless barred by law.

**§ 865.12 Witnesses at hearing.**

The applicant will be permitted to present witnesses in his or her behalf at hearings before the Board. It will be the responsibility of the applicant to notify his or her witnesses and to arrange for their appearance at the time and place set for hearing.

**§ 865.13 Access to records.**

(a) *Official Records.* The applicant will have access to such official records as are deemed necessary to adequately present his or her case. It is the responsibility of the applicant to procure such evidence not contained in official records of the Department of the Air Force as he or she desires to present in support of his or her case.

(b) *Classified or Privileged Matter.* Classified or privileged matter will not be disclosed or made available without express finding of the Executive Secretary of the Board that such disclosure is required in the case and is not detrimental to the public interest. Such disclosure should not be contrary to existing law and departmental regulations concerning privileged or classified material. When appropriate, the applicant may be supplied only with an unclassified summary or extract of classified matter.

(c) *Copies of Records.* This part does not authorize the Board to furnish copies of official records. Requests for copies of official records should be submitted according to regulations governing release of information (for example, AFR 12–30).

**§ 865.14 Convening the Board.**

The Board will be convened at the call of the Chairman, Vice Chairman or Panel Chairman and will recess or adjourn at his or her order.

**§ 865.15 Conduct of hearing.**

(a) *By Chairman.* The hearings will be conducted by the Chairman, Vice Chairman, or Panel Chairman, and will be subject to his or her rulings that will be designed, insofar as practicable, to accord the applicant an opportunity to make a full and fair presentation of his or her case. The Board will not be limited by legal rules of evidence, but will maintain reasonable bounds of competency, relevancy, and materiality. Hearings are normally limited to 2 hours. However, additional time may be granted at the discretion of the Chairman, Vice Chairman or Panel Chairman. AFR 11–31 is not applicable to hearings conducted by the Board.

(b) *When Applicant is not Present or Represented at Hearing.* If the applicant, after being duly notified, has indicated to the Board that he or she does not desire to be present or to be represented by counsel at the hearing, the Board will consider the case on the basis of all the material before it, including, but not limited to, the application for correction filed by the applicant, any documentary evidence filed in support of such application, any brief submitted by or in behalf of the applicant, and all available pertinent records.

(c) *When Applicant Fails to Appear at Time and Place Set for Hearing.* If the applicant, after being duly notified, has indicated to the Board that he or she will be present or represented by counsel at the hearing, and without good cause and timely notice to the Board, he or she or a representative fails to appear at the time and place set for the hearing, the Board may consider the case as explained in § 865.15(b), or will make such other disposition of the case as is indicated under the circumstances.

(d) *Testimony.* All testimony before the Board will be given under oath or affirmation. The proceedings of the Board and the testimony given before it will be recorded verbatim.

**§ 865.16 Continuance of hearing.**

The Board may continue a hearing on its own motion. A request for continuance by or in behalf of the applicant may be granted by the Board if a continuance appears necessary to ensure a full and fair hearing.

**§ 865.17 Deliberations, findings, decisions, and recommendations.**

(a) *Deliberations.* Only members of the Board and its staff will be present during the deliberations of the Board.

(b) *Further Information.* During the course of review of the case, when it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may require the applicant to obtain, or the Board may obtain, such further information as it may consider essential to a complete and impartial determination of the facts and issues.

(c) *Findings, Decisions, and Recommendations.* Following a hearing, the Board will make written findings, decisions, and recommendations. A majority vote of the members present on any matter before the Board will constitute the action of the Board and will be so recorded.

(d) *Separate Communication.* Where the Board considers it necessary to

submit comments or recommendations to the Secretary of the Air Force as to matters arising from, but not directly related to the issues of any case, such comments and recommendations will be the subject of separate communication.

(e) *Delegation of Authority to Correct Certain Military Records:*

(1) The Air Force Board for Correction of Military Records is hereby authorized to take final action on behalf of the Secretary of the Air Force in approving the correction of military records, provided such action:

(i) Has been recommended by the Air Staff.

(ii) Is unanimously agreed to by the Board.

(iii) Falls into one of the following categories:

(A) Restoration of leave unduly charged to applicants.

(B) Promotion of applicants retroactively, who would have been promoted during regular enlisted promotion cycles but were inadvertently or improperly excluded from consideration during such cycles; and adjustment of their pay accounts accordingly.

(C) Promotion of applicants to grades held immediately before reenlistment who were inadvertently or improperly reenlisted in a lower grade.

(D) Award of basic allowance for subsistence, basic allowance for quarters, family separation allowance, civilian clothing allowance, housing allowance and cost of living allowance to applicants entitled thereto.

(E) Authorizing participation, declination, or modification of an election under the Retired Serviceman's Family Protection Plan, the Survivor Benefit Plan and/or the Reserve Components-Survivor Benefit Plan where failure to elect to participate, decline to participate, or to make an appropriate election was through no fault of the service member.

(F) Placement in a temporary or permanent disability retired status, including appropriate percentage of disability, of applicants who were clearly physically unfit and were inadvertently or improperly separated.

(G) Award of Selective Reenlistment Bonuses, Proficiency Pay, Enlistment and/or Reenlistment Bonuses.

(H) Change of home of record where upon entry on duty applicants erroneously reported an address other than actual home.

(I) Award of reserve participation credit in computation of years of satisfactory service where such service was improperly or erroneously credited.

(J) Award variable incentive pay (VIP).

(K) Award allowance for command sponsorship of dependents.

(L) Authorize reimbursement for shipment of excess baggage, movement of a house trailer, mobile home, and/or storage and shipment of household goods incident to permanent change of station assignment (PCS).

(M) Award of allowance for dependent(s) travel.

(N) Authorize the award of citations and/or decorations.

(O) Award of date of rank (DOR) (commissioned and enlisted).

(P) Change of Active Duty Service Commitment (ADSC).

(Q) Award of flying pay (incentive pay).

(R) Change in oversea tours (accompanied and/or all others).

(S) Authorize permissive temporary duty (TDY).

(T) Award of Air Force specialty code (AFSC).

(U) Change of effective date of retirement.

(V) Change reenlistment eligibility code (RE-Code).

(W) Reinstatement to active reserve status in the Reserve of the Air Force (AFRes and ANGUS), of applicants who were inadvertently or improperly assigned to an inactive reserve status and/or to the retired reserve.

(X) Change grade of enlistment in United States Air Force and/or Reserve of the Air Force (AFRes and ANGUS).

(Y) Set aside disciplinary punishment imposed pursuant to Article 15, UCMJ.

(Z) Authorize the recharacterization of less than honorable discharges to an honorable discharge or general under honorable conditions.

(AA) Corrections, deletions, and/or additions to evaluation reports (Officer and Airman) which are excluded under the provisions of AFR 31–11.

(BB) Change date of enlistment in US Air Force and/or Reserve of the Air Force (AFRes and ANGUS).

(CC) Delete time lost and all references thereto from the record.

(DD) Award of constructive service credit.

(EE) Change date of separation (DOS).

(FF) Change entries on DD Form 214, Certificate of Release or Discharge from Active Duty.

(GG) Change reason and/or authority for discharge.

(HH) Award of operational flying duty credit.

(II) Deletion of correspondence and/or documents from the records which are derogatory and/or unfavorable to applicants.

(2) The Executive Secretary of the Board or his designee, after assuring compliance with the above stated conditions, will announce the final action on applications processed under this subparagraph.

**§ 865.18 Minority report.**

In the case of a disagreement between members of the Board, a minority report may be submitted, either as to the findings, decision, or the recommendations or to all, including the reasons therefor.

**§ 865.19 Record of proceedings.**

When the Board has completed its deliberations, a record of proceedings will be prepared. Such record will indicate whether or not a quorum was present and the name and vote of each member present. The record will include the application for relief; briefs and written arguments; advisory opinions; the findings, conclusions, and recommendations of the Board; and all other papers, documents, and reports necessary to reflect a true and complete history of the proceedings. The record also will include any transcripts of testimony, and any minority reports. The record so prepared will be certified by the chairman or designee as being true and complete.

**§ 865.20 Withdrawal of application.**

The Board may permit an applicant to withdraw his or her application without prejudice at any time before its proceedings are sent to the Secretary of the Air Force.

**§ 865.21 Action by the Secretary of the Air Force.**

All Board recommendations for correction of records, except those finalized by the Board under the authority contained in § 865.17(e) will be forwarded to the Secretary or Assistant Secretary of the Air Force or his or her designee who will direct such action in each case as he or she determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary. Those cases returned for further consideration will be accompanied by a brief statement setting out the reasons for such action and any specified instructions. If the Secretary or Assistant Secretary's decision is to deny relief, such decision will be in writing and will include a brief statement of the ground(s) for denial. All Secretarial decision documents will be furnished to the applicant and counsel.

**§ 865.22 Action by the Board Secretariat.**

(a) *Returning Case to the Board.* On final action by the Secretary or Assistant Secretary of the Air Force, the

complete record in each case is returned to the Board Secretariat. The Board Secretariat will transmit the Secretary's decision to the Chief of Staff, US Air Force for appropriate action.

(b) *Communicating Decision to Applicant and Counsel.* On receipt of proceedings after final action by the Secretary of the Air Force, his designee, by the Executive Secretary of the Board acting under the authority in § 865.17(e), or when the Board denies an application without a hearing, the Board Secretariat will communicate the decision to the applicant and counsel, if any, by furnishing applicant and counsel a copy of the record of proceedings and all decisional documents. Privileged or classified material may be deleted only if a written unclassified statement of basis for deletion is provided.

(c) *Informing Applicant when Administrative Action has been Completed.* When all necessary administrative action has been completed by the HQ USAF, the applicant will be informed of such action by the HQ USAF office designated by the Chief of Staff, US Air Force.

(d) *Written Notice to Chairman of Board.* Written notice specifying the action taken and the date thereof will be transmitted to the chairman of the Board.

(e) *Filing Records of Decision of the Secretary of the Air Force.* The record of the decision of the Secretary of the Air Force will not be filed in the military records of the applicant where the effect of such action would be to nullify the relief granted, or if those cases in which the application is denied.

(f) *Release of Record of Proceedings to the Public.* After action on the record by the Secretary of the Air Force, his designee, by the Executive Secretary of the Board acting under the authority contained in § 865.17(e), or when the Board denies an application without a hearing, the Board Secretariat will release for public inspection and copying, at a designated reading room within the Washington, DC metropolitan area, a sanitized and indexed copy of the record of proceedings and all decisional documents. To the extent required and to prevent a clearly unwarranted invasion of personal privacy, identifying details of applicant and other persons will be deleted from all documents. Privileged or classified material will be deleted. The statement will not reveal the nature of the withheld material. An index of record of proceedings formulated so as to enable those who represent applicants to isolate from all those decisions that are indexed those cases that may be similar to an applicant's case and which indicates the ground for which the Board and/or the Secretary granted or denied relief. The index will be published quarterly and available for public inspection and sale at the reading room.

**§ 865.23 Authority to settle claims.**

(a) *Claims Authorized to be Settled and Paid.* The Department of the Air Force is authorized to pay claims according to 10 U.S.C. 1552, which is quoted in § 865.1.

(b) *Claims Not Authorized to be Paid.* The Department of the Air Force is not authorized to pay any claim heretofore compensated by the Congress through enactment of private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

**§ 865.24 Application for settlement.**

(a) *Filing Claims.* Settlement and payment of claims, will be made only upon a claim of the person whose record has been corrected; or his or her legal representative, heirs at law, or beneficiaries. Such claim for settlement and payment may be filed as a separate part of the application for correction of the record.

(b) *To Whom Payments will be Made if Person is Deceased.* In case the person whose record has been corrected is deceased, and where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due will be made to the decedent's spouse, heir, or beneficiaries, in order of precedence as prescribed in Title 10, United States Code, section 1552.

(c) *Determining Status as Proper Parties to Claim.* Upon request, the applicant or applicants will be required to furnish requisite information to determine their status as proper parties to the claim for purposes of payment under applicable provisions of law.

**§ 865.25 Settlement provisions.**

(a) *Basis for Settlement.* Settlement of claims will be based on the decision of the Secretary of the Air Force. Computations of amounts due will be made by the Comptroller of the Air Force, HQ USAF, or his representative, according to applicable law and regulations. In no case will the amount found due exceed the amount which would otherwise have been paid or become due had no error or injustice occurred. Earnings received from civilian employment during any period for which active duty pay and allowances are payable may be deducted from the settlement. Amounts found due may be reduced by the amount of any existing indebtedness to the government, arising from military service.

(b) *Nature and Amount of Various Benefits.* Before or at the time of payment, the person to whom payments are to be made will be advised by the Comptroller of the Air Force, HQ USAF, or his representative, as to the nature and amount of the various benefits represented by the total settlement, and will be advised further that acceptance of such settlement may constitute a complete release by the claimants involved of any claim against the United States on account of the correction of records.

**§ 865.26 Report of settlement.**

In every case where payment is made, the amount of such payment and the name of the payee or payees will be reported to the chairman of the Board.

**§ 865.27 Staff assistance.**

(a) *Assembling and Transmitting Available Military Records.* At the request of the Board, the appropriate staff office will assemble the original or certified copies of all available military records pertinent to the corrective action requested. Such records, together with the application and all supporting papers, will be transmitted to the Board with a certification from the staff office designated by the Chief of Staff, US Air Force, that the corrective action requested cannot be granted through administrative action by any staff office.

(b) *Facilities of Staff Offices.* The facilities of all staff offices will be made available as required to assist the Board in accomplishing its function. Upon request of the Board, personnel of the Department of the Air Force will be made available for presentation before the Board of matters within their functional areas and which relate to the issues under consideration. The appropriate Department of the Air Force office of primary responsibility (OPR) will also provide the Board with an official evaluation of each application, stating, among other things, its interpretation of the request, its opinion of the applicant's contention(s) and supporting evidence (if any) and a recommendation (to include appropriate rationale) as to whether or not the Board should render a favorable recommendation.

**§ 865.28 Paying expenses.**

No expense of any nature whatsoever voluntarily incurred by the applicant, his or her counsel, his or her witnesses, or

by any other person in his behalf, will be paid by the government.

**§ 865.29 Special category discharges.**

The following applies to applicants who received less than honorable administrative discharges before March 2, 1982, g "Category W" in Block 11, DD Form 149. AFMPC/MPCDOA1 will expedite processing these applications to the Board where they will be reviewed by a designated official. If the applicant falls within the class defined above, this official will either recharacterize the discharge to honorable without any additional proceedings or recommend that new proceedings be initiated to deterine whether other proper grounds exist for the issuance of a less than honorable discharge. If new administrative proceedings are initiated, the former service member must be notified of:

(a) The basis for separation other than drug abuse or possession of drugs based upon compelled urinalysis that was specified in the commander's report and upon which the Air Force now seeks to base a less than honorable discharge.

(b) The full complement of procedural protections that are required by current regulations.

(c) Name, address, and telephone number of an Area Defense Counsel with whom the former service member has a right to consult, and

(d) The right to participate in the new proceedings to be conducted at the Air Force base nearest the former service member's current address, or to elect to maintain his or her present character of discharge.

**§ 865.30 Publication in the Federal Register.**

This part and any amendments will be published in the **Federal Register**.

Winnibel F. Holmes,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 84-8944 Filed 4-3-84; 8:45 am]

BILLING CODE 3910-01-M

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## DEPARTMENT OF THE INTERIOR

### National Park Service

### 36 CFR Part 50

### National Capital Parks Regulations Vietnam Veterans Memorial; Demonstrations; Sale and Distribution of Printed Matter

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service proposes to amend its National Capital Parks Regulations in § 50.19 of 36 Code of Federal Regulations on demonstrations and special events in the National Capital Parks to enlarge the area around the Vietnam Veterans Memorial where demonstrations and special events are prohibited and to place additional restrictions on the use of sound amplification equipment and stages near the memorial. Having administered the Vietnam Veterans Memorial for over a year, the National Park Service has determined that present restrictions on demonstrations and special events are inadequate to maintain an atmosphere of calm, tranquility and reverence at the memorial. In addition, physical changes in the memorial, for example the addition of a flagpole and changes in the walkway system, make the present definition of the memorial inaccurate. Revising the definition of the memorial and adding minor restrictions on sound equipment and stages will meet both of these needs.

The current regulation governing the memorial was issued as an interim regulation on November 12, 1982 (47 FR 51126). After close of the comment period for this proposed regulation, a final rule will be promulgated that will replace the interim rule. However, the interim rule remains in effect until the final rule takes effect.

In addition, the National Park Service proposes to amend its regulations in §§ 50.24 and 50.52 of 36 Code of Federal Regulations to prohibit sales and distribution of literature in the Vietnam Veterans Memorial. The amendment would also revise the prohibited area around the Washington Monument so as to make it consistent with the area in which demonstrations are prohibited. Finally, the proposed rule would eliminate the prohibition on sales and distribution of literature in Constitution Gardens.

**DATES:** Written comments, suggestions or objections regarding this proposed rule will be accepted until June 4, 1984.

**ADDRESSES:** Written comments should be sent to Manus J. Fish, Jr., Regional Director, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242.

**FOR FURTHER INFORMATION CONTACT:** Sandra Alley, Associate Regional Director, Public Affairs, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242, telephone (202) 426-6700; Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4338.

**SUPPLEMENTARY INFORMATION:** The following persons participated in the writing of this rule: Richard G. Robbins and Patricia S. Bangert, Office of the Solicitor, Department of the Interior.

**Background**

*1. Vietnam Veterans Memorial*

The Act of July 1, 1980 (94 Stat. 872) authorized the Vietnam Veterans Memorial Fund, Inc. to establish a memorial in honor and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam War. The legislation specified that the memorial was to be located on National Park System lands in Constitution Gardens, in West Potomac Park in the District of Columbia.

The Vietnam Veterans Memorial was conceived by its sponsors as a vehicle for all Americans, whether or not they supported the national policy in Vietnam, to express their acknowledgment of the sacrifices of those men and women who served there. It was further intended to be a means whereby the healing and reconciliation of a country divided by the Vietnam War could be promoted. Finally, the memorial was intended to further the phychological readjustment of the veterans of the war, who have received little recognition for their honorable service.

The memorial itself was designed to harmonize with and enhance the existing landscape on which it stands. For that reason, the memorial is comprised of the memorial wall, a sculpture, and a flagpole integrated into a garden design. The wall and the flagpole are in place in the memorial. The statue will be placed in the memorial at a later date. The memorial was designed to be an inviting, hospitable but, nevertheless, peaceful and reflective location in which to contemplate the courage and sacrifice of the Americans who served in Vietnam.

On November 12, 1982, the National Park Service issued an interim regulation that added a definition of the Vietnam Veterans Memorial to § 50.19(a) of 36 CFR, as follows:

> The term "Vietnam Veterans Memorial" means the structures and adjacent areas extending to and bounded by the inner edge of the surrounding paved curvilinear paths and the center line of 21st Street, NW., extended, known as the Vietnam Veterans Memorial.

47 FR 51127 amending 36 CFR 50.19(a).

In order to maintain an atmosphere of calm, tranquility and reverence in the area of the memorial, the National Park Service also prohibited demonstrations and special events in the area of the

memorial except for official annual Memorial Day and Veterans Day commemorative ceremonies. 47 FR 51127 amending 36 CFR 50.19(c)(2).

The National Park Service has now had over a year of experience with administering the Vietnam Veterans Memorial and the interim regulation. In addition, various physical changes have been or will be made to the memorial, most notably the addition of a flagpole and statue and the realignment of walkways. On the basis of this experience, and because of the physical changes, the National Park Service now proposes to revise the definition of the Vietnam Veterans Memorial and the restrictions on demonstrations and special events in the area of the memorial.

*2. Sale and Distribution of Printed Matter*

In addition, the National Park Service proposes to add the Vietnam Veterans Memorial to the list of park areas where sales and distribution of literature are prohibited. Prior to 1976, sales were prohibited in all park areas. However, that prohibition was revised after the United States District Court for the District of Columbia struck down the total ban as applied to the sale of newspapers. *Washington Free Community, Inc.* v. *Wilson*, 334 F. Supp. 77 (1971). The Court did recognize a substantial government interest in maintaining an atmosphere of calm, tranquility and reverence in certain park areas and suggested that a prohibition on sales and distribution of literature in those parks would be upheld if it was necessitated by the character of the individual park area.

In 1976, the National Park Service promulgated a final rule allowing the sale and distribution of printed material without the aid of a structure or stand in all parks except for six enumerated areas. 41 FR 34748 (Aug. 17, 1976); as amended by 44 FR 56934 (Oct. 3, 1979). The National Park Service determined that these six areas could not accommodate sales and distribution of literature because of the atmosphere of calm, tranquility and reverence existing in the parks. For that same reason, the National Park Service now proposes to add the Vietnam Veterans Memorial to that list.

In addition, after reevaluation of the prohibition on sales and distribution of literature around the Washington Monument and Constitution Gardens, the National Park Service proposes to narrow the restricted area around the Monument and eliminate Constitution Gardens entirely as a restricted area.

**Proposed Regulatory Changes**

*1. Vietnam Veterans Memorial*

The proposed rule amends 36 CFR 50.19(a)(10) by revising the definition of the Vietnam Veterans Memorial as now contained in the interim regulation. The new definition, which includes the memorial wall, the flagpole and the proposed sculpture, expands the adjacent acreage into which these structures are integrated beyond that indicated in the interim regulation. In the new definition, the memorial extends to and is bounded by the Constitution Avenue service road on the north, the east curb of Henry Bacon Drive on the west, the north Reflecting Pool walkway on the south and a straight line drawn perpendicular to Constitution Avenue two hundred (200) feet from the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building). The diagram which is contained on page 18, if adopted will be published in the Code of Federal Regulations with the final regulation, shows the proposed boundaries of the memorial.

The proposed rule retains the prohibition contained in the interim regulation on demonstrations and special events within this area, as discussed in the preamble to the interim regulation. This prohibition simply adds the Vietnam Veterans Memorial to the list of national memorials where demonstrations and special events are not permitted, for example, the Jefferson and Lincoln Memorials, and the Washington Monument.

The National Park Service believes that there is a substantial governmental interest in protecting legitimate park value concerns. After careful consideration, the National Park Service has determined that included in these interests is the maintenance of an atmosphere of calm, tranquility, and reverence in the vicinity of the major memorials, which now include the Vietnam Veterans Memorial. Maintenance of such an atmosphere will substantially enhance the visitor's park experience and does not place an unreasonable limitation on First Amendment activity, especially in light of the extensive nearby and adjacent park areas available for demonstrations and special events.

The National Park Service believes that these considerations are especially relevant to the Vietnam Veterans Memorial. Designed and conceived as a vehicle for reconciliation after a decade of division resulting from the Vietnam War, the Vietnam Veterans Memorial is especially unsuitable as a location for demonstrations and special events. In addition, the memorial was intended to be a location where the visitor could quietly contemplate and acknowledge the contributions of thousands of Americans who served in Vietnam. Demonstration and special event activity on the memorial grounds would preclude thousands of visitors from utilizing the memorial in an atmosphere of transquility and reverence.

The proposed rule would continue to allow official annual Memorial Day and Veterans Day commemorative ceremonies to be held at the Vietnam Veterans Memorial. The National Park Service believes that these ceremonies are consistent with and promote the intended purposes of the memorial, as outlined above. Further, the proposed rule, like the interim rule, is not intended to prohibit ceremonies dedicating the memorial or its component parts.

The National Park Service is undertaking this revision based upon its experience in administering the memorial and based upon physical changes that have been or will be made to the memorial. For example, the flagpole, which is an integral part of the memorial and which has been constructed since the publication of the interim rulemaking, is outside of that area designated as the memorial in the interim rulemaking. The proposed rulemaking would extend the boundary of the memorial south and westward to encompass the flagpole.

In addition to the physical changes, the experience gained in administering the memorial evidences a need for revision of the proposed regulation. Visitation at the Vietnam Veterans Memorial has been significant. Since its dedication in November of 1982, an average of 10,200 people have visited the memorial each day, bringing total visitation to two million people. The memorial has the highest visitation rate of any national monument in the Washington area except the Lincoln Memorial. The steady stream of visitors to the memorial often includes relatives of persons whose names appear on the memorial wall. For these persons, and especially for those persons who have been unable to retrieve the bodies of loved ones from Vietnam, the memorial has taken on a very real and important meaning. The National Park Service proposes to add additional footage to the definition of the Vietnam Veterans Memorial to provide additional space for visitors to view the memorial and quietly reflect upon its significance.

Finally, the area surrounding the memorial has been a popular site for

demonstrations. A demonstration protesting this country's military involvement in Central America, involving approximately 7,500 persons, was held only one hundred yards from the memorial. A twenty-four hour vigil concerning soldiers missing in action in the Vietnam War has been ongoing at the northeast entrance to the memorial since December of 1982. Recently, another group held a lengthy vigil on the southwest border of the memorial and still a third group held a demonstration across the walkway from them.

It has been the experience of the National Park Service that these activities occurring so close to the memorial substantially interfere with the visitor's ability to contemplate the memorial and its meaning in a quiet, peaceful setting. Officials of the Vietnam Veterans Memorial Fund indicate that they have received numerous complaints from visitors regarding the intrusiveness of demonstrations in close proximity to the memorial. They indicate that visitors are especailly upset because they are forced to pass through demonstrations to enter the memorial from the north since under current regulations demonstrations may be held as close as fifty feet from the memorial wall at the northeast corner of the memorial. Also, the National Park Service has received numerous comments from other visitors and veterans groups regarding these same issues.

In order to provide visitors unimpeded access to and through the memorial and to provide adequate space for visitation, the proposed rule includes within the definition of the Vietnam Veterans Memorial the pathways to and through the memorial and the landscaped areas adjacent to the memorial wall, the flagpole and the planned statue. The landscaped area on the north, south and west of the memorial are heavily treed and for practical purposes unsuited for group activity. The area to the south of the memorial wall is particularly sensitive because any loud sounds in this area are intensified when they reflect off the wall. The area to the east of the memorial wall, while not treed, slopes directly down into the wall, and thus, being part of the "valley" holding the memorial structures, is sensitive also to sound amplification and other activity.

The proposed rulemaking also prohibits staging or sound equipment closer than one hundred feet to the memorial boundaries and requires that sound systems be faced away from the memorial. Sound systems utilized in demonstrations and special events in close proximity to the memorial may substantially intrude upon the visitor's use of the memorial as a place of calm, tranquility and reverence. Over the past year, the National Park Service has, with some success, attempted informally to request that demonstration and special event organizers place their sound systems and stages so as not to interfere with visitor use of the memorial. However, the National Park Service believes that it has an obligation to put such informal policies in regulations so that the public will have adequate notice of requirements for demonstrations and special events close to the memorial.

The distance requirement for staging and sound equipment will not impact adversely on demonstrations and special events near the memorial. Trees to the north and south of the memorial make staging and sound systems in these areas impractical. The one hundred foot distance requirement to the east of the memorial would place stages and sound systems on the crest of a knoll. Stages or sound systems set anywhere within the one hundred feet east of the memorial would sit on the downward incline of that knoll, making it difficult for speakers to be heard or seen. Set upon the knoll, stages have the memorial wall as a visual backdrop.

The one hundred foot requirement to the west of the memorial places stages and sound systems in the flat, grassy area bounded by Constitution Avenue and Bacon Drive. This is the most practical areas for stages west of the memorial. Again, with a stage and sound system placed in this location, the memorial flag and future statue should be in clear view.

The exact location on either side of the memorial where stages and sound systems are allowed is easy to determine. To the east of the memorial, a line drawn from the center door of the Federal Reserve Building to the Reflecting Pool walkway is approximately one hundred feet from the east memorial boundary. The area in which stage and sound restrictions apply to the west of the memorial can be paced off from the east curb of Bacon Drive. These lines are shown on the map of the memorial which will be included in the Code of Federal Regulations.

It is a difficult task to delineate the precise boundaries of a national monument intended to encompass three structures and a landscaped setting. In the proposed rule, the National Park Service has attempted to utilize its past experience with visitation and demonstrations in and around the Vietnam Veterans Memorial to allocate sufficient space to visitors for their full use of the memorial, while still providing ample alternative locations within the sight of the memorial for those wishing to demonstrate or hold special events. The National Park Service looks forward to comments from the public on this effort.

*2. Sales and Distribution of Printed Matter*

The proposed rulemaking also prohibits sales and distribution of printed materials in the Vietnam Veterans Memorial. For the reasons discussed above, the National Park Service believes that it is especially important to maintain an atmosphere of calm, tranquility and reverence in the memorial. Vendors and other individuals distributing printed materials could substantially interfere with the visitor's use of the memorial as a site for quite contemplation or remembrance. Therefore, like the interiors of the Lincoln and Jefferson Memorials, the Vietnam Veterans Memorial would be designated as a site where sale and distribution of printed matter is not allowed.

In reviewing the sales regulation and reconsidering park areas where sales and distribution of printed material is prohibited, the National Park Service determined that one restricted area could be narrowed and another could be eliminated entirely.

The present regulations prohibit sales and distribution of literature within a circle extending ten feet from the paved area surrounding the base of the Washington Monument. However, demonstrations are prohibited in a smaller area extending only to the inner circle surrounding the Monument's base. The difference in prohibited areas creates the situation where an individual can demonstrate in an area in which he cannot sell or distribute literature. Therefore, the National Park Service proposes to correct this situation by revising the area in which sales and distribution of literature are prohibited around the Washington Monument to conform it to the area in which demonstrations are prohibited.

Finally, the National Park Service proposes to eliminate Constitution Gardens as an area in which sales and distribution of literature are prohibited. Constitution Gardens was under construction when it was designated as a restricted area in the 1976 rulemaking discussed above. Experience in administering the completed areas indicates that it can accommodate sales and distribution of literature without

substantially interfering with visitors' enjoyment of the park.

**Public Participation**

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule to the address noted at the beginning of the rulemaking.

**Impact Analysis**

The National Park Service has determined that this document is not a major rule requiring preparation of a Regulatory Impact Analysis under Executive Order 12291. The National Park Service has also determined that the proposed rule will not have a significant economic impact on a substantial amount of small entities and, therefore, does not require a small entity flexibility analysis under 5 U.S.C. 601. The proposed rule merely defines the term "Vietnam Veterans Memorial", prohibits demonstrations, special events, and the sale and distribution of literature on the memorial grounds, except for official annual Memorial Day and Veterans Day commemorative ceremonies, places minor restrictions on stages and sound systems close to the memorial and eliminates restrictions on the sale and distribution of literature in other areas. It will have no substantial impact on any aspect of the economy.

The National Park Service has further determined that this proposed rule is not a major Federal action significantly affecting the quality of the human environment.

**List of Subjects in 36 CFR Part 50**

District of Columbia, National Parks, National Capital Parks.

**G. Ray Arnett,**

*Assistant Secretary for Fish and Wildlife and Parks.*

## PART 50—NATIONAL CAPITAL PARKS REGULATIONS

In consideration of the foregoing, it is proposed that Part 50 of Title 36 of the Code of Federal Regulations be accordingly amended.

1. The authority citation for Part 50 reads as follows:

**Authority:** Sec. 6 of the Act of July 1, 1898 (30 Stat. 571); Secs. 1–3 of the Act of August 25, 1916 (39 Stat. 535, as amended); Sec. 16 of the Act of March 3, 1925 (43 Stat. 1126, as amended); Act of March 17, 1948 (62 Stat. 81); Act of August 8, 1953 (67 Stat. 495); Act of July 1, 1980 (94 Stat. 872); 16 U.S.C. 1–3; D.C. Code 8–137 (1981); D.C. Code 40–721 (1981).

2. It is proposed that paragraph (a)(10) of § 50.19 be revised to read as follows:

**§ 50.19 Demonstrations and special events.**

(a) * * *

(10) The term "Vietnam Veterans Memorial" means the structures and adjacent areas extending to and bounded by the north curb of the Constitution Avenue service road on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue two hundred (200) feet from the east tip of the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building extending to the Reflecting Pool walkway).

* * * * *

3. It is proposed that paragraph (v) of § 50.19(c)(2), which was published as an interim rule on November 12, 1982 (47 FR 51126), be adopted as final without change.

4. It is proposed that § 50.19 be amended by redesignating paragraphs (e) (11) through (13) as (e) (12) through (14) and adding a new paragraph (e)(11) to read as follows:

**§ 50.19 Demonstrations and special events.**

* * * * *

(e) * * *

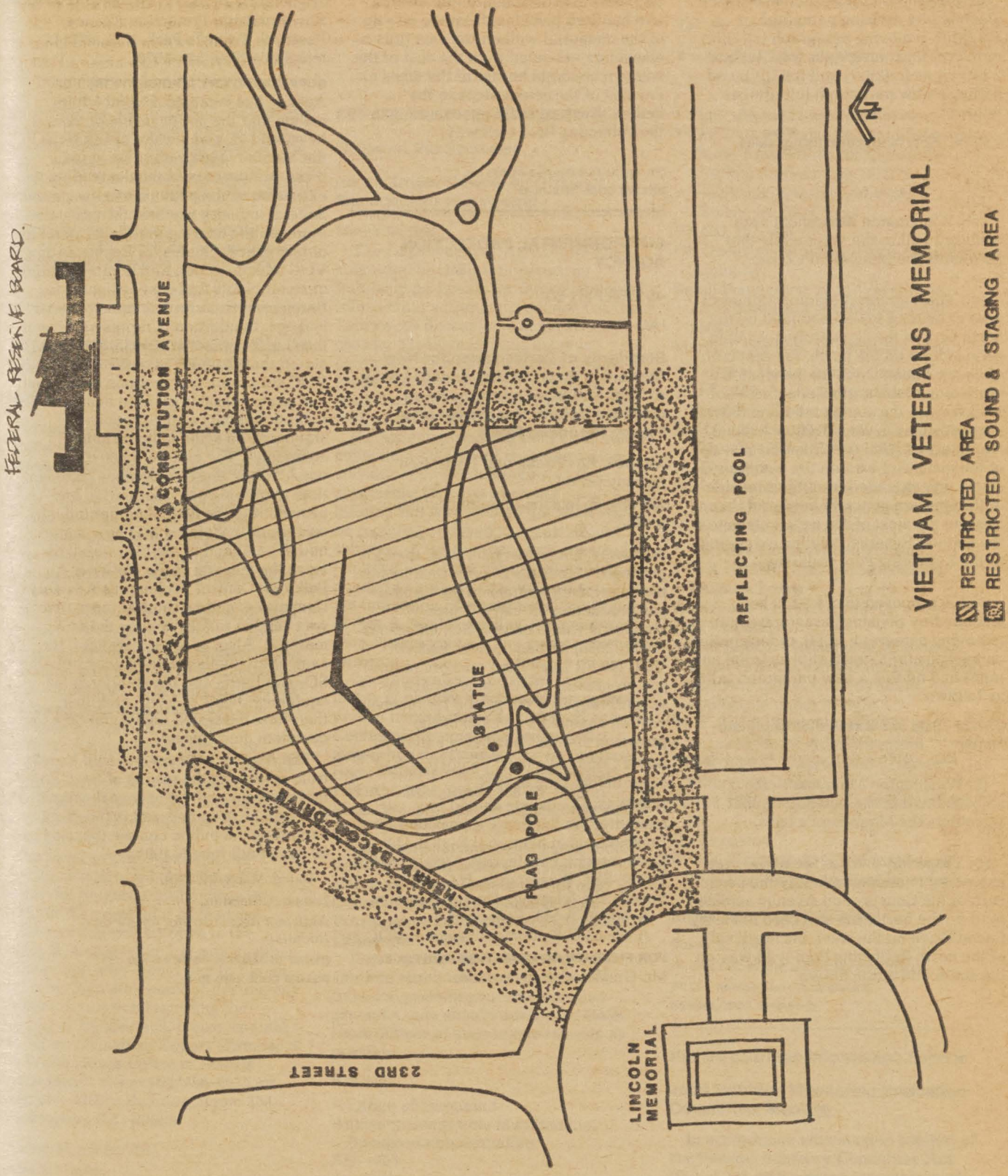
(11) Stages and sound amplification shall not be placed closer than one hundred (100) feet from the boundaries of the Vietnam Veterans Memorial and sound systems shall be directed away from the memorial at all times.

* * * * *

5. It is proposed that a new diagram be added to the end of § 50.19 to replace the current diagram of the Vietnam Veterans Memorial to read as follows:

* * * * *

BILLING CODE 4310-70-M


FEDERAL RESERVE BOARD
CONSTITUTION AVENUE
HENRY BACON DRIVE
STATUE
FLAG POLE
REFLECTING POOL
23RD STREET
LINCOLN MEMORIAL
VIETNAM VETERANS MEMORIAL
RESTRICTED AREA
RESTRICTED SOUND & STAGING AREA

6. It is proposed that Section 50.24 be amended by revising paragraph (c)(2)(iii), removing paragraph (c)(2)(iv), redesignating paragraphs (c)(2)(v) and (c)(2)(vi) as (c)(2)(iv) and (c)(2)(v), and adding a new paragraph (c)(2)(vi) as follows:

**§ 50.24 Soliciting, advertising, sales.**

* * * * *

(c) * * *

(2) * * *

(iii) Washington Mounment area enclosed within the inner circle that surrounds the Mounment's base.

* * * * *

(vi) The Vietnam Veterans Memorail area extending to and bounded by the north curb of the Constitution Avenue service road on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue two hundred (200) feet from the east tip of the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building extending to the Reflecting Pool walkway).

* * * * *

7. It is proposed that § 50.52 be amended by revising paragraph (a)(3), removing paragraph (a)(4), redesignating paragraphs (a)(5) and (a)(6) as (a)(4) and (a)(5) and adding a new paragraph (a)(6) as follows:

**§ 50.52 Sale and distribution of printed matter.**

(a) * * *

(3) Washington Mounment area enclosed within the inner circle that surrounds the Mounment's base.

* * * * *

(6) Vietnam Veterans Memorial area extending to and bounded by the north curb of the Constitution Avenue service road on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue two hundred (200) feet from the last tip of the memorial wall on the east (this is also a line extended from the east of the western concrete border of the steps to the east of the center steps to the Federal Reserve Building extending to the Feflecting Pool walkway).

* * * * *

[FR Doc. 84-8824 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-70-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[AD-FRL 2557-6]

### Standards of Performance for New Stationary Sources: Equipment Leaks of VOC and $SO_2$ Emissions From Onshore Natural Gas Processing Plants; Proposed Rules

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Extension of public comment period.

**SUMMARY:** On January 20, 1984, the EPA proposed standards of performance for new stationary sources in the natural gas production industry. These standards would control $SO_2$ emissions (49 FR 2656) and equipment leaks of VOC (49 FR 2636) from onshore natural gas processing plants. In response to several requests, the period for receiving written comments on each of the proposed standards is being extended.

**DATE:** Comments must be postmarked on or before June 6, 1984.

**ADDRESS:** Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE-131), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Specify the following Docket Numbers.

A-80-20-A $SO_2$ Emissions.

A-80-20-B Equipment Leaks of VOC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gil Wood, Emission Standards and Engineering Division (MD-13), Envorinmental Protection Agency, Research Triangle Park, N.C., 27711, telephone (919) 541-5578.

**SUPPLEMENTARY INFORMATION:** The Agency has received several letters asking that the public comment period be extended, and several speakers at the March 7, 1984, public hearing for these standards requested a 60-day extension of the public comment period. Several industry representatives stated at the public hearing that they intend to obtain cost estimates for implementing VOC leak detection and repair programs at small plants and cost estimates for flares used to control compressor seal leakage. In addition, a representative of the Gas Processors Association (GPA) stated that the GPA is sponsoring a VOC emissions test program on at least one gas processing plant to evaluate the potential impact of the proposed standards on some of its member companies. The additional 60 days would allow these companies sufficient time to obtain such information and provide it to the EPA. Another industry representative stated that new material had been added to the $SO_2$ standard since the meeting of the National Air Pollution Control Techniques Advisory Committee, and he thought more time was needed to fully review the new material. Also, in some instances, the same individuals are reviewing both the $SO_2$ standards and the standards for equipment leaks of VOC, and they, therefore, requested additional time to complete their review.

The Agency believes it would benefit from reviewing the results of the GPA test program and the new cost estimates that will be provided and is therefore extending the public comment period by 60 days until June 6, 1984.

Dated: March 29, 1984.

**Joseph A. Cannon,**

*Assistant Administrator for Air and Radiation.*

[FR Doc. 84-8896 Filed 4-3-84; 8:45 am]

BILLING CODE 6560-50-M

# Notices

Federal Register
Vol. 49, No. 66
Wednesday, April 4, 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.

## PRESIDENT'S ADVISORY COUNCIL ON PRIVATE SECTOR INITIATIVES

### Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the President's Advisory Council on Private Sector Initiatives which will be held on April 27, 1984 at 11:30 a.m., in the large conference room of the American Red Cross Building, 17th Streets, NW., between D and E Streets, Washington, D.C.

The Council was established on June 27, 1983 by Executive Order No. 12427 to advise the President with respect to the objectives and conduct of private sector initiative policies, including methods of increasing public awareness of the importance of public/private partnerships; removing barriers to development of effective social service programs which are administered by private organizations; and strengthening the professional resources of the private social services sector.

The purpose and agenda of the meeting is to discuss the Council's successful programs and outline its work for the remainder of the year.

The meeting will be open to the public. It is suggested that any member of the public who would like to file an oral or written statement or desires any further information regarding the meeting or the Council, please contact Mr. Michael Castine, Deputy Director of the White House Office of Private Sector Initiatives at 202/456-6676, or Executive Office Building, Room 134, Washington, D.C. 20500.

Dated: March 22, 1984.

**James K. Coyne,**

*Special Assistant to the President for Private Sector Initiatives.*

[FR Doc. 84-8889 Filed 4-3-84; 8:45 am]

BILLING CODE 3195-01-M

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### Forms Under Review by Office of Management and Budget

March 30, 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 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.

### Revised

• Office of Personnel
Advisory Committee Membership Background Information
AD—755
Annually
Individuals or Households: 1,200 responses; 300 hours; not applicable under 3504(h)
Carolyn Wright, (202) 447-7654

• Agricultural Marketing Service
7 CFR Part 56, Reporting Requirements Under Regulations for Voluntary Grading of Shell Eggs + U.S. Standards, Grades and Weight Classes for Shell Eggs
PY 100, 157, 206
On Occasion, Monthly, Semi-Annually, Annually
Small Businesses: 22,217 responses; 5,104 hours; not applicable under 3504(h)
Merlin L. Nichols, Jr., (202) 447-3506

• Farmers Home Administration
7 CFR 1980-A, Guaranteed Loan Programs (General)
FmHA 449-14, 449-30, 449-35, 449-36, 1980-19, 1980-41, 1980-43, 1980-44
On Occasion
Businesses: 29,356 responses; 45,127 hours; not applicable under 3504(h)
M. K. Smith, (202) 475-4016

• Farmers Home Administration
7 CFR 1980-B, Guaranteed Farmers Program Loans
FmHA 449-11, FmHA 449-12
On Occasion
Individuals or Households, State and Local Government Farms, Businesses: 12,460 responses; 23,560 hours; not applicable under 3504(h)
M. K. Smith, (202) 425-4016

• Farmers Home Administration
7 CFR 1980-F, Guaranteed Economic Emergency Loans
FmHA 1980-15, 1980-25, 1980-32, 1980-38
On Occasion
Farms, Businesses: 17,040 responses; 30,134 hours; not applicable under 3504(h)
Roger Witt, (202) 382-1654.

**Susan B. Hess,**

*Acting Department Clearance Officer.*

[FR Doc. 84-8959 Filed 4-3-84; 8:45 am]

BILLING CODE 3410-01-M

## Human Nutrition Information Service

### Joint Nutrition Monitoring Evaluation Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name: Joint Nutrition Monitoring Evaluation Committee.

Date: April 19 and 20, 1984.

Place: Conference Room 643A, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Time: April 19, 8:30 a.m. to 5 p.m.; and April 20, 8:30 a.m. to 12:30 p.m.

**Purpose**

To evaluate the findings of the Nationwide Food Consumption Survey (NFCS), the National Health and Nutrition Examination Survey (NHANES), and other Federal nutrition monitoring efforts and develop a report on the nutritional status of the U.S. population.

**Agenda**

The agenda for the third meeting will include the following items: brief review of the previous meeting; discussion of data to be included in the report; final decisions on the content and style of tables and graphs to be included under major topics; preliminary discussion of text of report; division of duties; setting of time table; and plans for future meetings.

The meeting is open to the public. There is a limited amount of space available for public attendance. Written statements or comments of concern to the committee may be submitted to Isabel D. Wolf, Administrator, Human Nutrition Information Service, 6505 Belcrest Road, Room 360, Hyattsville, MD 20782.

Done at Washington, DC this 30th day of March 1984.

**Betty B. Peterkin,**

*Associate Administrator.*

[FR Doc. 84-8886 Filed 4-3-84; 8:45 am]

BILLING CODE 3410-KE-M

## Soil Conservation Service

## Reserve Airport Critical Area Treatment, New Mexico

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Reserve Airport Critical Area Treatment, Catron County, New Mexico.

**FOR FURTHER INFORMATION CONTACT:** Ray T. Margo, Jr., State Conservationist, Soil Conservation Service, 517 Gold Avenue SW, Rm 3301, Albuquerque, NM 87102-3157, Telephone 505/766-2173.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Ray T. Margo, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns the establishment of permanent vegetation and placement of minor erosion stabilization structures on thirteen acres.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Edwin Swenson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.094, Resource Conservation and Development. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally-assisted programs and projects is applicable)

**Ray T. Margo, Jr.,**

*State Conservationist.*

[FR Doc. 84-8973 Filed 4-3-84; 8:45 am]

BILLING CODE 3410-16-M

## DEPARTMENT OF COMMERCE

## International Trade Administration

## Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with Subsections 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5 p.m in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-40. Applicant: The Regents of the University of California, Riverside, Materiel Management Department, Riverside, CA 92521. Instrument: Mass Spectrometer, Model ZAB-IF HF with Accessories. Manufacturer: The Vacuum Generators Micromass Co., United Kingdom. Intended use: Variety of research purposes including: (1) analytical applications for compound identification; (2) ion structure determination (3) elucidation of fragmentation mechanisms; (4) measurement of kinetic energy release; and (5) component identification of complex mixtures. Experiments to be conducted will involve continuation of the following: (1) Research on antibiotics from marine organisms, (2) dynamics of unimolecular fragmentation, and (3) isolation, structure identification, synthesis and biosynthesis of certain steroids and terpenoids. Application received by Commissioner of Customs: December 12, 1983.

Docket No. 83-224R. Applicant: University of Iowa, Iowa City, IA 52242. Instrument: Tunable $CO_2$ Laser, Model EMG 102-60 and EMG 102-ES Upgrade Kit. Original notice of this resubmitted application was published in the **Federal Register** of July 7, 1983.

Docket No. 83-78R. Applicant: University of California at Los Angeles, Los Angeles, CA 90024. Instrument: Radiotherapy Simulator. Original notice of this resubmitted application was published in the **Federal Register** of December 17, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Frank W. Creel,**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 84-8811 Filed 4-3-84; 8:45 am]

BILLING CODE 3510-DS-M

## Associated Universities; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 82-00382R. Applicant: Associated Universities, Inc., National Radio Astronomy Observatory,

Edgemont Road, Charlottesville, VA 22901. Instrument: Hydrogen Maser Frequency Standard. Original notice of this resubmitted application was published in the Federal Register of November 15, 1982.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (August 30, 1982).

Reasons: This application is a resubmission of Docket Number 82-00382 which was denied without prejudice to resubmission for informational deficiencies. The applicant has shown, and we have confirmed, that the domestic manufacturer would not have been able, given the new status of the company, to provide an instrument comparable to the foreign article within a reasonable length of time (6 to 12 mos.) at the time of order of the foreign article. The National Bureau of Standards (NBS) advises in its memorandum dated February 15, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose. NBS, further, states in its memorandum of February 23, 1984, that if knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

We know of no other domestic instrument or apparatus of equivalent scientific value to the foreign instrument being manufactured at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Frank W. Creel,**

*Acting Director, Statutory Import Program Staff.*

[FR Doc. 84-8905 Filed 4-3-84; 8:45 am]

BILLING CODE 3510-DS-M

## Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Decision: Denied. Applicants have failed to establish that domestic instruments of equivalent scientific value to the foreign instruments for the intended purposes are not available.

Reasons: Section 301.5(e)(4) of the regulations requires the denial of applications that have been denied without prejudice to resubmission if they are not resubmitted within the specified time period. This is the case for each of the listed dockets.

Docket No. 83-00000. Applicant: Columbia University, New York, NY 10027. Instrument: Excimer Laser, EMG 101E. Date of denial without prejudice to resubmission: December 20, 1983.

Docket No. 83-91. Applicant: University of California, Livermore, CA 94550. Instrument: Excimer Laser, Model EMG 101E and Accessories. Date of denial without prejudice to resubmission: December 27, 1983.

Docket No.: 83-145 Applicant: University of Wisconsin-Madison, Madison, WI 53706. Instrument: High Power Pulsed Gas Halide Excimer Laser, Modet TE-861M-3. Date of denial without prejudice to resubmission: December 27, 1983.

Docket No.: 83-178 Applicant: Michael Rees Hospital & Medical Center, Chicago, IL 60616. Instrument: Therac 20/Saturne Linear Accelerator, Model G2900C with Accessories. Date of denial without prejudice to resubmission: January 5, 1984.

Docket No.: 84-9 Applicant: National Institutes of Health, Bethesda, MD 20205. Instrument: 8 each Regulated Power Supply. Date of denial without prejudice to resubmission: January 4, 1984.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Frank W. Creel,**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 84-8906 Filed 4-3-84; 8:45 am]

BILLING CODE 3510-DS-M

## St. Joseph's Hospital and Medical Center; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 83-267R. Applicant: St. Joseph's Hospital and Medical Center, 703 Main Street, Paterson, NJ 07503. Instrument: Osseous Implant Kit. Original notice of this resubmitted application was published in the Federal Register of August 26, 1983.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument is a complete system of tools and fixtures of titanium for anchoring bridges to jaw bone. The National Institutes of Health advises in its memorandum dated February 9, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Frank W. Creel,**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 84-8907 Filed 4-3-84; 8:45 am]

BILLING CODE 3510-DS-M

## Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-24. Applicant: V.A. Medical Center (90), New Orleans, LA 70146. Instrument: Electron Microscope, EM 410LS. Manufacturer: Nederlandse (Philips) Bedri/ven, The Netherlands. Intended use: See notice at 49 FR 5364. Instrument ordered: September 28, 1983.

Docket No. 84-27. Applicant: University of Southern California, Los Angeles, CA 90089. Instrument: Electron Microscope, Model JEM 100CXII with Accessories. Manufacturer: JOEL Ltd., Japan. Intended use: See notice at 49 FR 922. Instrument ordered: August 23, 1983.

Docket No. 84–31. Applicant: Baylor College of Medicine, Houston, TX 77030. Instrument: Electron Microscope, Model EM 410LS and Accessories. Manufacturer: Nederlandse (Philips) Bedri/ven, The Netherlands. Intended use: See notice at 49 FR 1782. Application received by Commissioner of Customs: December 7, 1983.

Docket No. 84–32. Applicant: University of South Carolina, Columbia, SC 29208. Instrument: Electron Microscope, Model JEM–1200CX with Accessories. Manufacturer: JOEL Japan. Intended use: See notice at 49 FR 1782. Instrument ordered: October 19, 1983.

Docket No. 84–41. Applicant: Sandia National Laboratories, Albuquerque, NM 87185. Instrument: Electron Microscope, Model JEM–200EX and Accessories. Manufacturer: JOEL Ltd., Japan. Intended use: See notice at 49 FR 3236. Instrument ordered: June 23, 1983.

Docket No. 84–43. Applicant: The Toledo Hospital, Toledo, OH 43606. Instrument: Electron Microscope, Model H–600–2 with Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use: See notice at 49 FR 3236. Instrument ordered: April 20, 1983.

Docket No. 84–45. Applicant: Naval Air Development Center, Warminster, PA 18974. Instrument: Electron Microscope, Model JEM–100CXII with Accessories. Manufacturer: JOEL Ltd., Japan. Intended use: See notice at 49 FR 3236. Instrument ordered: September 26, 1983.

Docket No. 84–46. Applicant: University of Southern California, Los Angeles, CA 90089–1147. Instrument: Electron Microscope, Model JEM–1200EX with Accessories. Manufacturer: JOEL Ltd., Japan. Intended use: See notice at 49 FR 3236. Instrument ordered: September 6, 1983.

Docket No. 84–48. Applicant: Harvard Medical School, Boston, MA 02115. Instrument: Electron Microscope, Model JEM–100CX with Accessories. Manufacturer: JOEL Co., Japan. Intended use: See notice at 49 FR 3502. Application received by Commissioner of Customs: December 15, 1983.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: The foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or of any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Frank W. Creel,**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 84–8908 Filed 4–3–84; 8:45 am]

BILLING CODE 3510–DS–M

## Regents of the University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materals Importation Act of 1966 (Pub. L 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 83–233. Applicant: Regents of the University of California, Berkeley, CA 94720. Instrument: Scanning Electron Microscope, Model DS–130 with Accessories. Manufacture: International Scientific Instruments, Japan. Intended use: See notice at 48 FR 31278.

Comments: We have considered comments received from AMRAY, Inc., for factual information contained therein.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides two specimen states (top stage of specimens up to 6 mm diameter x 5 mm and second stage for specimens up to 152 mm x 102 mm x 76 mm in size), with a guaranteed resolution of 2 nanometers (nm) in the top stage and 5 nm in the second stage, an accelerating voltage variable from 1 kilovolt (kv) to 40 kv in 1 kv steps, and a magnification range of 10 × to 300,000 × with either stage. The National Institutes of Health advises in its memorandum dated September 15, 1983 that (1) the capability of foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument of apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or appraratus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Framk W. Creel,**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 84–8909 Filed 4–3–84; 8:45 am]

BILLING CODE 3510–DS–M

## University of California Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84–36. Applicant: University of California, Livermore, CA 94550. Instrument: Streak Camera. Manufacturer: John Hadland, Ltd., United Kingdom. Intended use: See notice at 49 FR 3235.

Comments: None received.

Decision: Approved. No Instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides time-resolved spectral and/or imaging data from ultra short-lived plasmas with a spectral sensitivity between 100 eV and 10000 eV. The National Bureau of Standards advises in its memorandum dated February 17, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value of the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Frank W. Creel,**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 84–8910 Filed 4–3–84; 8:45 am]

BILLING CODE 3510–DS–M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Request for Public Comment on the Correlation of the Textile and Apparel Category System Into the Harmonized Commodity Description and Coding System

March 30, 1984.

On June 30, 1983, the U. S. International Trade Commission transmitted to the President of the United States a report on the conversion of the Tariff Schedules of the United States, Annotated into the structure of the Harmonized Commodity Description and Coding System (Harmonized System). This report is currently under review for submission to Congress, possibly as early as spring 1985. If Congress approves, the United States could implement the Harmonized System on January 1987.

The Office of Textiles and Apparel, U.S. Department of Commerce, has drafted a Correlation of the textile and apparel categories with the Harmonized System. Copies of this draft Correlation are available from the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Anyone wishing to comment or provide information on the Correlation is invited to submit such comments or information in three copies to Mr. Walter C. Lenahan, Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Comments should be submitted at the earliest possible date, but not later than June 1, 1984.

Comments or information submitted in response to the notice will be available for public inspection in the Office of Textiles and Apparel, Room 3110, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, and may be obtained upon written request.

Walter C. Lenahan,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 84-8955 Filed 4-3-84; 8:45 am]

BILLING CODE 3510-DR-M

### Changes to the Textile Category System

March 30, 1984.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Changes to the Textile Category System.

**SUMMARY:** The CORRELATION, Textile and Apparel Categories with the Tariff Schedules of the United States, Annotated, provides for placement of Tariff Schedules of the United States, Annotated (T.S.U.S.A.) numbers in the Textile Category System. Amendments to the T.S.U.S.A., reflecting certain administrative changes, require changes to the CORRELATION. These changes are cited in the list which follows this notice.

**EFFECTIVE DATE:** April 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Claire McDermott, International Agreements and Monitoring Division, Office of Textiles and Apparel, :U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4212).

Walter C. Lenahan,

*Chairman, Committee for the Implementation of Textile Agreements.*

APRIL 1, 1984 CHANGES TO THE CORRELATION

| Category | New T.S.U.S.A. numbers effective Apr. 1, 1984 |
|---|---|
| 335 | Change 383.0857 to 383.0878. |
| | Change 383.5078 to 383.5081. |
| 336 | Change 383.5088 to 383.5091. |
| 340 | Change 383.0858 to 383.0882. |
| | Change 383.5084 to 383.5087. |
| 341 | Change 383.0856 to 383.0874. |
| | Change 383.5082 to 383.5085. |
| 345 | Add 379.3505. |
| | Add 379.6607. |
| | Add 379.8607. |
| 348 | Change 383.0859 to 383.0886. |
| | Change 383.5086 to 383.5089. |
| 350 | Change 383.5080 to 383.5083. |
| 359 | Change 379.0490 to 379.0495. |
| | Change 379.0840 to 379.0880. |
| | Change 379.3510 to 379.3515. |
| | Change 379.4140 to 379.4185. |
| | Change 379.6470 to 379.6480 |
| | Change 379.6605 to 379.6609. |
| | Change 379.8605 to 379.8609. |
| | Change 383.0390 to 383.0395. |
| | Change 383.0860 to 383.0890. |
| | Change 383.3090 to 383.3095. |
| | Change 383.5090 to 383.5095. |
| 444 | Change 383.1335 to 383.1325. |
| 445 | Add 379.2525. |
| | Add 379.6617. |
| | Add 379.8617. |
| 459 | Change 379.1530 to 379.1550. |
| | Change 379.2020 to 379.2085 |
| | Change 379.3520 to 379.3535 |
| | Change 379.6615 to 379.6619 |
| | Change 379.7650 to 379.7680 |
| | Change 379.8420 to 379.8480 |
| | Change 379.8615 to 379.8619. |
| | Change 383.1340 to 383.1380. |
| | Change 383.5845 to 383.5850. |
| | Change 383.6395 to 383.6396. |
| 634 | Change 379.3332 to 379.3339. |
| | Change 379.9637 to 379.9655. |
| 635 | Change 383.2354 to 383.2378. |
| | Change 383.8667 to 383.8675. |
| 639 | Change 383.8663 to 383.8668. |
| 640 | Change 379.3334 to 379.3342 |
| | Change 379.3336 to 379.3344. |
| | Change 383.9639 to 383.9660. |
| | Change 379.9641 to 379.9683. |
| 641 | Change 383.2352 to 383.2375. |
| 645 | Add 379.3545. |
| | Add 379.6627. |
| | Add 379.8627. |
| 646 | Change 383.2358 to 383.2384. |
| | Change 383.8665 to 383.8673. |
| 647 | Change 379.3338 to 379.3346. |
| | Change 379.9643 to 379.9665. |
| 648 | Change 383.2356 to 383.2381. |
| | Change 383.8669 to 383.8677. |
| 659 | Change 379.2840 to 379.2885. |

APRIL 1, 1984 CHANGES TO THE CORRELATION—Continued

| Category | New T.S.U.S.A. numbers effective Apr. 1, 1984 |
|---|---|
| | Change 379.3350 to 379.3390. |
| | Change 379.3530 to 379.3550. |
| | Change 379.6625 to 379.6629. |
| | Change 379.8625 to 379.8629. |
| | Change 379.9250 to 379.9240. |
| | Change 379.9650 to 379.9680. |
| | Change 383.2050 to 383.2042. |
| | Change 383.2060 to 383.2080. |
| | Change 383.2365 to 383.2390. |
| | Change 383.8670 to 383.8690. |
| | Change 383.9291 to 383.9295. |

[FR Doc. 84-8956 Filed 4-3-84; 8:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Appendage to Department of Defense Transportation Security Agreement

The Defense Investigative Service (DIS) is responsible for administering the Industrial Security Program on behalf of DoD Components and other federal "user" agencies.

Form 1150 is completed by the home office of a commercial carrier firm who has entered into a contractual obligation with the DoD as established by execution of Form 1149, Transportation Security Agreement. Form 1149 is used to identify all terminals of that particular commercial carrier which will be used for transportation of classified shipments. These identified terminals are thereby additionally obligated to adhere to all security requirement

outlined in the Transportation Security Agreement.

Respondents: Forward comments to Edward Springer, OMB Desk, Room 3235, NEOB, Washington, DC 20503, and Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202) 694–0187.

A copy of the information collection proposal may be obtained from Fred Schonert, DIS, HQ Administrative Services Divisions, 1900 Half Street, SW, Washington, DC 20324, telephone (202) 693–0881.

M. S. Healy,

*OSD Federal Register Liaison Officer Department of Defense.*

March 29, 1984.

[FR Doc. 84–8891 Filed 4–3–84; 8:45 am]

BILLING CODE 3810–01–M

## Department of the Navy

### Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy 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). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Revision

Navy Advertising Effectiveness Study (NAES)

0703–0032

Survey measures recruiting advertising effectiveness and provides data strategies to be used in advertising. Target market is male youth 16–21 years old.

Individuals, 2,000, 1,000.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Dan Vitiello, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1C514, Pentagon, Washington, D.C. 20301, telephone (202) 694–0187.

A copy of the information collection proposal may be obtained from Sara Motley, Navy Recruiting Command, Ballston Towers #3, 4015 Wilson Blvd., Arlington, VA 22203, telephone 202 696–5140.

M. S. Healy,

*OSD Federal Register Liaison Officer, Department of Defense.*

March 30, 1984.

[FR Doc. 84–8892 Filed 4–3–84; 8:45 am]

BILLING CODE 3810–01–M

### Performance of Commercial Activities; Announcement of Program Cost Studies

Department of the Navy intends to conduct OMB Circular A–76 (48 FR 37110, August 16, 1983) cost studies of various functions at listed activities commencing 4 May 1984. Cost study process is rigorous, time-consuming procedure and, depending upon size of functions involved, can take several months to several years to complete. Since studies not yet begun, specifications not yet prepared. When bids/proposals desired, appropriate advertisements will be placed. No consolidated bidders' list being maintained since solicitations will be processed by various contracting offices throughout U.S.

*Naval Weapons Station, Concord, CA*
- Air Conditioning and Refrigeration Plants
- Family Housing Maintenance
- Surfaced Areas Maintenance

*Naval Shipyard, Long Beach, CA*
- Supply Operations
- Data Processing Services
- Hazardous Waste Disposal
- Storage and Warehousing
- Central Library
- Central Messenger Service and Central Mail and Files
- ADP Report Distribution

*Naval Shipyard, Mare Island, CA*
- Utilities Maintenance
- Supply Inventory Count
- Central Mail/File Services and Communications
- Central Reference Library
- Technical Publication Preparation
- Supply Technical Library
- ADP Reports Distribution
- Pile Driving/Fender Systems Maintenance

*Pacific Missile Test Center, Point Mugu, CA*
- Messenger Services
- Reference Libraries and Recreational Library Services
- Office Equipment

*Shore Intermediate Maintenance Activity, San Diego, CA*
- Administrative Support Services-Word Processing
- Buildings and Structures-Electrical Repair
- Buildings and Structures-Plumbing
- Audiovisual Services-Graphic Art

*Naval Sea Support Center Detachment Pacific, San Diego, CA*
- Motor Vehicle Operation
- Reference Library
- Systems Design, Development and Programming Services

*Navy Public Works Center, San Diego, CA*
- Pest Control Services

*Naval Weapons Station, Seal Beach, CA*
- Audiovisual Services (Still Photography)
- Audiovisual Services (Training Aids and Devices)
- Reference Libraries

*Naval Air Station, Key West, FL*
- Recreational Library Services
- Dining Facility Equipment
- Printing and Reproduction
- Data Processing (Other Than Data Transcribing)
- Design, Development, and Programming

*Navy Experimental Diving Unit, Panama City, FL*
- Reference Library

*Pearl Harbor Naval Shipyard, Pearl Harbor, HI*
- Calibration Repair
- Motor Pool Operations
- Storage and Warehousing
- Supply Material Identification

*Naval Station, Pearl Harbor, HI*
- Recreational Library Services
- Supply Operations
- Film Control-NMPX
- Administrative Support Services
- Grounds Maintenance

*Naval Reserve Personnel Center, New Orleans, LA*
- Storage and Warehousing
- Audiovisual Services
- Administrative Support Services
- Data Processing Services
- System Design Development and Programming Services

*Naval Air Station, Brunswick, ME*
- Heating Plants and Systems

*Naval Ordnance Station, Indian Head, MD*
- Data Processing Services
- Systems Design, Development, Programming Services

*NAVSEA Automated Data Systems Activity, Indian Head, MD*
- ADP Operations
- Technical Support Services

*Naval Air Test Center, Patuxent River, MD*

Communications Centers
Buildings and Structures (Other Than Family Housing) (Industrial Shop Stores)

*Portsmouth Naval Shipyard, Portsmouth, NH*
Central Mail, Files and Records
Utilities Maintenance
Supply Material Identification and Supply Material List Screening

*Naval Reserve Center, Clifton, NJ*
Custodial Services

*Naval Reserve Center, Elizabeth, NJ*
Custodial Services

*Philadelphia Naval Shipyard, Philadelphia, PA*
Servmart
Central Reference Library
Central Mail/Files Service

*Naval Ship Systems Engineering Station, Philadelphia, PA*
Reproduction and Printing

*U.S. Naval Station, Roosevelt Roads, PR*
Ocean Terminal Operations
Acceptance Testing
Operation of Bulk Liquid Storage
Recreational Library Services
Operation of ADP Equipment
Systems Design and Programming Services

*Naval Hospital, Newport, RI*
Laundry Services

*Charleston Naval Shipyard, Charleston, SC*
Public Works Utilities Maintenance Administrative Department-Central Files

*Naval Air Station, Memphis, TN*
Administrative Support (Postal Director, Yard Mail and Central Duplicating)
Base Library

*Norfolk Naval Shipyard, Portsmouth, VA*
Utilities Maintenance
Gas Distribution Services
Hazardous Waste
Supply Receiving
Local Supply Delivery
Public Works Shop Stores
Central Library
Central Mail/File Services
Liquid Gas/Chemical Products

*Naval Weapons Station, Yorktown, VA*
Systems Design, Development and Programming Services

*Puget Sound Naval Shipyard, Bremerton, WA*
Utilities Maintenance
Hazardous Waste
Storage and Warehousing
Supply Inventory Count
Central Reference Library (Engineering Library)
Central Reference Library (Technical Library)
ADP Tape Library
EAM/EDP Report Distribution

Dated: March 19,1984.

B. W. Cook,

*Captain, SC, USN, Head, Commercial Retail/Activities Branch.*

[FR Doc. 84-8029 Filed 4-3-84; 8:45 am]

BILLING CODE 3810-AE-M

## Privacy Act of 1974; Amended Systems of Records

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice of amended system of records.

**SUMMARY:** The Department of the Navy proposes to amend two system of records in its inventory of systems of records subject to the Privacy Act of 1974.

**DATES:** The proposed actions will be effective without further notice on May 4, 1984, unless comments are received which would result in a contrary determination.

**ADDRESS:** Send any comments to the systems managers identified in the systems notices.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone: 202/697-6497.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 were published in the Federal Register as follows:

FR Doc. 83-109 (48 FR 26029) June 6, 1983
FR Doc. 84-2616 (49 FR 3901) January 31, 1984
FR Doc. 84-2628 (49 FR 4124) February 24, 1984
FR Doc. 84-4908 (47 FR 6967) February 24, 1984

The proposed amendments are not within the purview of the provision of 5 U.S.C. 552a(o) which require the submission of an altered system report.

M. S. Healy,

*OSD Federal Register Liasion Officer, Department of Defense.*

March 30 1984.

**N07430-1**

*System name:*

Accounts Receivable System (48 FR 26142) June 6, 1983.

*Changes*

In *authority for maintenance of the system,* add the following phrase at the end of the entry: "* * * and Debt Collection Act of 1982 (Pub. L. 97-365)."

In *purpose(s),* add the following new paragraph: "By officials and employees of the Department of the Navy or the Department of Defense in the performance of their official duties relating to maintaining an automated tracking and accounting system for individuals indebted to the Department of the Navy."

In *routine uses of records maintained in the system, including categories of users and the purposes of such uses,* delete the entire entry and substitute with the following: "The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

In addition, if any account is delinquent and circumstances warrant, records may be released to the General Accounting Office and the Department of Justice for collection action. Data on individuals with delinquent accounts may be given to credit reporting agencies for the purpose of either adding to a credit history file or obtaining a credit history file; to asset reporting agencies for obtaining an asset report; and, to commercial collection agencies for collection action, in accordance with Debt Collection Act of 1982 (Pub. L. 97-365)."

**N05890-1**

**SYSTEM NAME:**

Automated Claims Information System (ACIS) (48 FR 26118) June 6, 1983

*Changes*

In *Purpose(s),* add the following new paragraph: "By officials of the Department of the Navy and the Department of Defense in the performance of their duties related to the management and processing of claims both for and against the Department of the Navy. The system will be used to report contingent liability to the GAO to satisfy requirements of the GAO Policy and Procedures Manual."

In *routine uses of records maintained in the system, including categories of users and the purposes of such uses,* add the following new paragraph at the beginning of the entry: "The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system."

Delete the first sentence in its entirety (lines 1 through 5). Delete the third sentence in its entirety (lines 12 through 16).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

In *Retrievability;* delete the word: "* * * indexed * * *" in line 3 and substitute with the word: "* * * retrieved * * *."

In *Safeguards;* delete the phrase: "* * * building is * * *" in line 1, and substitute with the phrase: "* * * buildings are * * *."

The amended portions of Systems N05890–1 and N07430–1 read as follows:

**N05890–1**

**SYSTEM NAME:**

Automated Claims Information System (ACIS).

* * * * *

**PURPOSE(S):**

By officials of the Department of the Navy and the Department of Defense in the performance of their duties related to the management and processing of claims both for and against the Department of the Navy. The system will be used to report contingent liability to the GAO to satisfy requirements of the GAO Policy and Procedures Manual.

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

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

The officials and employees of the Military Traffic Management Command in the performance of their official duties related to the management of the Department of Defense personal property movement and storage program. The cognizant U.S. Attorney and/or officials and employees of the Department of Justice who are charged with responsibility for either initiating civil actions or defending civil actions arising under the aforementioned claims statutes, and for prosecuting civil or criminal cases under the False Claims Act (31 U.S.C. 231).

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

* * * * *

**RETRIEVABILITY:**

ACIS users obtain information by means of either a query or a request for a standard report. Data may be retrieved by any data item although the primary search keys are the name or social security number.

**SAFEGUARDS:**

Access to buildings are protected by uniformed guards requiring positive identification for admission after hours. The system is protected by the following software features; user account number and password sign-on, data base authority, set and item authority for list, add, delete and update.

* * * * *

**N07430–1**

**SYSTEM NAME:**

Accounts Receivable System.

* * * * *

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

80 Stat 308 and 88 Stat 393, Federal Claims Collection Act of 1966 (Pub. L. 89–508) and Debt Collection Act of 1982 (Pub. L. 97–365).

**PURPOSE(S)**

By officials and employees of the Department of the Navy or the Department of Defense in the performance of their official duties relating to maintaining an automated tracking and accounting system for individuals indebted to the Department of the Navy.

* * * * *

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

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

In addition, if any account is delinquent and circumstances warrant, records may be released to the General Accounting Office and the Department of Justice for collection action. Data on individuals with delinquent accounts may be given to credit reporting agencies for the purpose of either adding to a credit history file or obtaining a credit history file; to asset reporting agencies for obtaining an asset report; and, to commercial collection agencies for collection action, in accordance with Debt Collection Act of 1982 (Pub. L. 97–365).

* * * * *

[FR Doc. 84–8901 Filed 4–3–84; 8:45 am]
BILLING CODE 3810–01–M

## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services

### Centers for Independent Living

**AGENCY:** Department of Education.

**ACTION:** Application Notice Establishing Closing Date for Transmittal of Fiscal Year 1984 Noncompeting Applications.

**SUMMARY:** Noncompeting applications are invited from grantees currently receiving funds under Part B, Title VII of the Rehabilitation Act of 1973, as amended: the Centers for Independent Living Program.

Authority for this program is contained in Section 711 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 796e)

The purpose of this program is to establish and operate Centers for Independent Living which offer a combination of independent living services for severely handicapped individuals so that they may live more independently in family and community, or secure and maintain employment, with the maximum degree of self-direction.

*Closing date for transmittal of applications.* To be assured of consideration for funding, applications for noncompeting awards under this announcement must be mailed or hand delivered by May 7, 1984.

*Applications delivered by mail.* An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.132, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

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.

*Applications delivered by hand.* An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8:00 a.m. and 4:30 p.m.

(Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

*Program Information.* This program provides discretionary grants to establish and operate Centers for Independent Living. State vocational rehabilitation agencies are the primary applicants for grants under this program; however, the statute does permit the award of grants to local public agencies and private nonprofit organizations in States where the State rehabilitation agency does not apply.

Section 711(f) of the Rehabilitation Act of 1973, as amended by Public Law 98–211, the Rehabilitation Amendments of 1984, requires the continued funding of current grantees through September 30, 1986, unless the Commissioner of the Rehabilitation Services Administration determines that there is a substantial failure to comply with the provisions of the grantee's approved application.

The Rehabilitation Amendments of 1984 also amended Section 711(c) of the Rehabilitation Act of 1973 to require that applications contain a description of an evaluation plan which must reflect certain specific factors. Each applicant must submit this description before the Commissioner will continue its grant. This new requirement is contained in Section 711(c)(3) and a copy of it will be included with the application forms and information packages sent to all eligible applicants.

All applicants are reminded that Section 711(c)(1) of the Act continues to require that handicapped individuals be substantially involved in policy direction and management of each center, and be employed by the center.

*Intergovernmental Review.* On June 24, 1983, the Secretary published in the Federal Register final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why not; and
- Revokes OMB Circular A–95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States which have established a process, designated a single point of contact, and have selected this program for review:

**State**

| | |
|---|---|
| Arizona | New Hampshire |
| Arkansas | New Jersey |
| California | New Mexico |
| Colorado | New York |
| Connecticut | North Carolina |
| District of Columbia | Ohio |
| Delaware | Oklahoma |
| Florida | Oregon |
| Georgia | Pennsylvania |
| Hawaii | Rhode Island |
| Illinois | South Carolina |
| Indiana | South Dakota |
| Iowa | Tennessee |
| Kansas | Texas |
| Kentucky | Utah |
| Louisiana | Vermont |
| Maryland | Virginia |
| Massachusetts | Washington |
| Michigan | West Virginia |
| Mississippi | Wisconsin |
| Minnesota | Wyoming |
| Missouri | Virgin Islands |
| Montana | Puerto Rico |
| Nebraska | Northern Mariana Islands |
| Nevada | |

Immediately upon receipt of this notice, applicants that are governmental entities must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by June 6, 1984, to the following address: The Secretary, U.S. Department of Education, Room 4181, CFDA No. 84.132, 400 Maryland Ave., S.W., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

*Available funds.* The total amount of funds appropriated under this grant program for Fiscal Year 1983 was $19,400,000. The total amount of funds appropriated in Fiscal Year 1984 for this program is $19,400,000. This entire amount will be needed to continue existing projects as mandated by Section 711(f) of the Act. Accordingly, there will not be a competition for new awards in Fiscal Year 1984.

*Application Forms.* Application forms and program information packages will automatically be mailed to each eligible applicant.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information package is intended to aid applicants in applying for assistance under this announcement. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing this program.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(OMB Approval 1820-0018, Expiration date 11/84)

*Applicable Regulations.* Regulations applicable to this program include the following:

(a) Regulations governing the Centers for Independent Living Program (34 CFR Part 366); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

*For Further Information Contact:* For further information, contact Robert E. Jones, Independent Living Projects Branch, Division of Special Projects, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education (Room 3330, Mary E. Switzer Building), 400 Maryland Ave., S.W., Washington, D.C. 20202. Telephone: (202) 732–1345.

(29 U.S.C. 796e)

(Catalog of Federal Domestic Assistance No. 84.132, Centers for Independent Living)

Dated: March 30, 1984.

**Madeleine Will,**

*Assistant Secretary, Special Education and Rehabilitative Services.*

[FR Doc. 84-8928 Filed 4-3-84; 8:45 am]

BILLING CODE 4000-01-M

## Office of Postsecondary Education

### Endowment Grant Program; Closing Date for Transmittal of Requests for Designation as an Eligible Institution for Fiscal Year 1984

Institutions of higher education that wish to apply for a grant under the Endowment Grant Program are invited to apply for designation as an "eligible institution" by submitting a "Request for Designation as an Eligible Institution" form (ED Form 1049–6).

The Endowment Grant Program is authorized under Section 333 of Title III of the Higher Education Act of 1965, as amended. (20 U.S.C. 1051–1065a).

Under the Endowment Grant Program, the Secretary is authorized to make grants to eligible institutions of higher education for the purpose of establishing endowment funds at those institutions. The Federal grant funds must be matched on a dollar-for-dollar basis by the grantee.

To apply for a grant under the Endowment Grant Program, an institution, must first be designated as an eligible institution for the Endowment Grant Program. Current recipients of Institutional Aid Program grants who apply for a grant under the Endowment Grant Program in Fiscal Year 1984 must still establish eligibility using a base year of 1981–1982.

*Closing Date for Transmittal of Requests.* A "Request for Designation as an Eligible Institution" form must be mailed or hand-delivered by May 7, 1984.

*Requests Delivered by Mail. A request sent by mail must be addressed to the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20026.*

Proof of mailing must consist of one of the following:

1. A legibly dated U.S. Postal Service postmark.

2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

3. A dated shipping label, invoice, or receipt from a commercial carrier.

4. Any other proof of mailing acceptable to the U.S. Secretary of Education.

*If a request is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing.* (1) *A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.*

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 its request for designation as an eligible institution will not be considered for the FY 1984 funding cycle.

*Requests Delivered by Hand.* A request that is hand-delivered must be taken to the Evaluation Section, Division of Institutional Development, Room 3045, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. Hand-delivered requests must be received by the staff of the Evaluation Section.

The staff of the Evaluation Section will accept and receipt hand-delivered requests between 9:00 a.m. and 4:30 p.m. (Eastern Time) daily, except Saturdays, Sundays and Federal holidays.

A request that is hand-delivered will not be accepted after 4:30 p.m. on May 7, 1984.

*Request Forms.* Eligibility request forms (Ed Form 1049–6; OMB Approval 1840–0103) are expected to be ready for mailing by April 10, 1984. Any institution wishing to obtain a request form must write to the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20026.

*Program Information.* The Endowment Grant Program is one of four institutional aid programs authorized by Title III of the Higher Education Act of 1965 as amended (HEA). The other three programs are the Strengthening, Special Needs, and Challenge Grant Programs. Under Section 333(b)(4) of the HEA, and institution is eligible to receive a grant under the Endowment Grant Program if it, in effect, qualifies as an eligible institution under the Challenge Grant Program. An institution in turn, qualifies as an eligible institution under the Challenge Grant Program if it qualifies (1) as an eligible institution under 34 CFR 627.2 (b) or (d) of the Challenge Grant Program regulations, (2) as an eligible institution for the Strengthening Program under 34 CFR 625.2 and 625.3 of Strengthening Program regulations or (3) as an eligible institution for the Special Needs Program under 34 CFR 626.2 and 626.3 of the Special Needs Programs regulations.

Under each of the above programs regulations, the Secretary determines an institution's eligibility based in part upon an institution's education and general (E&G) expenditures and the amount of Title IV HEA student financial assistance students attending that institution receive for a particular award year.

The Secretary will use award year 1981–82 (July 1, 1981–June 30, 1982) as the base year for calculating an institution's eligibility under § 625.2(a) (2), (3), and (4) of the Strengthening Program, § 626.2(a) (2), (3), and (4) of the Special Needs Program, and under § 627.2(d)(2) of the Challenge Grant Program.

Institutions must submit E&G expenditure data for the same 12-month period covered in the "Higher Education General Information Survey (HEGIS XVII), Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1982."

The Secretary will use Pell Grant data currently on file in the Department in making determinations under the financial aid eligibility criteria in 34 CFR 625.2 and 626.2. The Secretary will use the data corrected and updated by the Office of Student Financial Assistance as of May 21, 1984. However, the Request for Designation Form and any corrections other than Pell Grant data submitted by institutions to the Evaluation Section must be postmarked by May 7, 1984.

Conversion tables, which explain how the Secretary assigns points to institutions applying for eligibility designation, are published as an appendix to this Notice.

Institutions that are current recipients of grants under the Strengthening, Special Needs or Challenge Grant Program are not precluded from receiving a grant under the Endowment Grant Program. However, those institutions must submit a Request for Designation Form and be redesignated as an eligible institution under this notice in order to be eligible to apply for and receive an endowment grant.

Institutions are urged to submit the Requests Form titled "Request for Designation as an Eligible Institution—ED Form 1049–6" (Request for Designation Form) well in advance of the May 7, 1984 closing date. Request for Designation Forms will be processed in the other they are received and all institutions will be notified about their eligibility status as soon as possible. The Secretary permits no new information or adjustments to the

information submitted or the Request for Designation Form after the May 7, 1984 closing date. However, amendments to Request for Designation Form will be accepted if those amendments are submitted before that date.

An institution that does not submit a complete eligibility form by May 7, 1984 will not be eligible to apply for the Endowment Grant Program in the FY 1984 Title III grant competition.

*Applicable Regulations.* Regulations applicable to the eligibility process include 34 CFR 624.2, 624.3 and 624.20 of the Institutional Aid Programs General Provisions Regulations; 34 CFR 625.2 and 625.3 of the Strengthening Program Regulations; 34 CFR 626.2 and 626.3 of the Special Needs Program Regulations; 34 CFR 627.2 of the Challenge Grant Program Regulations; and the regulations as proposed in 34 CFR 628 for the Endowment Grant Program. The proposed regulations for the Endowment Grant Program were published in the **Federal Register** of March 5, 1984, 49 FR 8184–8190.

*Further Information:* For further information, contract the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20026. Telephone (202) 245–2338. (20 U.S.C. 1051–1069c).

(Catalog of Federal Domestic Assistance Number: 84.031 Institutional Aid Programs)

Dated: March 28, 1984.

**T. H. Bell,**

*U.S. Secretary for Education.*

FISCAL YEAR 1984 COMPETITION ENDOWMENT GRANT PROGRAM.—NATIONAL STANDARDS FOR DETERMINING INSTITUTIONAL ELIGIBILITY FOR THE TITLE III INSTITUTIONAL AID PROGRAMS

Threshold chart

| Categories of potentially eligible institutions | Minimum thresholds | | | |
|---|---|---|---|---|
| | Strengthening program | | Special needs program | |
| | Overall threshold | Waiver threshold | Overall threshold | Waiver threshold |
| Two-year public institutions | 146 | 97 | 89 | 59 |
| Two-year nonprofit private institutions | 142 | 95 | 89 | 59 |
| Four-year public institutions | 186 | 124 | 109 | 73 |
| Four-year nonprofit private institutions | 196 | 131 | 125 | 83 |
| Graduate public institutions [1] | | | | 26 |
| Graduate nonprofit private institutions [1] | | | | 76 |

[1] Institutions that do not award bachelor's degrees but do award graduate, postgraduate or professional degrees may request designation for the Endowment Grant Program under the eligibilty criteria for the Special Needs Program.

BILLING CODE 4001-01-M

## POINT TABLES

The Secretary of Education uses the following tables to determine Title III Institutional Eligibility for the Endowment Grant Program for FY 1984 (based on 1981-1982 data):

### PART-A : STRENGTHENING

| POINT | 2 YR PUBLIC PELL PERCENT | PELL DOLLAR | E AND G |
|---|---|---|---|
| 1 | 0.0001 - 0.0519 | 0.01 - 376.51 | 12826.90+ |
| 2 | 0.0520 - 0.0798 | 376.52 - 416.03 | 12826.89 - 9957.15 |
| 3 | 0.0799 - 0.0931 | 416.04 - 437.76 | 9957.14 - 8861.19 |
| 4 | 0.0932 - 0.1040 | 437.77 - 445.26 | 8861.18 - 7606.61 |
| 5 | 0.1041 - 0.1106 | 445.27 - 455.15 | 7606.60 - 7321.91 |
| 6 | 0.1107 - 0.1192 | 455.16 - 466.56 | 7321.89 - 7153.44 |
| 7 | 0.1193 - 0.1258 | 466.57 - 471.47 | 7153.43 - 6755.29 |
| 8 | 0.1259 - 0.1323 | 471.48 - 476.36 | 6755.28 - 6382.41 |
| 9 | 0.1324 - 0.1382 | 476.37 - 481.66 | 6382.39 - 6238.02 |
| 10 | 0.1383 - 0.1483 | 481.67 - 487.42 | 6238.01 - 6060.24 |
| 11 | 0.1484 - 0.1581 | 487.43 - 491.39 | 6060.23 - 5839.29 |
| 12 | 0.1582 - 0.1639 | 491.40 - 499.25 | 5839.28 - 5776.19 |
| 13 | 0.1640 - 0.1704 | 499.26 - 502.46 | 5776.18 - 5619.09 |
| 14 | 0.1705 - 0.1767 | 502.47 - 505.94 | 5619.08 - 5523.21 |
| 15 | 0.1768 - 0.1799 | 505.95 - 508.17 | 5523.20 - 5364.95 |
| 16 | 0.1800 - 0.1856 | 508.18 - 513.14 | 5364.94 - 5260.52 |
| 17 | 0.1857 - 0.1910 | 513.15 - 515.05 | 5260.51 - 5219.23 |
| 18 | 0.1911 - 0.1969 | 515.06 - 517.65 | 5219.21 - 5037.82 |
| 19 | 0.1970 - 0.2024 | 517.66 - 522.19 | 5037.80 - 4989.19 |
| 20 | 0.2025 - 0.2070 | 522.20 - 525.43 | 4989.18 - 4930.01 |
| 21 | 0.2071 - 0.2143 | 525.44 - 528.62 | 4930.00 - 4898.99 |
| 22 | 0.2144 - 0.2236 | 528.63 - 532.35 | 4898.98 - 4831.60 |
| 23 | 0.2237 - 0.2358 | 532.36 - 534.52 | 4931.59 - 4766.30 |
| 24 | 0.2359 - 0.2405 | 534.53 - 537.49 | 4766.29 - 4684.75 |
| 25 | 0.2406 - 0.2449 | 537.50 - 543.38 | 4684.74 - 4615.10 |
| 26 | 0.2450 - 0.2511 | 543.39 - 545.93 | 4615.09 - 4575.68 |
| 27 | 0.2512 - 0.2533 | 545.94 - 550.12 | 4575.67 - 4534.21 |
| 28 | 0.2534 - 0.2589 | 550.13 - 552.65 | 4534.20 - 4495.18 |
| 29 | 0.2590 - 0.2640 | 552.66 - 556.93 | 4495.17 - 4446.84 |
| 30 | 0.2641 - 0.2681 | 556.94 - 561.92 | 4446.83 - 4422.42 |
| 31 | 0.2682 - 0.2705 | 561.93 - 563.92 | 4422.41 - 4366.07 |
| 32 | 0.2706 - 0.2753 | 563.93 - 565.38 | 4366.05 - 4319.84 |
| 33 | 0.2754 - 0.2793 | 565.39 - 567.31 | 4319.83 - 4278.71 |
| 34 | 0.2794 - 0.2856 | 567.32 - 573.08 | 4278.70 - 4180.03 |
| 35 | 0.2857 - 0.2918 | 573.09 - 574.41 | 4180.02 - 4159.46 |
| 36 | 0.2919 - 0.2982 | 574.42 - 576.45 | 4159.45 - 4136.29 |
| 37 | 0.2983 - 0.3020 | 576.46 - 578.17 | 4136.28 - 4077.81 |
| 38 | 0.3021 - 0.3062 | 578.18 - 581.08 | 4077.80 - 3997.95 |
| 39 | 0.3063 - 0.3093 | 581.09 - 583.45 | 3997.94 - 3972.35 |
| 40 | 0.3094 - 0.3145 | 583.46 - 586.90 | 3972.34 - 3946.92 |
| 41 | 0.3146 - 0.3174 | 586.91 - 589.25 | 3946.91 - 3905.53 |
| 42 | 0.3175 - 0.3223 | 589.26 - 592.72 | 3905.52 - 3855.61 |
| 43 | 0.3224 - 0.3246 | 592.73 - 595.65 | 3855.60 - 3824.00 |
| 44 | 0.3247 - 0.3284 | 595.66 - 597.53 | 3823.99 - 3799.70 |
| 45 | 0.3285 - 0.3301 | 597.54 - 599.88 | 3799.69 - 3769.37 |
| 46 | 0.3302 - 0.3325 | 599.89 - 601.07 | 3769.36 - 3759.32 |
| 47 | 0.3326 - 0.3394 | 601.08 - 603.34 | 3759.31 - 3732.35 |
| 48 | 0.3395 - 0.3449 | 603.35 - 605.90 | 3732.34 - 3708.53 |
| 49 | 0.3450 - 0.3516 | 605.91 - 607.19 | 3708.52 - 3687.74 |
| 50 | 0.3517 - 0.3558 | 607.20 - 609.47 | 3687.73 - 3631.23 |

### PART-A : CONTINUE

| POINT | 2 YR PUBLIC PELL PERCENT | PELL DOLLAR | E AND G |
|---|---|---|---|
| 51 | 0.3559 - 0.3618 | 609.48 - 614.09 | 3631.22 - 3590.61 |
| 52 | 0.3619 - 0.3671 | 614.10 - 615.89 | 3590.60 - 3570.10 |
| 53 | 0.3672 - 0.3703 | 615.90 - 618.23 | 3570.09 - 3538.79 |
| 54 | 0.3704 - 0.3759 | 618.24 - 619.77 | 3538.78 - 3509.44 |
| 55 | 0.3760 - 0.3814 | 619.78 - 623.04 | 3509.43 - 3480.62 |
| 56 | 0.3815 - 0.3854 | 623.05 - 624.54 | 3480.61 - 3456.04 |
| 57 | 0.3855 - 0.3884 | 624.55 - 627.19 | 3456.03 - 3411.51 |
| 58 | 0.3885 - 0.3919 | 627.20 - 628.79 | 3411.50 - 3402.27 |
| 59 | 0.3920 - 0.3990 | 628.80 - 630.48 | 3402.26 - 3371.53 |
| 60 | 0.3991 - 0.4023 | 630.49 - 633.64 | 3371.52 - 3333.83 |
| 61 | 0.4024 - 0.4056 | 633.65 - 637.27 | 3333.82 - 3291.50 |
| 62 | 0.4057 - 0.4092 | 637.28 - 639.00 | 3291.49 - 3264.84 |
| 63 | 0.4093 - 0.4147 | 639.01 - 643.77 | 3264.83 - 3248.06 |
| 64 | 0.4148 - 0.4188 | 643.78 - 645.55 | 3248.05 - 3213.04 |
| 65 | 0.4189 - 0.4267 | 645.56 - 648.70 | 3213.03 - 3187.52 |
| 66 | 0.4268 - 0.4308 | 648.71 - 652.36 | 3187.51 - 3153.83 |
| 67 | 0.4309 - 0.4359 | 652.37 - 654.29 | 3153.82 - 3138.24 |
| 68 | 0.4360 - 0.4419 | 654.30 - 658.28 | 3138.23 - 3125.11 |
| 69 | 0.4420 - 0.4471 | 658.29 - 660.75 | 3125.10 - 3097.86 |
| 70 | 0.4472 - 0.4529 | 660.76 - 663.75 | 3097.85 - 3070.46 |
| 71 | 0.4530 - 0.4602 | 663.76 - 666.85 | 3070.45 - 3018.07 |
| 72 | 0.4603 - 0.4654 | 666.86 - 670.41 | 3018.06 - 3005.78 |
| 73 | 0.4655 - 0.4734 | 670.42 - 674.85 | 3005.77 - 2991.19 |
| 74 | 0.4735 - 0.4812 | 674.86 - 678.40 | 2991.18 - 2945.30 |
| 75 | 0.4813 - 0.4864 | 678.41 - 681.59 | 2945.29 - 2902.00 |
| 76 | 0.4865 - 0.4949 | 681.60 - 684.90 | 2901.99 - 2879.28 |
| 77 | 0.4950 - 0.5008 | 684.91 - 688.78 | 2879.27 - 2864.57 |
| 78 | 0.5009 - 0.5099 | 688.79 - 691.10 | 2864.56 - 2820.64 |
| 79 | 0.5100 - 0.5171 | 691.11 - 694.41 | 2820.63 - 2787.36 |
| 80 | 0.5172 - 0.5238 | 694.42 - 699.73 | 2787.35 - 2760.85 |
| 81 | 0.5239 - 0.5462 | 699.74 - 703.52 | 2760.84 - 2737.90 |
| 82 | 0.5463 - 0.5539 | 703.53 - 706.72 | 2737.89 - 2723.34 |
| 83 | 0.5540 - 0.5666 | 706.73 - 712.55 | 2723.33 - 2683.10 |
| 84 | 0.5667 - 0.5729 | 712.56 - 718.77 | 2683.09 - 2661.99 |
| 85 | 0.5730 - 0.5861 | 718.78 - 724.74 | 2661.98 - 2640.26 |
| 86 | 0.5862 - 0.6024 | 724.75 - 730.34 | 2640.25 - 2625.91 |
| 87 | 0.6025 - 0.6160 | 730.55 - 735.66 | 2625.90 - 2576.94 |
| 88 | 0.6161 - 0.6284 | 735.67 - 741.62 | 2576.93 - 2547.06 |
| 89 | 0.6285 - 0.6504 | 741.63 - 745.49 | 2547.05 - 2523.46 |
| 90 | 0.6505 - 0.6701 | 745.50 - 749.19 | 2523.45 - 2499.34 |
| 91 | 0.6702 - 0.7017 | 749.20 - 757.76 | 2499.33 - 2432.26 |
| 92 | 0.7018 - 0.7243 | 757.77 - 765.08 | 2432.25 - 2390.07 |
| 93 | 0.7244 - 0.7576 | 765.09 - 772.17 | 2390.06 - 2345.09 |
| 94 | 0.7577 - 0.8164 | 772.18 - 777.11 | 2345.08 - 2292.83 |
| 95 | 0.8165 - 0.8751 | 777.12 - 787.48 | 2292.82 - 2271.01 |
| 96 | 0.8752 - 0.8897 | 787.49 - 798.40 | 2271.00 - 2224.39 |
| 97 | 0.8898 - 0.9329 | 798.41 - 810.77 | 2224.38 - 2098.02 |
| 98 | 0.9330 - 0.9926 | 810.78 - 841.61 | 2098.01 - 2041.67 |
| 99 | 0.9927 - 1.3139 | 841.62 - 861.41 | 2041.66 - 1900.13 |
| 100 | 1.3139+ | 861.42+ | 1900.12 - 1.00 |

PART-B : SPECIAL NEEDS

2 YR PUBLIC

| POINT | NEED PERCENT | NEED DOLLAR | E AND G |
|---|---|---|---|
| 1 | 0.0001 - 0.0498 | 0.01 - 423.43 | 9957.15+ |
| 2 | 0.0499 - 0.0666 | 423.44 - 468.68 | 9957.14 - 7606.61 |
| 3 | 0.0667 - 0.0745 | 468.69 - 490.83 | 7606.60 - 7153.44 |
| 4 | 0.0746 - 0.0807 | 490.84 - 508.31 | 7153.43 - 6382.41 |
| 5 | 0.0808 - 0.0924 | 508.32 - 525.48 | 6382.39 - 6060.24 |
| 6 | 0.0925 - 0.1019 | 525.49 - 535.74 | 6060.23 - 5776.19 |
| 7 | 0.1020 - 0.1098 | 535.75 - 542.30 | 5776.18 - 5523.21 |
| 8 | 0.1099 - 0.1155 | 542.31 - 550.10 | 5523.20 - 5260.52 |
| 9 | 0.1156 - 0.1258 | 550.11 - 557.79 | 5260.51 - 5037.82 |
| 10 | 0.1259 - 0.1351 | 557.80 - 563.96 | 5037.80 - 4930.01 |
| 11 | 0.1352 - 0.1433 | 563.97 - 572.12 | 4930.00 - 4831.60 |
| 12 | 0.1434 - 0.1484 | 572.13 - 578.11 | 4831.59 - 4684.75 |
| 13 | 0.1485 - 0.1529 | 578.12 - 589.32 | 4684.74 - 4575.68 |
| 14 | 0.1530 - 0.1621 | 589.33 - 594.19 | 4575.67 - 4495.18 |
| 15 | 0.1622 - 0.1654 | 594.20 - 599.85 | 4495.17 - 4422.42 |
| 16 | 0.1655 - 0.1703 | 599.86 - 603.81 | 4422.41 - 4319.84 |
| 17 | 0.1704 - 0.1768 | 603.82 - 609.38 | 4319.83 - 4180.03 |
| 18 | 0.1769 - 0.1837 | 609.39 - 614.09 | 4180.02 - 4136.29 |
| 19 | 0.1838 - 0.1887 | 614.10 - 620.19 | 4136.28 - 3997.95 |
| 20 | 0.1888 - 0.1948 | 620.20 - 624.14 | 3997.94 - 3946.92 |
| 21 | 0.1949 - 0.1998 | 624.15 - 630.91 | 3946.91 - 3855.61 |
| 22 | 0.1999 - 0.2042 | 630.92 - 636.46 | 3855.60 - 3799.70 |
| 23 | 0.2043 - 0.2095 | 636.47 - 639.60 | 3799.69 - 3759.32 |
| 24 | 0.2096 - 0.2172 | 639.61 - 644.09 | 3759.31 - 3708.53 |
| 25 | 0.2173 - 0.2207 | 644.10 - 647.70 | 3708.52 - 3631.23 |
| 26 | 0.2208 - 0.2262 | 647.71 - 653.01 | 3631.22 - 3570.10 |
| 27 | 0.2263 - 0.2312 | 653.02 - 655.89 | 3570.09 - 3509.44 |
| 28 | 0.2313 - 0.2355 | 655.90 - 662.19 | 3509.43 - 3456.04 |
| 29 | 0.2356 - 0.2388 | 662.20 - 666.61 | 3456.03 - 3402.27 |
| 30 | 0.2389 - 0.2435 | 666.62 - 673.64 | 3402.26 - 3333.83 |
| 31 | 0.2436 - 0.2502 | 673.65 - 684.05 | 3333.82 - 3264.84 |
| 32 | 0.2503 - 0.2558 | 684.06 - 688.36 | 3264.83 - 3213.04 |
| 33 | 0.2559 - 0.2651 | 688.37 - 693.45 | 3213.03 - 3153.83 |
| 34 | 0.2652 - 0.2755 | 693.46 - 698.34 | 3153.82 - 3125.11 |
| 35 | 0.2756 - 0.2877 | 698.35 - 702.76 | 3125.10 - 3070.46 |
| 36 | 0.2878 - 0.2992 | 702.77 - 710.88 | 3070.45 - 3005.78 |
| 37 | 0.2993 - 0.3100 | 710.89 - 718.94 | 3005.77 - 2945.30 |
| 38 | 0.3101 - 0.3198 | 718.95 - 724.68 | 2945.29 - 2879.28 |
| 39 | 0.3199 - 0.3314 | 724.69 - 736.53 | 2879.27 - 2820.64 |
| 40 | 0.3315 - 0.3444 | 736.54 - 742.66 | 2820.63 - 2760.85 |
| 41 | 0.3445 - 0.3616 | 742.67 - 750.34 | 2760.84 - 2723.34 |
| 42 | 0.3617 - 0.3794 | 750.35 - 760.73 | 2723.33 - 2661.99 |
| 43 | 0.3795 - 0.3945 | 760.74 - 767.49 | 2661.98 - 2625.91 |
| 44 | 0.3946 - 0.4142 | 767.50 - 777.37 | 2625.90 - 2547.06 |
| 45 | 0.4143 - 0.4358 | 777.38 - 794.49 | 2547.05 - 2499.34 |
| 46 | 0.4359 - 0.4750 | 794.50 - 808.80 | 2499.33 - 2390.07 |
| 47 | 0.4751 - 0.5239 | 808.81 - 834.79 | 2390.06 - 2292.83 |
| 48 | 0.5240 - 0.5742 | 834.80 - 865.31 | 2292.82 - 2224.39 |
| 49 | 0.5743 - 0.6972 | 865.32 - 932.64 | 2224.38 - 2041.67 |
| 50 | 0.6973+ | 932.65+ | 2041.66 - 1.00 |

PART-A : STRENGTHENING

2 YR PRIVATE

| POINT | PELL PERCENT | PELL DOLLAR | E AND G |
|---|---|---|---|
| 1 | 0.0001 - 0.1287 | 0.01 - 548.58 | 17341.83+ |
| 2 | 0.1288 - 0.1582 | 548.59 - 611.65 | 17341.82 -13746.41 |
| 3 | 0.1583 - 0.1814 | 611.66 - 618.41 | 13746.39 -11153.14 |
| 4 | 0.1815 - 0.1944 | 618.42 - 637.94 | 11153.13 - 9234.77 |
| 5 | 0.1945 - 0.2055 | 637.95 - 663.12 | 9234.76 - 8704.02 |
| 6 | 0.2056 - 0.2076 | 663.13 - 682.02 | 8704.01 - 8278.00 |
| 7 | 0.2077 - 0.2165 | 682.03 - 722.01 | 8277.99 - 8071.04 |
| 8 | 0.2166 - 0.2212 | 722.02 - 737.61 | 8071.03 - 7695.64 |
| 9 | 0.2213 - 0.2380 | 737.62 - 758.99 | 7695.63 - 7450.39 |
| 10 | 0.2381 - 0.2513 | 759.00 - 791.00 | 7450.38 - 7008.08 |
| 11 | 0.2514 - 0.2692 | 791.01 - 793.38 | 7008.07 - 6785.36 |
| 12 | 0.2693 - 0.2765 | 793.39 - 798.57 | 6785.35 - 6478.50 |
| 13 | 0.2766 - 0.2839 | 798.58 - 803.24 | 6478.49 - 6220.84 |
| 14 | 0.2840 - 0.2921 | 803.25 - 820.37 | 6220.83 - 6124.86 |
| 15 | 0.2922 - 0.2952 | 820.38 - 824.94 | 6124.85 - 5993.69 |
| 16 | 0.2953 - 0.3011 | 824.95 - 837.48 | 5993.68 - 5844.61 |
| 17 | 0.3012 - 0.3076 | 837.49 - 845.03 | 5844.60 - 5763.92 |
| 18 | 0.3077 - 0.3094 | 845.04 - 847.52 | 5763.91 - 5571.25 |
| 19 | 0.3095 - 0.3157 | 847.53 - 854.84 | 5571.24 - 5367.02 |
| 20 | 0.3158 - 0.3208 | 854.85 - 859.87 | 5367.01 - 5201.81 |
| 21 | 0.3209 - 0.3232 | 859.88 - 862.61 | 5201.80 - 5193.42 |
| 22 | 0.3233 - 0.3270 | 862.62 - 868.64 | 5193.41 - 5111.98 |
| 23 | 0.3271 - 0.3332 | 868.65 - 871.24 | 5111.96 - 5063.18 |
| 24 | 0.3333 - 0.3362 | 871.25 - 876.80 | 5063.17 - 4982.96 |
| 25 | 0.3363 - 0.3450 | 876.81 - 880.60 | 4982.95 - 4943.19 |
| 26 | 0.3451 - 0.3490 | 880.61 - 884.05 | 4943.18 - 4923.05 |
| 27 | 0.3491 - 0.3536 | 884.06 - 887.45 | 4923.04 - 4854.48 |
| 28 | 0.3537 - 0.3575 | 887.46 - 890.92 | 4854.46 - 4704.70 |
| 29 | 0.3576 - 0.3651 | 890.93 - 895.38 | 4704.69 - 4657.46 |
| 30 | 0.3652 - 0.3775 | 895.39 - 900.82 | 4657.45 - 4642.30 |
| 31 | 0.3776 - 0.3794 | 900.83 - 903.44 | 4642.29 - 4476.99 |
| 32 | 0.3795 - 0.3825 | 903.45 - 908.18 | 4476.98 - 4384.00 |
| 33 | 0.3826 - 0.3845 | 908.19 - 908.79 | 4383.99 - 4361.21 |
| 34 | 0.3846 - 0.3895 | 908.80 - 910.16 | 4361.20 - 4335.62 |
| 35 | 0.3896 - 0.3922 | 910.17 - 911.92 | 4335.61 - 4314.17 |
| 36 | 0.3923 - 0.3999 | 911.93 - 914.95 | 4314.16 - 4267.52 |
| 37 | 0.4000 - 0.4063 | 914.96 - 916.22 | 4267.51 - 4226.27 |
| 38 | 0.4064 - 0.4249 | 916.23 - 923.23 | 4226.26 - 4177.36 |
| 39 | 0.4250 - 0.4269 | 923.24 - 925.47 | 4177.35 - 4146.02 |
| 40 | 0.4270 - 0.4382 | 925.48 - 936.69 | 4146.01 - 4094.33 |
| 41 | 0.4383 - 0.4475 | 936.70 - 940.61 | 4094.32 - 4049.68 |
| 42 | 0.4476 - 0.4547 | 940.62 - 943.02 | 4049.67 - 3988.36 |
| 43 | 0.4548 - 0.4602 | 943.03 - 946.70 | 3988.35 - 3945.39 |
| 44 | 0.4603 - 0.4685 | 946.71 - 951.44 | 3945.38 - 3849.56 |
| 45 | 0.4686 - 0.4732 | 951.45 - 952.55 | 3849.55 - 3767.77 |
| 46 | 0.4733 - 0.4798 | 952.56 - 954.43 | 3767.76 - 3704.59 |
| 47 | 0.4799 - 0.4902 | 954.44 - 958.14 | 3704.58 - 3646.20 |
| 48 | 0.4903 - 0.5032 | 958.15 - 962.61 | 3646.19 - 3535.52 |
| 49 | 0.5033 - 0.5056 | 962.62 - 971.06 | 3535.51 - 3456.81 |
| 50 | 0.5057 - 0.5079 | 971.07 - 973.05 | 3456.80 - 3381.28 |

PART-A : CONTINUE

2 YR PRIVATE

| POINT | PELL PERCENT | PELL DOLLAR | E AND G |
|---|---|---|---|
| 51 | 0.5080 - 0.5127 | 973.06 - 974.30 | 3381.27 - 3322.68 |
| 52 | 0.5128 - 0.5176 | 974.31 - 975.73 | 3322.67 - 3306.27 |
| 53 | 0.5177 - 0.5395 | 975.74 - 977.14 | 3306.26 - 3267.62 |
| 54 | 0.5396 - 0.5418 | 977.15 - 978.06 | 3267.61 - 3249.38 |
| 55 | 0.5419 - 0.5496 | 978.07 - 982.62 | 3249.37 - 3229.70 |
| 56 | 0.5497 - 0.5529 | 982.63 - 984.69 | 3229.69 - 3206.58 |
| 57 | 0.5530 - 0.5621 | 984.70 - 986.68 | 3206.57 - 3158.74 |
| 58 | 0.5622 - 0.5678 | 986.69 - 990.81 | 3158.73 - 3112.96 |
| 59 | 0.5679 - 0.5757 | 990.82 - 996.22 | 3112.95 - 3015.97 |
| 60 | 0.5758 - 0.5895 | 996.23 -1000.79 | 3015.96 - 2974.39 |
| 61 | 0.5896 - 0.5978 | 1000.80 -1002.03 | 2974.38 - 2917.90 |
| 62 | 0.5979 - 0.6005 | 1002.04 -1003.81 | 2917.89 - 2879.08 |
| 63 | 0.6006 - 0.6062 | 1003.82 -1007.62 | 2879.07 - 2824.46 |
| 64 | 0.6063 - 0.6118 | 1007.63 -1012.40 | 2824.45 - 2800.12 |
| 65 | 0.6119 - 0.6403 | 1012.41 -1015.37 | 2800.11 - 2776.17 |
| 66 | 0.6404 - 0.6480 | 1015.38 -1018.83 | 2776.16 - 2750.58 |
| 67 | 0.6481 - 0.6543 | 1018.84 -1020.22 | 2750.57 - 2680.88 |
| 68 | 0.6544 - 0.6661 | 1020.23 -1022.28 | 2680.87 - 2643.99 |
| 69 | 0.6662 - 0.6852 | 1022.29 -1026.40 | 2643.98 - 2628.94 |
| 70 | 0.6853 - 0.7058 | 1026.41 -1034.77 | 2628.93 - 2567.53 |
| 71 | 0.7059 - 0.7153 | 1034.78 -1036.61 | 2567.52 - 2532.26 |
| 72 | 0.7154 - 0.7450 | 1036.62 -1038.98 | 2532.25 - 2468.16 |
| 73 | 0.7451 - 0.7631 | 1038.99 -1042.02 | 2468.15 - 2453.42 |
| 74 | 0.7632 - 0.7672 | 1042.03 -1045.66 | 2453.41 - 2434.62 |
| 75 | 0.7673 - 0.7908 | 1045.67 -1061.77 | 2434.61 - 2405.29 |
| 76 | 0.7909 - 0.8120 | 1061.78 -1065.29 | 2405.28 - 2323.39 |
| 77 | 0.8121 - 0.8180 | 1065.30 -1069.99 | 2323.38 - 2282.39 |
| 78 | 0.8181 - 0.8257 | 1070.00 -1083.24 | 2282.38 - 2248.46 |
| 79 | 0.8258 - 0.8438 | 1083.25 -1091.09 | 2248.45 - 2187.04 |
| 80 | 0.8439 - 0.8461 | 1091.10 -1095.28 | 2187.03 - 2159.33 |
| 81 | 0.8462 - 0.8697 | 1095.29 -1103.83 | 2159.32 - 2132.53 |
| 82 | 0.8698 - 0.9006 | 1103.84 -1111.61 | 2132.52 - 2090.43 |
| 83 | 0.9007 - 0.9097 | 1111.62 -1113.79 | 2090.42 - 2037.04 |
| 84 | 0.9098 - 0.9443 | 1113.80 -1119.64 | 2037.03 - 2031.69 |
| 85 | 0.9444 - 0.9770 | 1119.65 -1126.39 | 2031.68 - 1987.21 |
| 86 | 0.9771 - 0.9967 | 1126.40 -1130.44 | 1987.20 - 1949.24 |
| 87 | 0.9968 - 1.0090 | 1130.45 -1135.44 | 1949.23 - 1914.40 |
| 88 | 1.0091 - 1.0202 | 1135.45 -1136.27 | 1914.39 - 1889.79 |
| 89 | 1.0203 - 1.0624 | 1136.28 -1146.54 | 1889.78 - 1791.28 |
| 90 | 1.0625 - 1.1039 | 1146.55 -1154.79 | 1791.27 - 1733.02 |
| 91 | 1.1040 - 1.1488 | 1154.80 -1165.02 | 1733.01 - 1664.15 |
| 92 | 1.1489 - 1.1952 | 1165.03 -1173.12 | 1664.14 - 1629.05 |
| 93 | 1.1953 - 1.2289 | 1173.13 -1189.16 | 1629.04 - 1505.72 |
| 94 | 1.2290 - 1.2650 | 1189.17 -1192.82 | 1505.71 - 1361.07 |
| 95 | 1.2651 - 1.4241 | 1192.83 -1220.42 | 1361.06 - 1169.11 |
| 96 | 1.4242 - 1.6499 | 1220.43 -1238.18 | 1169.10 - 1133.29 |
| 97 | 1.6500 - 1.6500 | 1238.19 -1308.46 | 1133.28 - 1046.43 |
| 98 | 1.6500 - 1.6500 | 1308.47 -1316.84 | 1046.42 - 980.95 |
| 99 | 1.6500 - 1.6500 | 1316.85 -1328.90 | 980.94 - 799.16 |
| 100 | 1.6500+ | 1328.91+ | 799.15 - 1.00 |

PART-B : SPECIAL NEEDS

2 YR PRIVATE

| POINT | NEED PERCENT | NEED DOLLAR | E AND G |
|---|---|---|---|
| 1 | 0.0001 - 0.0975 | 0.01 - 548.58 | 13746.41+ |
| 2 | 0.0976 - 0.1106 | 548.59 - 597.01 | 13746.39 - 9234.77 |
| 3 | 0.1107 - 0.1440 | 597.02 - 637.94 | 9234.76 - 8278.00 |
| 4 | 0.1441 - 0.1534 | 637.95 - 661.70 | 8277.99 - 7695.64 |
| 5 | 0.1535 - 0.1586 | 661.71 - 696.05 | 7695.63 - 7008.08 |
| 6 | 0.1587 - 0.1744 | 696.06 - 719.95 | 7008.07 - 6478.50 |
| 7 | 0.1745 - 0.1792 | 719.96 - 726.28 | 6478.49 - 6124.86 |
| 8 | 0.1793 - 0.1949 | 726.29 - 736.25 | 6124.85 - 5844.61 |
| 9 | 0.1950 - 0.2117 | 736.26 - 744.35 | 5844.60 - 5571.25 |
| 10 | 0.2118 - 0.2197 | 744.36 - 759.94 | 5571.24 - 5201.81 |
| 11 | 0.2198 - 0.2257 | 759.95 - 770.73 | 5201.80 - 5111.98 |
| 12 | 0.2258 - 0.2332 | 770.74 - 783.31 | 5111.96 - 4982.96 |
| 13 | 0.2333 - 0.2435 | 783.32 - 792.44 | 4982.95 - 4923.05 |
| 14 | 0.2436 - 0.2499 | 792.45 - 800.13 | 4923.04 - 4704.70 |
| 15 | 0.2500 - 0.2653 | 800.14 - 815.45 | 4704.69 - 4642.30 |
| 16 | 0.2654 - 0.2796 | 815.46 - 829.21 | 4642.29 - 4384.00 |
| 17 | 0.2797 - 0.2878 | 829.22 - 850.63 | 4383.99 - 4335.62 |
| 18 | 0.2879 - 0.2984 | 850.64 - 859.04 | 4335.61 - 4267.52 |
| 19 | 0.2985 - 0.3085 | 859.05 - 870.68 | 4267.51 - 4177.36 |
| 20 | 0.3086 - 0.3137 | 870.69 - 873.54 | 4177.35 - 4094.33 |
| 21 | 0.3138 - 0.3218 | 873.55 - 885.21 | 4094.32 - 3988.36 |
| 22 | 0.3219 - 0.3270 | 885.22 - 893.50 | 3988.35 - 3849.56 |
| 23 | 0.3271 - 0.3327 | 893.51 - 900.54 | 3849.55 - 3704.59 |
| 24 | 0.3328 - 0.3416 | 900.55 - 904.99 | 3704.58 - 3535.52 |
| 25 | 0.3417 - 0.3528 | 905.00 - 910.44 | 3535.51 - 3381.28 |
| 26 | 0.3529 - 0.3668 | 910.45 - 918.46 | 3381.27 - 3306.27 |
| 27 | 0.3669 - 0.3880 | 918.47 - 928.84 | 3306.26 - 3249.38 |
| 28 | 0.3881 - 0.4024 | 928.85 - 938.32 | 3249.37 - 3206.58 |
| 29 | 0.4025 - 0.4153 | 938.33 - 946.19 | 3206.57 - 3112.96 |
| 30 | 0.4154 - 0.4348 | 946.20 - 956.11 | 3112.95 - 2974.39 |
| 31 | 0.4349 - 0.4423 | 956.12 - 962.09 | 2974.38 - 2879.08 |
| 32 | 0.4424 - 0.4574 | 962.10 - 971.06 | 2879.07 - 2800.12 |
| 33 | 0.4575 - 0.4732 | 971.07 - 975.73 | 2800.11 - 2750.58 |
| 34 | 0.4733 - 0.4833 | 975.74 - 985.39 | 2750.57 - 2643.99 |
| 35 | 0.4834 - 0.5042 | 985.40 - 995.15 | 2643.98 - 2567.53 |
| 36 | 0.5043 - 0.5186 | 995.16 -1003.79 | 2567.52 - 2468.16 |
| 37 | 0.5187 - 0.5368 | 1003.80 -1022.60 | 2468.15 - 2434.62 |
| 38 | 0.5369 - 0.5600 | 1022.61 -1034.68 | 2434.61 - 2323.39 |
| 39 | 0.5601 - 0.5881 | 1034.69 -1043.57 | 2323.38 - 2248.46 |
| 40 | 0.5882 - 0.6037 | 1043.58 -1060.51 | 2248.45 - 2159.33 |
| 41 | 0.6038 - 0.6344 | 1060.52 -1081.08 | 2159.32 - 2090.43 |
| 42 | 0.6345 - 0.6941 | 1081.09 -1101.59 | 2090.42 - 2031.69 |
| 43 | 0.6942 - 0.7341 | 1101.60 -1115.21 | 2031.68 - 1949.24 |
| 44 | 0.7342 - 0.7863 | 1115.22 -1131.94 | 1949.23 - 1889.79 |
| 45 | 0.7864 - 0.9062 | 1131.95 -1165.95 | 1889.78 - 1733.02 |
| 46 | 0.9063 - 0.9738 | 1165.96 -1179.51 | 1733.01 - 1629.05 |
| 47 | 0.9739 - 1.0378 | 1179.52 -1210.50 | 1629.04 - 1361.07 |
| 48 | 1.0379 - 1.2834 | 1210.51 -1290.42 | 1361.06 - 1133.29 |
| 49 | 1.2835 - 1.6499 | 1290.43 -1380.99 | 1133.28 - 980.95 |
| 50 | 1.6500+ | 1381.00+ | 980.94 - 1.00 |

PART-A : CONTINUE

4 YR PUBLIC

| POINT | PELL PERCENT | PELL DOLLAR | E AND G |
|---|---|---|---|
| 51 | 0.3223 - 0.3283 | 834.05 - 836.83 | 4338.85 - 4317.64 |
| 52 | 0.3284 - 0.3326 | 836.84 - 838.62 | 4317.63 - 4304.37 |
| 53 | 0.3327 - 0.3359 | 838.63 - 840.02 | 4304.36 - 4273.67 |
| 54 | 0.3360 - 0.3395 | 840.03 - 842.48 | 4273.66 - 4241.81 |
| 55 | 0.3396 - 0.3439 | 842.49 - 843.62 | 4241.80 - 4202.61 |
| 56 | 0.3440 - 0.3450 | 843.63 - 844.74 | 4202.60 - 4164.98 |
| 57 | 0.3451 - 0.3496 | 844.75 - 846.07 | 4164.96 - 4022.91 |
| 58 | 0.3497 - 0.3535 | 846.08 - 849.10 | 4022.90 - 3985.47 |
| 59 | 0.3536 - 0.3567 | 849.11 - 852.20 | 3985.46 - 3969.92 |
| 60 | 0.3568 - 0.3584 | 852.21 - 854.41 | 3969.91 - 3930.61 |
| 61 | 0.3585 - 0.3603 | 854.42 - 856.84 | 3930.60 - 3875.61 |
| 62 | 0.3604 - 0.3650 | 856.85 - 859.03 | 3875.60 - 3838.91 |
| 63 | 0.3651 - 0.3699 | 859.04 - 865.66 | 3838.90 - 3808.48 |
| 64 | 0.3700 - 0.3727 | 865.67 - 870.10 | 3808.47 - 3775.92 |
| 65 | 0.3728 - 0.3754 | 870.11 - 872.20 | 3775.91 - 3756.35 |
| 66 | 0.3755 - 0.3867 | 872.21 - 874.43 | 3756.34 - 3738.02 |
| 67 | 0.3868 - 0.3937 | 874.44 - 877.52 | 3738.01 - 3726.85 |
| 68 | 0.3938 - 0.3965 | 877.53 - 882.56 | 3726.84 - 3714.73 |
| 69 | 0.3966 - 0.4000 | 882.57 - 884.30 | 3714.72 - 3679.20 |
| 70 | 0.4001 - 0.4042 | 884.31 - 885.54 | 3679.19 - 3649.10 |
| 71 | 0.4043 - 0.4095 | 885.55 - 888.42 | 3649.09 - 3618.91 |
| 72 | 0.4096 - 0.4183 | 888.43 - 891.04 | 3618.90 - 3601.65 |
| 73 | 0.4184 - 0.4245 | 891.05 - 891.66 | 3601.64 - 3577.04 |
| 74 | 0.4246 - 0.4294 | 891.67 - 892.29 | 3577.03 - 3526.79 |
| 75 | 0.4295 - 0.4386 | 892.30 - 895.91 | 3526.78 - 3472.81 |
| 76 | 0.4387 - 0.4463 | 895.92 - 898.82 | 3472.80 - 3411.82 |
| 77 | 0.4464 - 0.4512 | 898.83 - 901.89 | 3411.81 - 3394.44 |
| 78 | 0.4513 - 0.4567 | 901.90 - 906.70 | 3394.43 - 3378.48 |
| 79 | 0.4568 - 0.4689 | 906.71 - 907.65 | 3378.47 - 3340.15 |
| 80 | 0.4690 - 0.4761 | 907.66 - 914.66 | 3340.14 - 3296.89 |
| 81 | 0.4762 - 0.4870 | 914.67 - 919.65 | 3296.88 - 3254.01 |
| 82 | 0.4871 - 0.4955 | 919.66 - 921.54 | 3254.00 - 3209.33 |
| 83 | 0.4956 - 0.5147 | 921.55 - 924.76 | 3209.32 - 3179.35 |
| 84 | 0.5148 - 0.5218 | 924.77 - 928.11 | 3179.34 - 3094.70 |
| 85 | 0.5219 - 0.5504 | 928.12 - 936.13 | 3094.69 - 3013.87 |
| 86 | 0.5505 - 0.5654 | 936.14 - 944.22 | 3013.86 - 2975.51 |
| 87 | 0.5655 - 0.5948 | 944.23 - 956.61 | 2975.50 - 2901.89 |
| 88 | 0.5949 - 0.6062 | 956.62 - 959.35 | 2901.88 - 2850.12 |
| 89 | 0.6063 - 0.6322 | 959.36 - 961.62 | 2850.11 - 2829.72 |
| 90 | 0.6323 - 0.6694 | 961.63 - 980.04 | 2829.71 - 2742.87 |
| 91 | 0.6695 - 0.6949 | 980.05 - 985.74 | 2742.86 - 2709.33 |
| 92 | 0.6950 - 0.7283 | 985.75 - 994.02 | 2709.32 - 2668.29 |
| 93 | 0.7284 - 0.7519 | 994.03 -1002.00 | 2668.28 - 2625.96 |
| 94 | 0.7520 - 0.7923 | 1002.01 -1007.47 | 2625.95 - 2573.02 |
| 95 | 0.7924 - 0.8062 | 1007.48 -1030.99 | 2573.01 - 2557.19 |
| 96 | 0.8063 - 0.8567 | 1031.00 -1049.40 | 2557.18 - 2500.10 |
| 97 | 0.8568 - 0.8685 | 1049.41 -1069.65 | 2500.09 - 2444.41 |
| 98 | 0.8686 - 0.8802 | 1069.66 -1098.74 | 2444.40 - 2377.48 |
| 99 | 0.8803 - 1.0777 | 1098.75 -1160.81 | 2377.47 - 2135.41 |
| 100 | 1.0778+ | 1160.82+ | 2135.40 - 1.00 |

PART-A : STRENGTHENING

4 YR PUBLIC

| POINT | PELL PERCENT | PELL DOLLAR | E AND G |
|---|---|---|---|
| 1 | 0.0001 - 0.1008 | 0.01 - 573.37 | 26103.33+ |
| 2 | 0.1009 - 0.1281 | 573.38 - 617.90 | 26103.32 -20855.06 |
| 3 | 0.1282 - 0.1501 | 617.91 - 631.11 | 20855.05 -17768.36 |
| 4 | 0.1502 - 0.1535 | 631.12 - 637.69 | 17768.35 -13151.79 |
| 5 | 0.1536 - 0.1679 | 637.70 - 646.57 | 13151.78 -11143.16 |
| 6 | 0.1680 - 0.1704 | 646.58 - 650.00 | 11143.14 -10509.04 |
| 7 | 0.1705 - 0.1747 | 650.01 - 669.49 | 10509.03 -10326.04 |
| 8 | 0.1748 - 0.1829 | 669.50 - 674.46 | 10326.03 - 8674.21 |
| 9 | 0.1830 - 0.1911 | 674.47 - 686.52 | 8674.20 - 8464.98 |
| 10 | 0.1912 - 0.1951 | 686.53 - 692.34 | 8464.96 - 8325.39 |
| 11 | 0.1952 - 0.2004 | 692.35 - 698.98 | 8325.38 - 8074.47 |
| 12 | 0.2005 - 0.2042 | 698.99 - 704.63 | 8074.46 - 7710.76 |
| 13 | 0.2043 - 0.2095 | 704.64 - 710.37 | 7710.75 - 7411.33 |
| 14 | 0.2096 - 0.2133 | 710.38 - 718.09 | 7411.32 - 7141.99 |
| 15 | 0.2134 - 0.2170 | 718.10 - 720.38 | 7141.98 - 7039.90 |
| 16 | 0.2171 - 0.2237 | 720.39 - 721.91 | 7039.89 - 6835.25 |
| 17 | 0.2238 - 0.2250 | 721.92 - 731.70 | 6835.24 - 6747.85 |
| 18 | 0.2251 - 0.2289 | 731.71 - 733.71 | 6747.84 - 6594.07 |
| 19 | 0.2290 - 0.2309 | 733.72 - 739.58 | 6594.05 - 6500.36 |
| 20 | 0.2310 - 0.2331 | 739.59 - 743.15 | 6500.35 - 6349.40 |
| 21 | 0.2332 - 0.2364 | 743.16 - 746.02 | 6349.39 - 6273.22 |
| 22 | 0.2365 - 0.2384 | 746.03 - 749.52 | 6273.21 - 6174.54 |
| 23 | 0.2385 - 0.2412 | 749.53 - 756.88 | 6174.53 - 6025.75 |
| 24 | 0.2413 - 0.2472 | 756.89 - 759.11 | 6025.74 - 5910.54 |
| 25 | 0.2473 - 0.2488 | 759.12 - 767.07 | 5910.53 - 5841.65 |
| 26 | 0.2489 - 0.2505 | 767.08 - 770.18 | 5841.64 - 5619.45 |
| 27 | 0.2506 - 0.2524 | 770.19 - 772.13 | 5619.44 - 5580.54 |
| 28 | 0.2525 - 0.2556 | 772.14 - 775.56 | 5580.53 - 5475.40 |
| 29 | 0.2557 - 0.2573 | 775.57 - 782.39 | 5475.39 - 5382.95 |
| 30 | 0.2574 - 0.2599 | 782.40 - 784.59 | 5382.94 - 5350.45 |
| 31 | 0.2600 - 0.2668 | 784.60 - 791.16 | 5350.44 - 5307.20 |
| 32 | 0.2669 - 0.2719 | 791.17 - 792.69 | 5307.19 - 5272.98 |
| 33 | 0.2720 - 0.2735 | 792.70 - 793.98 | 5272.96 - 5143.76 |
| 34 | 0.2736 - 0.2823 | 793.99 - 797.60 | 5143.75 - 5052.06 |
| 35 | 0.2824 - 0.2843 | 797.61 - 800.81 | 5052.05 - 4984.24 |
| 36 | 0.2844 - 0.2855 | 800.82 - 802.12 | 4984.23 - 4970.58 |
| 37 | 0.2856 - 0.2865 | 802.13 - 803.30 | 4970.57 - 4907.09 |
| 38 | 0.2866 - 0.2890 | 803.31 - 805.52 | 4907.08 - 4828.87 |
| 39 | 0.2891 - 0.2925 | 805.53 - 806.66 | 4828.86 - 4800.98 |
| 40 | 0.2926 - 0.2952 | 806.67 - 811.11 | 4800.96 - 4759.69 |
| 41 | 0.2953 - 0.2968 | 811.12 - 814.35 | 4759.68 - 4673.50 |
| 42 | 0.2969 - 0.3005 | 814.36 - 815.99 | 4673.49 - 4652.00 |
| 43 | 0.3006 - 0.3024 | 816.00 - 816.79 | 4651.99 - 4612.52 |
| 44 | 0.3025 - 0.3087 | 816.80 - 821.19 | 4612.51 - 4561.15 |
| 45 | 0.3088 - 0.3115 | 821.20 - 823.58 | 4561.14 - 4520.18 |
| 46 | 0.3116 - 0.3144 | 823.59 - 826.25 | 4520.17 - 4490.61 |
| 47 | 0.3145 - 0.3162 | 826.26 - 828.34 | 4490.60 - 4453.80 |
| 48 | 0.3163 - 0.3173 | 828.35 - 830.86 | 4453.79 - 4403.72 |
| 49 | 0.3174 - 0.3212 | 830.87 - 831.73 | 4403.71 - 4383.87 |
| 50 | 0.3213 - 0.3222 | 831.74 - 834.04 | 4383.86 - 4338.86 |

PART-B : SPECIAL NEEDS

4 YR PUBLIC

| POINT | NEED PERCENT | NEED DOLLAR | E AND G |
|---|---|---|---|
| 1 | 0.0001 - 0.0920 | 0.01 - 680.07 | 20855.06+ |
| 2 | 0.0921 - 0.1157 | 680.08 - 695.62 | 20855.05 -13151.79 |
| 3 | 0.1158 - 0.1273 | 695.63 - 732.59 | 13151.78 -10509.04 |
| 4 | 0.1274 - 0.1296 | 732.60 - 744.65 | 10509.03 - 8674.21 |
| 5 | 0.1297 - 0.1347 | 744.66 - 762.39 | 8674.20 - 8325.39 |
| 6 | 0.1348 - 0.1429 | 762.40 - 767.70 | 8325.38 - 7710.76 |
| 7 | 0.1430 - 0.1507 | 767.71 - 772.62 | 7710.75 - 7141.99 |
| 8 | 0.1508 - 0.1572 | 772.63 - 783.39 | 7141.98 - 6835.25 |
| 9 | 0.1573 - 0.1648 | 783.40 - 791.03 | 6835.24 - 6594.07 |
| 10 | 0.1649 - 0.1734 | 791.04 - 799.90 | 6594.05 - 6349.40 |
| 11 | 0.1735 - 0.1793 | 799.91 - 806.93 | 6349.39 - 6174.54 |
| 12 | 0.1794 - 0.1835 | 806.94 - 813.41 | 6174.53 - 5910.54 |
| 13 | 0.1836 - 0.1860 | 813.42 - 817.01 | 5910.53 - 5619.45 |
| 14 | 0.1861 - 0.1886 | 817.02 - 825.77 | 5619.44 - 5475.40 |
| 15 | 0.1887 - 0.1950 | 825.78 - 829.93 | 5475.39 - 5350.45 |
| 16 | 0.1951 - 0.1979 | 829.94 - 837.56 | 5350.44 - 5272.98 |
| 17 | 0.1980 - 0.2026 | 837.57 - 843.70 | 5272.96 - 5052.06 |
| 18 | 0.2027 - 0.2051 | 843.71 - 848.60 | 5052.05 - 4970.58 |
| 19 | 0.2052 - 0.2092 | 848.61 - 856.08 | 4970.57 - 4828.87 |
| 20 | 0.2093 - 0.2119 | 856.09 - 861.20 | 4828.86 - 4759.69 |
| 21 | 0.2120 - 0.2161 | 861.21 - 864.23 | 4759.68 - 4652.00 |
| 22 | 0.2162 - 0.2235 | 864.24 - 872.30 | 4651.99 - 4561.15 |
| 23 | 0.2236 - 0.2262 | 872.31 - 878.91 | 4561.14 - 4490.61 |
| 24 | 0.2263 - 0.2321 | 878.92 - 882.54 | 4490.60 - 4403.72 |
| 25 | 0.2322 - 0.2384 | 882.55 - 886.56 | 4403.71 - 4338.86 |
| 26 | 0.2385 - 0.2435 | 886.57 - 893.62 | 4338.85 - 4304.37 |
| 27 | 0.2436 - 0.2488 | 893.63 - 902.41 | 4304.36 - 4241.81 |
| 28 | 0.2489 - 0.2543 | 902.42 - 909.33 | 4241.80 - 4164.98 |
| 29 | 0.2544 - 0.2603 | 909.34 - 917.16 | 4164.96 - 3985.47 |
| 30 | 0.2604 - 0.2635 | 917.17 - 925.09 | 3985.46 - 3930.61 |
| 31 | 0.2636 - 0.2696 | 925.10 - 933.26 | 3930.60 - 3838.91 |
| 32 | 0.2697 - 0.2732 | 933.27 - 938.06 | 3838.90 - 3775.92 |
| 33 | 0.2733 - 0.2803 | 938.07 - 948.00 | 3775.91 - 3738.02 |
| 34 | 0.2804 - 0.2910 | 948.01 - 960.63 | 3738.01 - 3714.73 |
| 35 | 0.2911 - 0.3074 | 960.64 - 968.48 | 3714.72 - 3649.10 |
| 36 | 0.3075 - 0.3168 | 968.49 - 974.37 | 3649.09 - 3601.65 |
| 37 | 0.3169 - 0.3249 | 974.38 - 980.07 | 3601.64 - 3526.79 |
| 38 | 0.3250 - 0.3353 | 980.08 - 992.73 | 3526.78 - 3411.82 |
| 39 | 0.3354 - 0.3498 | 992.74 -1000.60 | 3411.81 - 3378.48 |
| 40 | 0.3499 - 0.3668 | 1000.61 -1019.37 | 3378.47 - 3296.89 |
| 41 | 0.3669 - 0.3778 | 1019.38 -1033.19 | 3296.88 - 3209.33 |
| 42 | 0.3779 - 0.4117 | 1033.20 -1042.29 | 3209.32 - 3094.70 |
| 43 | 0.4118 - 0.4385 | 1042.30 -1048.89 | 3094.69 - 2975.51 |
| 44 | 0.4386 - 0.4656 | 1048.90 -1062.42 | 2975.50 - 2850.12 |
| 45 | 0.4657 - 0.4963 | 1062.43 -1080.19 | 2850.11 - 2742.87 |
| 46 | 0.4964 - 0.6036 | 1080.20 -1094.76 | 2742.86 - 2668.29 |
| 47 | 0.6037 - 0.6461 | 1094.77 -1120.87 | 2668.28 - 2573.02 |
| 48 | 0.6462 - 0.6852 | 1120.88 -1155.29 | 2573.01 - 2500.10 |
| 49 | 0.6853 - 0.7744 | 1155.30 -1248.54 | 2500.09 - 2377.48 |
| 50 | 0.7745+ | 1248.55+ | 2377.47 - 1.00 |

PART-A : STRENGTHENING

4 YR PRIVATE

| POINT | PELL PERCENT | PELL DOLLAR | E AND G |
|---|---|---|---|
| 1 | 0.0001 - 0.0460 | 0.01 - 695.61 | 21357.16+ |
| 2 | 0.0461 - 0.0940 | 695.62 - 788.83 | 21357.14 -15616.21 |
| 3 | 0.0941 - 0.1110 | 788.84 - 821.18 | 15616.20 -13682.86 |
| 4 | 0.1111 - 0.1218 | 821.19 - 850.27 | 13682.85 -12225.04 |
| 5 | 0.1219 - 0.1441 | 850.28 - 859.74 | 12225.03 -11400.00 |
| 6 | 0.1442 - 0.1553 | 859.75 - 870.94 | 11399.99 -10752.24 |
| 7 | 0.1554 - 0.1623 | 870.95 - 882.18 | 10752.23 -10369.57 |
| 8 | 0.1624 - 0.1719 | 882.19 - 886.64 | 10369.55 -10245.84 |
| 9 | 0.1720 - 0.1794 | 886.65 - 895.71 | 10245.83 - 9902.22 |
| 10 | 0.1795 - 0.1828 | 895.72 - 901.25 | 9902.21 - 9490.85 |
| 11 | 0.1829 - 0.1870 | 901.26 - 907.26 | 9490.84 - 9226.32 |
| 12 | 0.1871 - 0.1974 | 907.27 - 912.15 | 9226.30 - 8900.94 |
| 13 | 0.1975 - 0.2010 | 912.16 - 918.95 | 8900.93 - 8736.57 |
| 14 | 0.2011 - 0.2042 | 918.96 - 923.30 | 8736.55 - 8364.88 |
| 15 | 0.2043 - 0.2126 | 923.31 - 925.67 | 8364.87 - 8207.30 |
| 16 | 0.2127 - 0.2178 | 925.68 - 929.16 | 8207.29 - 8089.48 |
| 17 | 0.2179 - 0.2260 | 929.17 - 932.56 | 8089.46 - 7957.34 |
| 18 | 0.2261 - 0.2292 | 932.57 - 935.49 | 7957.33 - 7784.82 |
| 19 | 0.2293 - 0.2340 | 935.50 - 940.29 | 7784.80 - 7664.03 |
| 20 | 0.2341 - 0.2379 | 940.30 - 942.27 | 7664.02 - 7542.89 |
| 21 | 0.2380 - 0.2441 | 942.28 - 946.78 | 7542.88 - 7424.05 |
| 22 | 0.2442 - 0.2487 | 946.79 - 949.77 | 7424.04 - 7303.98 |
| 23 | 0.2488 - 0.2520 | 949.78 - 953.19 | 7303.96 - 7192.75 |
| 24 | 0.2521 - 0.2583 | 953.20 - 958.67 | 7192.74 - 7072.36 |
| 25 | 0.2584 - 0.2623 | 958.68 - 963.49 | 7072.35 - 7019.83 |
| 26 | 0.2624 - 0.2672 | 963.50 - 967.59 | 7019.82 - 6912.99 |
| 27 | 0.2673 - 0.2723 | 967.60 - 970.74 | 6912.98 - 6830.51 |
| 28 | 0.2724 - 0.2766 | 970.75 - 971.78 | 6830.50 - 6715.55 |
| 29 | 0.2767 - 0.2809 | 971.79 - 974.88 | 6715.54 - 6619.20 |
| 30 | 0.2810 - 0.2867 | 974.89 - 977.58 | 6619.19 - 6514.74 |
| 31 | 0.2868 - 0.2936 | 977.59 - 980.07 | 6514.73 - 6449.23 |
| 32 | 0.2937 - 0.2987 | 980.08 - 982.63 | 6449.21 - 6373.97 |
| 33 | 0.2988 - 0.3017 | 982.64 - 985.39 | 6373.96 - 6300.93 |
| 34 | 0.3018 - 0.3059 | 985.40 - 987.70 | 6300.92 - 6224.60 |
| 35 | 0.3060 - 0.3108 | 987.71 - 990.80 | 6224.59 - 6166.61 |
| 36 | 0.3109 - 0.3161 | 990.81 - 993.09 | 6166.60 - 6118.06 |
| 37 | 0.3162 - 0.3192 | 993.10 - 996.11 | 6118.05 - 6019.20 |
| 38 | 0.3193 - 0.3249 | 996.12 - 998.58 | 6019.19 - 5936.09 |
| 39 | 0.3250 - 0.3279 | 998.59 -1001.06 | 5936.08 - 5881.90 |
| 40 | 0.3280 - 0.3317 | 1001.07 -1002.89 | 5881.89 - 5817.52 |
| 41 | 0.3318 - 0.3369 | 1002.90 -1005.28 | 5817.51 - 5765.51 |
| 42 | 0.3370 - 0.3397 | 1005.29 -1007.79 | 5765.50 - 5715.52 |
| 43 | 0.3398 - 0.3447 | 1007.80 -1010.36 | 5715.51 - 5636.68 |
| 44 | 0.3448 - 0.3517 | 1010.37 -1013.46 | 5636.67 - 5587.76 |
| 45 | 0.3518 - 0.3570 | 1013.47 -1017.59 | 5587.75 - 5509.07 |
| 46 | 0.3571 - 0.3605 | 1017.60 -1019.96 | 5509.05 - 5437.41 |
| 47 | 0.3606 - 0.3660 | 1019.97 -1022.39 | 5437.39 - 5370.89 |
| 48 | 0.3661 - 0.3696 | 1022.40 -1025.15 | 5370.88 - 5327.98 |
| 49 | 0.3697 - 0.3749 | 1025.16 -1026.53 | 5327.96 - 5289.19 |
| 50 | 0.3750 - 0.3788 | 1026.54 -1029.60 | 5289.18 - 5235.43 |

PART-A : CONTINUE

4 YR PRIVATE

| POINT | PELL PERCENT | PELL DOLLAR | E AND G |
|---|---|---|---|
| 51 | 0.3789 - 0.3834 | 1029.61 -1033.42 | 5235.42 - 5185.90 |
| 52 | 0.3835 - 0.3877 | 1033.43 -1035.64 | 5185.89 - 5137.48 |
| 53 | 0.3878 - 0.3891 | 1035.65 -1038.11 | 5137.46 - 5093.57 |
| 54 | 0.3892 - 0.3934 | 1038.12 -1039.93 | 5093.55 - 5034.90 |
| 55 | 0.3935 - 0.3966 | 1039.94 -1043.57 | 5034.89 - 4998.78 |
| 56 | 0.3967 - 0.4010 | 1043.58 -1047.51 | 4998.77 - 4948.31 |
| 57 | 0.4011 - 0.4084 | 1047.52 -1049.19 | 4948.30 - 4894.30 |
| 58 | 0.4085 - 0.4166 | 1049.20 -1051.73 | 4894.29 - 4867.49 |
| 59 | 0.4167 - 0.4226 | 1051.74 -1055.05 | 4867.48 - 4828.80 |
| 60 | 0.4227 - 0.4284 | 1055.06 -1057.30 | 4828.79 - 4794.37 |
| 61 | 0.4285 - 0.4322 | 1057.31 -1059.47 | 4794.36 - 4735.10 |
| 62 | 0.4323 - 0.4385 | 1059.48 -1063.27 | 4735.09 - 4682.08 |
| 63 | 0.4386 - 0.4431 | 1063.28 -1065.66 | 4682.07 - 4616.48 |
| 64 | 0.4432 - 0.4527 | 1065.67 -1067.37 | 4616.46 - 4575.84 |
| 65 | 0.4528 - 0.4576 | 1067.38 -1070.98 | 4575.83 - 4527.66 |
| 66 | 0.4577 - 0.4621 | 1070.99 -1074.11 | 4527.64 - 4493.67 |
| 67 | 0.4622 - 0.4650 | 1074.12 -1081.39 | 4493.66 - 4420.79 |
| 68 | 0.4651 - 0.4716 | 1081.40 -1084.41 | 4420.78 - 4351.75 |
| 69 | 0.4717 - 0.4770 | 1084.42 -1089.12 | 4351.74 - 4294.55 |
| 70 | 0.4771 - 0.4819 | 1089.13 -1092.84 | 4294.54 - 4224.07 |
| 71 | 0.4820 - 0.4868 | 1092.85 -1099.24 | 4224.05 - 4180.43 |
| 72 | 0.4869 - 0.4957 | 1099.25 -1101.81 | 4180.42 - 4128.56 |
| 73 | 0.4958 - 0.5031 | 1101.82 -1103.55 | 4128.55 - 4090.74 |
| 74 | 0.5032 - 0.5117 | 1103.56 -1109.19 | 4090.73 - 4039.03 |
| 75 | 0.5118 - 0.5221 | 1109.20 -1112.08 | 4039.02 - 3994.84 |
| 76 | 0.5222 - 0.5302 | 1112.09 -1117.01 | 3994.83 - 3928.07 |
| 77 | 0.5303 - 0.5425 | 1117.02 -1120.36 | 3928.06 - 3877.44 |
| 78 | 0.5426 - 0.5513 | 1120.37 -1123.94 | 3877.43 - 3816.00 |
| 79 | 0.5514 - 0.5621 | 1123.95 -1129.15 | 3815.99 - 3755.86 |
| 80 | 0.5622 - 0.5704 | 1129.16 -1133.26 | 3755.85 - 3707.78 |
| 81 | 0.5705 - 0.5761 | 1133.27 -1140.39 | 3707.77 - 3632.25 |
| 82 | 0.5762 - 0.5847 | 1140.40 -1145.38 | 3632.24 - 3591.82 |
| 83 | 0.5848 - 0.5997 | 1145.39 -1153.17 | 3591.81 - 3515.38 |
| 84 | 0.5998 - 0.6166 | 1153.18 -1164.00 | 3515.37 - 3463.64 |
| 85 | 0.6167 - 0.6420 | 1164.01 -1168.42 | 3463.63 - 3389.95 |
| 86 | 0.6421 - 0.6538 | 1168.43 -1184.29 | 3389.94 - 3319.64 |
| 87 | 0.6539 - 0.6666 | 1184.30 -1190.31 | 3319.63 - 3220.70 |
| 88 | 0.6667 - 0.6805 | 1190.32 -1204.91 | 3220.69 - 3159.41 |
| 89 | 0.6806 - 0.7000 | 1204.92 -1226.55 | 3159.40 - 3076.10 |
| 90 | 0.7001 - 0.7221 | 1226.56 -1251.96 | 3076.09 - 3002.93 |
| 91 | 0.7222 - 0.7544 | 1251.97 -1275.11 | 3002.92 - 2888.42 |
| 92 | 0.7545 - 0.7813 | 1275.12 -1300.68 | 2888.41 - 2755.17 |
| 93 | 0.7814 - 0.8105 | 1300.69 -1319.54 | 2755.16 - 2651.32 |
| 94 | 0.8106 - 0.8607 | 1319.55 -1350.08 | 2651.31 - 2487.46 |
| 95 | 0.8608 - 0.9090 | 1350.09 -1366.75 | 2487.45 - 2362.56 |
| 96 | 0.9091 - 0.9503 | 1366.76 -1403.63 | 2362.55 - 2175.58 |
| 97 | 0.9504 - 1.0243 | 1403.64 -1441.09 | 2175.57 - 1928.46 |
| 98 | 1.0244 - 1.1507 | 1441.10 -1534.54 | 1928.45 - 1671.86 |
| 99 | 1.1508 - 1.3822 | 1534.55 -1645.29 | 1671.85 - 1435.75 |
| 100 | 1.3823+ | 1645.30+ | 1435.74 - 1.00 |

PART-B : SPECIAL NEEDS

4 YR PRIVATE

| POINT | NEED PERCENT | NEED DOLLAR | E AND G |
|---|---|---|---|
| 1 | 0.0001 - 0.0760 | 0.01 - 724.99 | 15616.21+ |
| 2 | 0.0761 - 0.1173 | 725.00 - 770.76 | 15616.20 -12225.04 |
| 3 | 0.1174 - 0.1372 | 770.77 - 817.09 | 12225.03 -10752.24 |
| 4 | 0.1373 - 0.1517 | 817.10 - 843.84 | 10752.23 -10245.84 |
| 5 | 0.1518 - 0.1663 | 843.85 - 860.24 | 10245.83 - 9490.85 |
| 6 | 0.1664 - 0.1829 | 860.25 - 886.64 | 9490.84 - 8900.94 |
| 7 | 0.1830 - 0.1938 | 886.65 - 898.87 | 8900.93 - 8364.88 |
| 8 | 0.1939 - 0.2031 | 898.88 - 912.58 | 8364.87 - 8089.48 |
| 9 | 0.2032 - 0.2136 | 912.59 - 925.30 | 8089.46 - 7784.82 |
| 10 | 0.2137 /- 0.2222 | 925.31 - 941.42 | 7784.80 - 7542.89 |
| 11 | 0.2223 - 0.2334 | 941.43 - 952.05 | 7542.88 - 7303.98 |
| 12 | 0.2335 - 0.2406 | 952.06 - 963.67 | 7303.96 - 7072.36 |
| 13 | 0.2407 - 0.2465 | 963.68 - 976.06 | 7072.35 - 6912.99 |
| 14 | 0.2466 - 0.2544 | 976.07 - 989.15 | 6912.98 - 6715.55 |
| 15 | 0.2545 - 0.2609 | 989.16 - 998.42 | 6715.54 - 6514.74 |
| 16 | 0.2610 - 0.2669 | 998.43 -1008.68 | 6514.73 - 6373.97 |
| 17 | 0.2670 - 0.2726 | 1008.69 -1017.67 | 6373.96 - 6224.60 |
| 18 | 0.2727 - 0.2799 | 1017.68 -1024.89 | 6224.59 - 6118.06 |
| 19 | 0.2800 - 0.2865 | 1024.90 -1034.69 | 6118.05 - 5936.09 |
| 20 | 0.2866 - 0.2943 | 1034.70 -1044.20 | 5936.08 - 5817.52 |
| 21 | 0.2944 - 0.3023 | 1044.21 -1053.76 | 5817.51 - 5715.52 |
| 22 | 0.3024 - 0.3119 | 1053.77 -1066.64 | 5715.51 - 5587.76 |
| 23 | 0.3120 - 0.3204 | 1066.65 -1074.99 | 5587.75 - 5437.41 |
| 24 | 0.3205 - 0.3284 | 1075.00 -1086.50 | 5437.39 - 5327.98 |
| 25 | 0.3285 - 0.3371 | 1086.51 -1099.17 | 5327.96 - 5235.43 |
| 26 | 0.3372 - 0.3435 | 1099.18 -1108.33 | 5235.42 - 5137.48 |
| 27 | 0.3436 - 0.3532 | 1108.34 -1116.69 | 5137.46 - 5034.90 |
| 28 | 0.3533 - 0.3628 | 1116.70 -1121.89 | 5034.89 - 4948.31 |
| 29 | 0.3629 - 0.3686 | 1121.90 -1135.89 | 4948.30 - 4867.49 |
| 30 | 0.3687 - 0.3799 | 1135.90 -1147.84 | 4867.48 - 4794.37 |
| 31 | 0.3800 - 0.3853 | 1147.85 -1156.87 | 4794.36 - 4682.08 |
| 32 | 0.3854 - 0.3933 | 1156.88 -1168.49 | 4682.07 - 4575.84 |
| 33 | 0.3934 - 0.4049 | 1168.50 -1178.72 | 4575.83 - 4493.67 |
| 34 | 0.4050 - 0.4131 | 1178.73 -1191.93 | 4493.66 - 4351.75 |
| 35 | 0.4132 - 0.4238 | 1191.94 -1205.17 | 4351.74 - 4224.07 |
| 36 | 0.4239 - 0.4365 | 1205.18 -1223.43 | 4224.05 - 4128.56 |
| 37 | 0.4366 - 0.4468 | 1223.44 -1235.91 | 4128.55 - 4039.03 |
| 38 | 0.4469 - 0.4602 | 1235.92 -1254.56 | 4039.02 - 3928.07 |
| 39 | 0.4603 - 0.4704 | 1254.57 -1266.96 | 3928.06 - 3816.00 |
| 40 | 0.4705 - 0.4856 | 1266.97 -1293.16 | 3815.99 - 3707.78 |
| 41 | 0.4857 - 0.4972 | 1293.17 -1315.43 | 3707.77 - 3591.82 |
| 42 | 0.4973 - 0.5115 | 1315.44 -1344.43 | 3591.81 - 3463.64 |
| 43 | 0.5116 - 0.5349 | 1344.44 -1368.95 | 3463.63 - 3319.64 |
| 44 | 0.5350 - 0.5587 | 1368.96 -1385.09 | 3319.63 - 3159.41 |
| 45 | 0.5588 - 0.6044 | 1385.10 -1424.23 | 3159.40 - 3002.93 |
| 46 | 0.6045 - 0.6509 | 1424.24 -1456.80 | 3002.92 - 2755.17 |
| 47 | 0.6510 - 0.7342 | 1456.81 -1530.40 | 2755.16 - 2487.46 |
| 48 | 0.7343 - 0.8220 | 1530.41 -1607.57 | 2487.45 - 2175.58 |
| 49 | 0.8221 - 0.9299 | 1607.58 -1777.45 | 2175.57 - 1671.86 |
| 50 | 0.9300+ | 1777.46+ | 1671.85 - 1.00 |

PART - B: SPECIAL NEEDS

GRADUATE PUBLIC

| POINT | NEED PERCENT | NEED DOLLARS |
|---|---|---|
| 1 | 0.0001 - 0.0942 | 0.01 - 645.59 |
| 7 | 0.0943 - 0.1869 | 545.60 - 1380.94 |
| 19 | 0.1870 - 0.3619 | 1380.95 - 1408.23 |
| 32 | 0.3620 - 0.3785 | 1408.24 - 1675.49 |
| 50 | 0.3786+ | 1675.50+ |

PART - B: SPECIAL NEEDS

GRADUATE PRIVATE

| POINT | NEED PERCENT | NEED DOLLAR |
|---|---|---|
| 1 | 0.0001 - 0.0176 | 0.01 - 449.62 |
| 2 | 0.0177 - 0.0248 | 449.63 - 577.12 |
| 3 | 0.0249 - 0.0315 | 577.13 - 595.20 |
| 4 | 0.0316 - 0.0401 | 595.21 - 618.31 |
| 5 | 0.0402 - 0.0567 | 618.32 - 669.46 |
| 6 | 0.0568 - 0.0618 | 669.47 - 728.18 |
| 7 | 0.0619 - 0.0635 | 728.19 - 783.84 |
| 8 | 0.0636 - 0.0650 | 783.85 - 813.56 |
| 9 | 0.0651 - 0.0863 | 813.57 - 848.67 |
| 10 | 0.0864 - 0.0994 | 848.68 - 873.85 |
| 11 | 0.0995 - 0.1018 | 873.86 - 881.80 |
| 12 | 0.1019 - 0.1028 | 881.81 - 897.93 |
| 13 | 0.1029 - 0.1113 | 897.94 - 949.89 |
| 14 | 0.1114 - 0.1170 | 949.90 - 968.59 |
| 15 | 0.1171 - 0.1299 | 968.60 - 969.71 |
| 16 | 0.1300 - 0.1419 | 969.72 -1011.31 |
| 17 | 0.1420 - 0.1461 | 1011.32 -1018.04 |
| 18 | 0.1462 - 0.1478 | 1018.05 -1024.48 |
| 19 | 0.1479 - 0.1605 | 1024.49 -1030.75 |
| 20 | 0.1606 - 0.1629 | 1030.76 -1071.02 |
| 21 | 0.1630 - 0.1737 | 1071.03 -1100.22 |
| 22 | 0.1738 - 0.1777 | 1100.23 -1112.27 |
| 23 | 0.1778 - 0.1785 | 1112.28 -1127.49 |
| 24 | 0.1786 - 0.1816 | 1127.50 -1301.17 |
| 25 | 0.1817 - 0.1855 | 1301.18 -1360.01 |
| 26 | 0.1856 - 0.1913 | 1360.02 -1369.27 |
| 27 | 0.1914 - 0.1977 | 1369.28 -1415.09 |
| 28 | 0.1978 - 0.2021 | 1415.10 -1444.43 |
| 29 | 0.2022 - 0.2044 | 1444.44 -1448.95 |
| 30 | 0.2045 - 0.2062 | 1448.96 -1512.23 |
| 31 | 0.2063 - 0.2098 | 1512.24 -1517.85 |
| 32 | 0.2099 - 0.2130 | 1517.86 -1543.44 |
| 33 | 0.2131 - 0.2307 | 1543.45 -1584.03 |
| 34 | 0.2308 - 0.2367 | 1584.04 -1589.99 |
| 35 | 0.2368 - 0.2400 | 1590.00 -1604.72 |
| 36 | 0.2401 - 0.2618 | 1604.73 -1635.81 |
| 37 | 0.2619 - 0.2625 | 1635.82 -1643.40 |
| 38 | 0.2626 - 0.2736 | 1643.41 -1664.07 |
| 39 | 0.2737 - 0.2833 | 1664.08 -1766.45 |
| 40 | 0.2834 - 0.2858 | 1766.46 -1802.77 |
| 41 | 0.2859 - 0.2954 | 1802.78 -1945.64 |
| 42 | 0.2955 - 0.3064 | 1945.65 -1955.76 |
| 43 | 0.3065 - 0.3174 | 1955.77 -2028.77 |
| 44 | 0.3175 - 0.3203 | 2028.78 -2258.91 |
| 45 | 0.3204 - 0.3520 | 2258.92 -2275.66 |
| 46 | 0.3521 - 0.3717 | 2275.67 -2580.90 |
| 47 | 0.3718 - 0.4614 | 2580.91 -2772.57 |
| 48 | 0.4515 - 0.5237 | 2772.58 -3400.06 |
| 49 | 0.5238 - 0.6939 | 3400.07 -3563.35 |
| 50 | 0.6940+ | 3563.36+ |

[FR Doc. 84-8828 Filed 4-3-84; 8:45 am]
BILLING CODE 4000-01-C

## DEPARTMENT OF ENERGY

### Uranium Hexafluoride; Separative Work Charges and Base Charges for Natural Uranium

**AGENCY:** Office of Uranium Enrichment, Department of Energy.

**ACTION:** The Department of Energy (DOE) hereby announces revisions to the Notice entitled "Uranium Hexafluoride: Separative Work Charges, and Base Charges for Natural Uranium" published in the **Federal Register** on September 29, 1977 (42 FR 51636), as amended by 43 FR 49831 on October 25, 1978, 44 FR 51297 on August 31, 1979, 45 FR 50928 on July 31, 1980, 46 FR 25338 on May 6, 1981, and 47 FR 7483 on February 19, 1982, hereinafter referred to as the Notice.

**SUMMARY:** Paragraph 1 of the Notice is deleted and the following is inserted in lieu thereof:

1. The current charges for uranium enrichment services are $138.65 per separative work unit (SWU) under Long-term Fixed-Commitment (LTFC) and Adjustable Fixed-Commitment (AFC) contracts and $149.85 per SWU under Requirements contracts.

2. Section 161v of the Atomic Energy Act of 1954, as amended, requires recovery of enrichment costs over a reasonable period of time. The Department of Energy (DOE) has established a 10-year pricing period as a reasonable period of time. We have reviewed our costs based on the FY 1985 operating enrichment strategy and have determined that the cost recovery formula price changes are necessary.

3. For purposes of developing prices, a conservative demand level and Operating Plan were used to arrive at a cost recovery price. The major assumptions are:

—The demand projection used assumed 75 percent of existing customers convert to the new contract and all those who do convert elect to purchase 70 percent of their requirements from DOE
—A 4-building Gas Centrifuge Enrichment Plant using Set V centrifuge machines except Set III machines are used in approximately one-half of the first process building
—No relief from capacity charges for power not taken
—All costs are in 1985 dollars

The resulting price is $135 per SWU.

4. DOE has since 1972 experienced slippages in sales estimates in excess of those used in developing operating plans and base prices. These slippages result in increasing unit costs for separative work since there are less units of sales to recover the fixed costs of production. Because the slippages have varied between contract type, a risk surcharge has been included in pricing to assure an equitable distribution of costs. The principle of recognizing risk differential between contract types has been consistently applied. The Requirements contract price has had a risk factor since 1972 when the first new contract type, the Fixed-Commitment contract, was introduced. The risk factor is based on a percentage slippage in sales. This percentage is then applied to fixed cost of production to arrive at a risk surcharge.

5. Previously there was no risk factor associated with the Fixed-Commitment contract. However, the most recent annual forecast of sales shows for the first time a significant slippage in sales under Fixed-Commitment contracts. The principle of recognizing risk differential between contract types needs to recognize the increase in unit cost of production that results from Fixed-Commitment contract slippages. Accordingly, a risk surcharge is now required for Fixed-Commitment contract purchases.

6. In arriving at a percentage loss in sales, we have continued the practice, used since 1972, of comparing our most recent projection of sales by contract type to the forecast made 1 year earlier. Under this year's calculation, Requirements contracts had slipped by about 50 percent and Fixed-Commitment by about 30 percent. Applying these percentages to the fixed cost of production, risk factors of 19 and 16 percent, respectively, were obtained.

7. The resulting prices are $157 per SWU for Requirement contracts and $153 per SWU for Fixed-Commitment contracts. A provision in the Requirements contracts limits the amount to be charged under the contract to the calculated charge or a ceiling charge, whichever is lower. The ceiling charge is expected to be lower than the calculated charge at the time this charge would be effective. The Requirements contract price of $157 per SWU on the ceiling charge will become effective on October 1, 1984. The $153 per SWU charge for Fixed-Commitment contracts will become effective on October 1, 1984.

8. At this time there is no basis for assigning a risk factor to the Utility Services (US) contract which is a new contract type. The charge for SWU furnished pursuant to the US contract is $135.

9. The charge per SWU furnished under other than Requirements or Fixed-Commitment contracts will be $135.

**EFFECTIVE DATE:** This notice is effective April 4, 1984.

Date: March 31, 1984.

**Shelby T. Brewer,**

*Assistant Secretary for Nuclear Energy.*

[FR Doc. 84-9152 Filed 4-3-84; 8:45 am]

BILLING CODE 6450-01-M

### Uranium Hexafluoride; Separative Work Charges, and Base Charges for Natural Uranium

**AGENCY:** Office of Uranium Enrichment, Department of Energy.

**ACTION:** The Department of Energy (DOE) hereby announces changes in the base charges for uranium in the form of uranium hexafluoride ($UF_6$). Accordingly, the notice entitled, "Uranium Hexafluoride: Separative Work Charges, and Base Charges for Natural Uranium," as published in the **Federal Register** on September 29, 1977 (42 FR 51636), as amended most recently by notice published on December 7, 1983 (48 FR 54862), is further amended by deleting paragraph 2 and inserting the following paragraph in lieu thereof:

*2. Base Charges for Natural Uranium*

(a) The base charge for DOE uranium provided on a "split tails" basis, is $26.00 per kg of contained uranium in the form of $UF_6$.

(b) The base charge for customers having a long-term agreement with DOE is $38.38 per pound of contained $U_3O_8$ in the form of concentrate and $105.95 per kg of contained uranium in the form of $UF_6$.

(c) The base charge for all other customers for enriched uranium is $39.43 per pound of contained $U_3O_8$ in the form of concentrate and $108.55 per kg of contained uranium in the form of $UF_6$.

**EFFECTIVE DATE:** This notice is effective April 4, 1984.

Dated: March 31, 1984.

**Shelby T. Brewer,**

*Assistant Secretary for Nuclear Energy.*

[FR Doc. 84-9156 Filed 4-3-84; 8:45 am]

BILLING CODE 6450-01-M

### Uranium Supply Policy

**AGENCY:** Office of Uranium Enrichment, Department of Energy.

**ACTION:** The Department of Energy (DOE) hereby announces a revision to its policy for supplying natural uranium and enriched uranium. Accordingly, the notice entitled "Uranium Supply Policy" as published in the **Federal Register** on September 29, 1977 (42 FR 51636), is amended by deleting paragraph 7 and

inserting the following new paragraph 7 in lieu thereof: 7. DOE has determined that the base charge for uranium will be determined as follows:

(a) The base charge for DOE uranium provided on a "split tails" basis will be set at DOE's average historical costs for natural uranium.

(b) The base charge for customers having a long-term agreement with DOE for the sale or lease of enriched uranium will be the weighted average price of all firm price and market price commercial natural uranium purchases during the previous year.

(c) The base charge for all other customers for enriched uranium will be the weighted average of prices paid during the previous year for natural uranium purchased under commercial contracts requiring payment of "market price at the time of delivery."

**EFFECTIVE DATE:** This notice is effective April 4, 1984.

Date: March 31, 1984.

**Shelby T. Brewer,**

*Assistant Secretary for Nuclear Energy.*

[FR Doc. 84-9154 Filed 4-3-84; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

**[OPP-240042, PH-FRL 2556-8]**

## Special Local Need Registrations; Voluntary Cancellations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** This notice lists the names of firms requesting voluntary cancellation of section 24(c) registrations of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. The section 24(c) registration of these products has already been cancelled by the issuing State. Distribution or sale of these products by the registrant, using the section 24(c) label, after the effective date of cancellation will be considered a violation of the FIFRA.

**EFFECTIVE DATE:** May 4, 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 Street SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:**

Lela Sykes, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 718C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2126).

**SUPPLEMENTARY INFORMATION:** The following companies (registrants) have requested that EPA voluntarily cancel section 24(c) registrations:

*Registrants:*

1. Abbott Laboratories, North Chicago, IL 60084.
2. AgBioChem, Inc., 3 Fleetwood Court, Orinda, CA 94563.
3. American Cyanamid Co., Agricultural Research Division, P.O. Box 400, Princeton, NJ 08540.
4. BASF Wyandotte Corp., 100 Cherry Hill Rd., P.O. Box 18, Parsnippany, NJ 07054.
5. Burroughs Welcome Co., Welcome Animal Health Div., 2000 South 11th St., Kansas City, KS 66103.
6. Cargill Research Department, Box 9300, Minneapolis, MN 55440.
7. Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640.
8. Drexel Chemical Co., 2487 Pennsylvania St., P.O. 9306, Memphis, TN 38109.
9. Elanco Products Co., A Division of Eli Lily & Co., 740 South Alabama St., Indianapolis, IN 46285.
10. Fairmont Chemical Co., Inc., 117 Blanchard St., Newark, NJ 07015.
11. Hess & Clark, Inc., 7th and Orange Sts., Ashland OH 44805.
12. JMS Flower Farms, Inc., 1105 25th Ave., Vero Beach FL 32960.
13. Koppers Co., Inc., Occupational Health and Product Safety, Pittsburgh, PA 15219.
14. Landia Chemical Co., P.O. Drawer AO, Landia, FL 33802.
15. Mallinckrodt, Inc., Mallinckrodt and Second Sts., P.O. Box 5439, St. Louis, MO 63147.
16. Micro Chemical Co., P.O. Box 711, Winnsboro, LA.
17. Moorman Manufacturing Co., 1000 North 30th St., Quincy, IL 62301.
18. Nitragin Co., 3101 W. Custer Ave., Milwaukee, WI 53209.
19. PBI/Gordon Corp., 1217 West 12th St., P.O. Box 4090, Kansas City, MO.
20. PPG Industries, Inc., P.O. Box 31, Barberton, OH 44203.
21. Prentiss Drug and Chemical Co., Inc., C.B. 2000, Floral Park, NY 11011.
22. Ralston Purina Co., Checkerboard Sq., St. Louis, MO 63164.
23. Residex Corp., 225 Terminal Ave., Clark, NJ 07066.
24. S & A Chemical, Inc., P.O. Box 8012, Boise, ID 83707.
25. Soils Chemical Corp., 1150 Red Gum, Anaheim CA 92803.
26. Stauffer Chemical Co., 1200 South 47th St., Richmond, CA 94804.
27. Stephenson Chemical Co., Inc., P.O. Box 87188, College Park GA 30337.
28. Uniroyal Chemical, Division of Uniroyal, Inc., 74 Amity Rd., Bethany CT 06525.
29. Upjohn Co., Kalamazoo, MI 49001.
30. Weyerhaeuser Co., Tacoma, WA 98477.

The following registrations have been voluntarily cancelled:

| Special local need register No. | Product name | Registrant | Date registered |
|---|---|---|---|
| **Connecticut** | | | |
| CT 77 0007 | Devrinol 50-WP | Stauffer Chemical Co | 10/14/77 |
| CT 77 0009 | Devrinol 10-G | do | 12/1/77 |
| **Florida** | | | |
| FL 77 0013 | Stephenson Chemicals 20% Lindane E.C | Stephenson Chemical Co | 5/17/77 |
| FL 77 0028 | Chlordane 5 Granular | Landia Chemical Co | 9/26/77 |
| FL 77 0029 | Lanco Chlordane 10 G | do | 9/26/77 |
| FL 77 0030 | Chlordane 245 Granular | do | 9/26/77 |
| **Idaho** | | | |
| ID 76 0011 | Dursban M | Dow Chemical USA | 8/26/76 |
| ID 77 0002 | Stauffer Magnetic 6 Flowable Sulfur | Stauffer Chemical Co | 3/1/77 |
| ID 77 0015 | Dylonate 4E Emulsifiable Liquid | do | 5/3/77 |
| ID 77 0016 | Dylonate 10G | do | 5/24/77 |
| ID 77 0022 | Du Ter Fungicide | Uniroyal Chemical | 6/10/77 |
| ID 77 0023 | Dow General Weed Killer | Dow Chemical USA | 9/12/77 |
| ID 78 0005 | Vernam 6.7E | Stauffer Chemical Co | 4/4/78 |
| ID 78 0008 | Evershield RTU 1050 Seed Protectant | Cargill Research Dept | 4/20/78 |
| ID 79 0008 | Echol Micronized Wettable Sulphur | S & A Chemical, Inc | 3/5/79 |
| ID 79 0009 | Echol 6 Flowable Sulphur | do | 3/5/79 |
| **Illinois** | | | |
| IL 78 0001 | Premerge 3 Dinitro Amine Herbicide | Dow Chemical USA | 1/16/78 |
| IL 78 0002 | Lorsban 4E | do | 2/7/78 |
| IL 78 0004 | Dow General Weed Killer | do | 4/17/78 |

| Special local need register No. | Product name | Registrant | Date registered |
|---|---|---|---|
| IL 81 0007 | Insectrin WP | Hess & Clark, Inc | 3/13/81 |
| IL 82 0008 | Basagran Herbicide | BASF Wyandotte Corp | 6/11/82 |
| | **Iowa** | | |
| IA 78 0002 | Lorsban 4E | Dow Chemical USA | 2/22/78 |
| IA 81 0012 | Lorsban 15G | do | 6/2/81 |
| IA 81 0014 | Atroban Insecticide Ear Tag | Burroughs Welcome Co | 10/1/81 |
| | **Louisiana** | | |
| LA 77 0003 | Stephenson Chemicals 20% Lindane E.C | Stephenson Chemical Co | 1/27/77 |
| LA 77 0010 | Oxy Leafex-3 Chlorate Desiccant and Defoliant | Uniroyal Chemical | 7/22/77 |
| LA 78 0004 | Dursban 4E | Dow Chemical USA | 2/28/78 |
| LA 78 0005 | Basagran Herbicide | BASF Wyandotte Corp | 3/6/78 |
| LA 78 0012 | Surflan 75W | Elanco Products Co | 4/24/78 |
| LA 78 0013 | do | do | 5/1/78 |
| LA 78 0014 | Dipel WP | Abbott Labs | 5/1/78 |
| LA 78 0016 | Lorsban 4E | Dow Chemical USA | 5/17/78 |
| LA 78 0025 | Defol | Drexel Chemical Co | 9/4/78 |
| LA 78 0026 | De-Pester Lindane E-1 | Uniroyal Chemical | 10/2/78 |
| LA 79 0014 | Ded-Weed 40 Amino Salt | do | 5/21/79 |
| LA 80 0005 | Pro-Treat L | Nitragin Co | 3/7/80 |
| LA 81 0018 | Basgran Herbicide + Blazer Herbicide | BASF Wyandotte Corp | 4/6/81 |
| LA 81 0019 | Prowl® Herbicide | American Cyanamid Co | 5/4/81 |
| LA 81 0025 | Triple Kill 5 "L" | Micro Chemical Co | 6/23/81 |
| LA 81 0026 | Triple Kill B6 | do | 6/23/81 |
| LA 81 0034 | Lorsban 4E | Dow Chemical USA | 7/10/81 |
| LA 82 0001 | Dowfume W-100 | do | 2/2/82 |
| LA 82 0002 | Dowfume W-90 | do | 2/2/82 |
| LA 82 0003 | Dowfume W-85 | do | 2/2/82 |
| LA 82 0008 | Cythion® Insecticide/Malathion ULV | American Cyanamid Co | 3/19/82 |
| LA 82 0021 | Freestyle Calcium Hypochlorite 65% | Uniroyal Chemical | 6/15/82 |
| LA 82 0022 | Metham | Helena Chemical Co | 6/28/82 |
| LA 82 0024 | Micro Blend 24 | Micro Chemical Co | 6/30/82 |
| LA 82 0025 | do | do | 6/30/82 |
| LA 83 0017 | Treflan M.T.F | Elanco Products Co | 4/12/83 |
| | **Maryland** | | |
| MD 77 0002 | Stephenson Chemicals 20% Lindane E.C | Stephenson Chemical Co | 2/23/77 |
| MD 77 0003 | Residex Lindane 20% Emulsifiable | Ridex Corp | 5/4/77 |
| | **Massachusetts** | | |
| MA 78 0006 | Devrinol; 10G Selective Herbicide Granules | Stauffer Chemical Co | 9/15/78 |
| | **Missouri** | | |
| MO 77 0008 | Premerge 3 Dinitro Amine Herbicide and Premerge Dinitro Weed Killer. | Dow Chemical USA | 9/20/77 |
| MO 78 0006 | Lorsban 4E | do | 6/23/77 |
| MO 78 0007 | Dursban 4E Emulsifiable | do | 4/14/78 |
| MO 78 0015 | Hinder | Uniroyal Chemical | 8/3/78 |
| MO 78 0021 | Drexel Defol | do | 11/9/78 |
| MO 79 0002 | Galltrol-A | AgBiochem, Inc | 3/6/79 |
| MO 79 0006 | Leafex-3 | Uniroyal Chemical | 9/25/79 |
| MO 80 0005 | Pro-Treat L | Nitragin Co | 3/18/80 |
| MO 80 0010 | Atroban WP | Burroughs Welcome Co | 5/1/80 |
| MO 80 0020 | Moorman's Insectsban E.C | Moorman Mfg. Co | 9/16/80 |
| MO 80 0021 | Moorman's Insectabsn WP | do | 9/16/80 |
| MO 80 0022 | Atroban WP | do | 9/16/80 |
| MO 80 0004 | Atroban Insecticide Ear TAg | do | 3/12/81 |
| MO 81 0005 | Atroban Insecticide Ear Tag | Burroughs Welcome Co | 3/12/81 |
| MO 81 0006 | Puriana Hard Hitter E.C | Ralston Purina Co | 3/12/81 |
| MO 81 0007 | Puriana Hard Hitter W.P | do | 3/12/81 |
| MO 81 0014 | Insectrin E. C | Hess & Clark, Inc | 4/3/81 |
| MO 81 0015 | Insectrin W.P | do | 4/3/81 |
| MO 81 0023 | Prowl® Herbicide | American Cyanamid Co | 5/1/81 |
| MO 82 0004 | Ethylene Dibromide | Dow Chemical USA | 2/10/82 |
| MO 82 0005 | Dowfume W-90 | do | 2/10/82 |
| MO 82 0006 | Dowfume W-85 | do | 2/10/82 |
| | **New Jersey** | | |
| NJ 76 0003 | Stauffer Captan Fungicide 50-W | Stauffer Chemical Co | 5/28/76 |
| NJ 79 0006 | Devrinol 50WP | do | 3/16/79 |
| NJ 81 0019 | Stephenson Chemicals 20% Lindane E.C | Stephenson Chemical Co | 7/1/81 |
| NJ 82 0007 | Lorsban 15G | Dow Chemical Co | 4/16/82 |
| NJ 82 0019 | Devrinol 10-G | Stauffer Chemical Co | 11/12/82 |
| | **New York** | | |
| NY 77 0001 | Dyfonate Thiram 5-10 G | Stauffer Chemical Co | 1/13/77 |
| NY 77 0008 | Residex Lindane 20% Emulsifiable | Residex Corp | 11/29/77 |
| NY 78 0026 | Dow General Weed Killer | Dow Chemical USA | 9/7/78 |
| NY 79 0012 | Stephenson Chemicals 20% Lindane E.C | Stephenson Chemical Co | 7/25/79 |
| NY 81 0001 | Galltrol-A | AgBioChem, Inc | 1/7/81 |
| NY 81 0016 | Prentox Malathion W-25 | Prentiss Drug & Chemical Co | 7/30/81 |
| NY 82 0002 | Atroban Insecticide Ear Tag | Burroughs Welcome Co | 3/22/82 |
| NY 82 0006 | Lorsban 4E | Dow Chemical USA | 4/16/82 |
| NY 82 0007 | Lorsban 15G | do | 4/16/82 |

| Special local need register No. | Product name | Registrant | Date registered |
|---|---|---|---|
| | **North Carolina** | | |
| NC 76 0001 | Premerge Dinitro Weed Killer | Dow Chemical USA | 6/9/76 |
| NC 76 0002 | Premerge 3 Dinitro Amine Herbicide | ....do | 6/9/76 |
| NC 77 0001 | Stephenson Cdhemicals 20% Lindane E.C | Stephenson Chemical Co | 1/5/77 |
| NC 78 0004 | Vernam Atrazine 10-5.6, Devrinol 50-WP, Tillam 6-E Selective Herb. | Stauffer Chemical Co | 2/7/78 |
| NC 78 0033 | Mold Control Concentrate 50 | Koppers Co., Inc | 9/12/78 |
| NC 78 0034 | FST-7 | Fairmont Chemical Co | 11/21/78 |
| NC 79 0004 | Prowl® Hericide | American Cyanamid Co | 2/15/79 |
| NC 79 0011 | Vernam 7-E | Stauffer Chemical Co | 3/30/79 |
| NC 79 0014 | Lorsban 4E | Dow Chemical USA | 4/5/79 |
| NC 79 0015 | Lorsban 15G | ....do | 4/5/79 |
| NC 79 0016 | Devrinol 50-WP | Stauffer Chemical Co | 4/6/79 |
| NC 79 0027 | Premerge 3 | Dow Chemical USA | 7/30/79 |
| NC 80 0007 | Security Brand Di-Chlor-Mulsion | Woolfolk Chemical Works | 2/29/80 |
| NC 81 0002 | Lorsban 4E | Dow Chemical USA | 1/28/81 |
| NC 81 0003 | Lorsban 15G | ....do | 1/28/81 |
| | **North Dakota** | | |
| ND 76 0002 | Treflan E.C | Elanco Products Co | 4/29/76 |
| ND 78 0004 | Treflan E.C | ....do | 4/18/78 |
| ND 80 0004 | Treflan M.T.F | ....do | 3/31/80 |
| ND 82 0009 | Amine 400 2,4-D Weed Killer | PBI/Gordon Corp | 5/3/82 |
| | **Ohio** | | |
| OH 77 0002 | Basagran Herbicide | BASF Wyandotte Corp | 3/16/77 |
| OH 79 0011 | Hinder | Uniroyal Chemical | 7/26/79 |
| OH 80 0005 | Treflan E.C | Elanco Products Co | 5/1/80 |
| OH 81 0001 | Atroban Insecticide Ear Tag | Burroughs Welcome Co | 2/11/81 |
| | **Oklahoma** | | |
| OK 78 0013 | Dipel WP | Abott Labs | 6/14/78 |
| OK 78 0014 | Dipel LC-Biological Insecticide Liquid Concentrate. | ....do | 6/14/78 |
| OK 78 0020 | De-Fend E-267 | Uniroyal Chemical Co | 8/29/78 |
| OK 78 0021 | Du-Ter Fungicide | ....do | 8/29/78 |
| OK 78 0023 | Evershield RTU 1050 Seed Protectant | Cargill Research Dept | 12/31/78 |
| OK 79 0008 | Hinder | Uniroyal Chemical Co | 4/24/78 |
| OK 79 0013 | Atroban W.P | Burroughs Welcome Co | 8/2/79 |
| OK 79 0020 | Drop-Leaf Harvest Aid | Uniroyal Chemical Co | 9/25/79 |
| OK 80 0001 | Treflan E.C | Elanco Products Co | 1/28/80 |
| OK 80 0016 | Du-Ter Flowable 30 | Uniroyal Chemical Co | 10/15/80 |
| OK 81 0001 | Lorsban 4E | Dow Chemical USA | 1/16/81 |
| OK 81 0002 | Lorsban 15G | ....do | 1/16/81 |
| OK 81 0003 | Atroban Insecticide Ear Tag | Burroughs Welcome Co | 2/4/81 |
| | **Oregon** | | |
| OR 76 0015 | Devrinol 50-WP | Stauffer Chemical Co | 6/1/76 |
| OR 76 0026 | Carbamate | Weyerhaeuser Co | 5/9/76 |
| OR 76 0031 | Dow Tordon 155 Mixture Brush Killer | Dow Chemical USA | 8/9/76 |
| OR 77 0018 | Dyfonate 10G and Dyfonate 4E Emulsifiable Liquid. | Stauffer Chemical Co | 3/23/77 |
| OR 77 0021 | Stauffer Magnetic 6 Flowable Sulphur | ....do | 4/12/77 |
| OR 77 0022 | Echol 8 Flowable Sulphur | S & A Chemical, Inc | 4/19/77 |
| OR 77 0023 | Micronized Wettable Powder | S & A Chemical, Inc | 4/19/77 |
| OR 77 0027 | Bravo 6F | Weyerhaeuser Co | 6/7/77 |
| OR 77 0028 | Daconil 2787 Flowable Fungicide | ....do | 6/7/77 |
| OR 77 0035 | Orthene Forest Spray | ....do | 6/8/77 |
| OR 77 0046 | Devrinol 50-WP | Stauffer Chemical Co | 6/22/77 |
| OR 77 0048 | Gallex | AgBioChem, Inc | 6/29/77 |
| OR 77 0052 | Devrinol 50-WP | Stauffer Chemical Co | 7/6/77 |
| OR 77 0056 | Dow General Weed Killer | Dow Chemical USA | 9/9/77 |
| OR 77 0065 | Vernam 6.7E | Stauffer Chemical Co | 10/17/77 |
| OR 78 0016 | Truban Brand Fungicide 30% Wettable Powder | Weyerhaeuser Co | 3/28/78 |
| OR 78 0032 | Lorsban 4E | Dow Chemical USA | 6/26/78 |
| OR 79 0001 | Basagran Herbicide | BASF Wyandotte Corp | 1/3/79 |
| OR 79 0017 | Evershield RTU 1050 Seed Protectant | Cargill Research Dept | 4/5/79 |
| OR 79 0031 | Botran 75W Fungicide | Upjohn Co | 4/23/79 |
| OR 79 0032 | Thuricide HP Potency Aqueous Concentrate | Uniroyal Chemical | 4/27/79 |
| OR 79 0033 | Thuricide HP Spray Concentrate | ....do | 4/27/79 |
| OR 79 0050 | Thuricide HP Potency Aqueous Concentrate | ....do | 7/29/79 |
| OR 79 0051 | Thuricide HP Spray Concentrate | ....do | 7/29/79 |
| OR 80 0032 | Lorsban 4E | Dow Chemical USA | 4/4/80 |
| OR 80 0033 | Lorsban 15G | ....do | 4/4/80 |
| OR 80 0056 | Surpass 6.7E Selective Herbicide | Stauffer Chemical Co | 6/2/80 |
| OR 81 0002 | That Big 8 Flowable Sulfur | Stoller Chemical Co | 1/7/81 |
| | **Pennsylvania** | | |
| PA 79 0007 | Koban 30 | Mallinckrodt, Inc | 4/11/79 |
| | **Rhode Island** | | |
| RI 78 0001 | Stephenson Chemicals 20% Lindane E.C | Stephenson Chemical Co | 12/6/78 |

| Special local need register No. | Product name | Registrant | Date registered |
|---|---|---|---|
| **South Carolina** | | | |
| SC 76 0001 | Stephenson Chemicals 20% Lindane E.C | Stephenson Chemical Co | 9/23/76 |
| SC 77 0007 | Surflan 75w | Elanco Products Co | 5/25/77 |
| SC 79 0009 | Prowl® Herbicide | American Cyanamid Co | 3/20/79 |
| SC 79 0015 | Lorsban 15G | Dow Chemical USA | 4/29/79 |
| SC 79 0016 | Lorsban 4E | do | 4/24/79 |
| SC 79 0017 | FST-7 | Fairmont Chemical Co | 4/30/79 |
| SC 79 0019 | Cythion® Insecticide | American Cyanamid Co | 5/3/79 |
| SC 79 0020 | Malathion ULV Concentrate | do | 5/3/79 |
| SC 79 0021 | Vernam 7-E | Stauffer Chemical Co | 5/14/79 |
| SC 79 0022 | JMS Stylet Oil | JMS Flower Farms, Inc | 5/16/79 |
| SC 79 0024 | Surflan 75 W | Elanco Products Co | 5/22/79 |
| SC 80 0004 | Treflan E.C | | 3/18/80 |
| SC 80 0005 | Vernam Atrazine 5-10 G | Stauffer Chemical Co | 2/7/80 |
| SC 81 0003 | Lorsban 4E | Dow Chemical USA | 3/23/81 |
| SC 82 0018 | Bud Nip | PPG Industries, Inc | 6/15/82 |
| **South Dakota** | | | |
| SD 77 0002 | Treflan E.C | Elanco Products Co | 4/6/77 |
| SD 79 0002 | Counter® 15G Systemic Insecticide-Nematicide | American Cyanamid Co | 4/16/79 |
| SD 79 0003 | Avenge® 15G Wild Oat Herbicide | | 5/30/79 |
| SD 79 0007 | De-Fend E-267 Dimethoate | Uniroyal Chemical | 6/26/79 |
| SD 81 0019 | Atroban Insecticide Ear Tag | Burroughs Welcome | 5/18/81 |
| **UTAH** | | | |
| UT 77 0007 | Gallex | AgBioChem, Inc | 4/18/77 |
| UT 78 0004 | Tordon 22K Weed Killer | Dow Chemicals USA | 5/15/78 |
| UT 79 0005 | Dursban 44 | | 2/5/79 |
| UT 81 0014 | That Big 8 Flowable Sulfur | Stoller Chemical Co | 6/2/81 |
| UT 81 0015 | Chem Hoe 135-F13 | PPG Industries, Inc | 6/22/81 |
| **VIRGINIA** | | | |
| VA 76 0009 | Premerge Dinitro Weed Killer | Dow Chemical USA | 5/27/76 |
| VA 76 0010 | Premerge 3 Dinitro Amine Herbicide | | 5/28/76 |
| VA 77 0010 | Stephenson Chemicals 20% E.C | Stephenson Chemical Co | 5/5/77 |
| VA 78 0001 | Devrinol 10-G Ornamental | Stauffer Chemical Co | 1/18/78 |
| VA 78 0002 | Devrinol 50 WP | | 1/18/78 |
| VA 79 0007 | Devrinol 50 WP and Tillam 6-E Selective Herbicide. | | 4/6/79 |
| **Washington** | | | |
| WA 76 0011 | Lorsban 4E | Dow Chemical USA | 5/7/76 |
| WA 76 0016 | Tordon 22K Weed Killer | | 5/21/76 |
| WA 76 0029 | Dursban M | | 10/4/76 |
| WA 77 0010 | Stauffer Magnetic 6 Flowable Sulphur | Stauffer Chemical Co | 4/4/77 |
| WA 77 0027 | Gallex | AgBioChem, Inc | 6/21/77 |
| WA 77 0037 | Devrinol 50-WP | Stauffer Chemical Co | 7/7/77 |
| WA 77 0046 | Devrinol 50-WP | | 10/11/77 |
| WA 77 0049 | Du-Ter Fungicide | Uniroyal Chemical | 9/1/77 |
| WA 77 0051 | Dow General Weed Killer | Dow Chemical USA | 9/13/77 |
| WA 78 0026 | Pyramin Herbicide | BASF Wyandotte Corp | 5/2/78 |
| WA 78 0031 | Dyfonate 10G and Dyfonate 4E Emulsifiable Liquid. | Stauffer Chemical Co | 5/31/78 |
| **West Virginia** | | | |
| WV 77 0002 | Residex Lindane 20% Emulsifiable | Residex Corp | 6/7/77 |
| WV 78 0050 | Stephenson Chemicals 20% Lindane E.C | Stephenson Chemicals Co | 5/26/78 |
| WV 80 0005 | FST-7 | Fairmont Chemical Co | 6/16/80 |
| **Wisconsin** | | | |
| WI 76 0002 | Du-Ter | Uniroyal Chemical | 8/14/76 |
| WI 79 0001 | Eradicane 6.7E | Stauffer Chemical Co | 1/23/79 |
| **Wyoming** | | | |
| WY 80 0002 | Dowicil A-40 Antimicrobial | Dow Chemical USA | 2/27/80 |
| WY 81 0013 | Atroban Cattle Ear Tag | Burroughs Welcome Co | 10/22/81 |

Cancellation of these section 24(c) registrations shall be effective May 4, 1984. Any sale or distribution by the registrant of the product bearing the section 24(c) label after this date will violate FIFRA section 12(a)(2)(K). Sale or distribution by distributors other than the registrant of existing stocks of any of these cancelled products bearing the section 24(c) label will not be considered a violation of FIFRA. It should be noted, however, that such sale or distribution may not be permitted by applicable State law.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP 240042]" and the specific section 24(c) registration number. Any comments filed regarding this notice will be available for pubic inspection in Rm. 236, CM #2, at the address above, from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA, as amended, 86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136)

Dated: March 23, 1984.

**Edwin L. Johnson,**

*Director, Office of Pesticide Programs.*

[FR Doc. 84-8914 Filed 4-3-84; 8:45 am]

BILLING CODE 6560-50-M

**[OPP-100009; PH-FRL 2555-6]**

## Laboratory for Information Science in Agriculture; Transfer of Data

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA plans to transfer information submitted under section 3, 6, and 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to the Laboratory for Information Science in Agriculture, 419 Canyon Avenue, Suite 320, Fort Collins, Colorado 80521, under Cooperative Agreement No. CR 8109680-10. This contractor will be using samples of various registrant-submitted documents, studies, and related information in connection with the analyses and design of information/decision support systems for the Office of Pesticide Programs. No registrant-submitted data will be used by the contractor in connection with making actual decisions under the regulatory authorities granted by FIFRA. Some of the information that will be made available to this contractor has been claimed to be confidential business information (CBI). The Laboratory for Information Science in Agriculture has met all the requirements of 40 CFR 2.301(h)(2) and consequently the data will be transferred for performance of the contract. The action will enable the Laboratory for Information Science in Agriculture to fulfill the obligations of the agreement, and this notice serves to notify affected persons.

**DATE:** The Laboratory for Information Science in Agriculture will be given access to these documents no sooner than April 9, 1984.

**FOR FURTHER INFORMATION CONTACT:** By mail: William C. Grosse, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Proteaction Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 222, CM#2, 1921 Jefferson Davis

Highway, Arlington, Virginia, (703–557–2613).

**SUPPLEMENTARY INFORMATION:** The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 10(e) provides that confidential business information (CBI), or business information which is alleged to be confidential, may be disclosed to an authorized contractor when such disclosure is necessary for the performance of the contract. EPA routinely receives such CBI as part of the data that are submitted by pesticide registrants and others as provided for in FIFRA section 7. Contractors are authorized to receive such data if the EPA program office managing the contract makes the determinations specified in 40 CFR 2.301(h)(2) as referenced in § 2.307. Such determinations have been made concerning the agreement with the Laboratory for Information Science in Agriculture, of Fort Collins, Colorado.

FIFRA section 10(f) provides a criminal penalty for wrongful disclosure of confidential information, whether such disclosure is made by an EPA employee or an EPA contractor.

The agreement with the Laboratory for Information Science in Agriculture specifically prohibits disclosure of confidential business information to any third party in any form without written authorization from EPA, and personnel of this contractor will be required to sign a nondisclosure agreement before they are permitted access to such information.

Dated: March 21, 1984.

**Edwin L. Johnson,**

*Director, Office of Pesticide Programs.*

[FR Doc. 84-8690 Filed 4-3-84; 8:45 am]

BILLING CODE 6560-50-M

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**[OPP-30238 PH-FRL 2526-1]**

## ICI Americas Inc.; Application To Register a Pesticide Product Containing a New Active Ingredient

*Correction*

In FR Doc. 84–3824 appearing on page 5828 in the issue of Wednesday, February 15, 1984, make the following correction.

In the second column, under the heading **SUPPLEMENTARY INFORMATION,** line nine should read "dimethyl-2 1, 2, 4-triazol-1-yl-pentan-3-".

BILLING CODE 1505-01-M

## FEDERAL COMMUNICATIONS COMMISSION

**[Public Notice]**

### Radio Advisory Committee; Meeting

March 27, 1984.

The next meeting of the Advisory Committee on Radio Broadcasting has been scheduled for 9:30 a.m., Thursday, April 12, 1984, in Room 330, 1200 19th Street, N.W. Washington, D.C.

The Committee will consider recommendations to the FCC concerning:

—Implementation of the new bilateral agreement between the United States and Canada on AM broadcasting which adapts to particular U.S. and Canadian needs the Final Acts of the 1981 Rio de Janeiro Conference on AM broadcasting in Region 2 and supersedes the North American Regional Broadcasting Agreement (NARBA), insofar as the United States and Canada are concerned.

—The development of similar revisions to the U.S. Mexican AM Radio Broadcasting Agreement; and

—Other business.

The meetings of the Committee are pubic, and are open for participation by all interested persons. The meeting scheduled for April, 1984, may, if the participants so decide, be recessed for resumption at such other time and place as they may designate.

For further information please contact the Committee Chairman, Louis C. Stephens, or Jonathan David, at FCC Headquarters (202) 632–7792.

**William J. Tricarico,**

*Secretary, Federal Communications Commission.*

[FR Doc. 84-8877 Filed 4-3-84; 8:45 am]

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**[Report No. 1452]**

### Petitions for Reconsideration of Actions in Rulemaking Proceedings

March 27, 1984.

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

Subject: Revision and update of Part 22 of the Rules (Public) Mobile Radio Services. (CC Docket No. 80–57.)

Filed by: Louis Schwartz, Malcolm G. Stevenson & Michael L. Volkov for Schwartz, Woods & Miller, on behalf of its radio common carrier clients on 2–27–84.

Subject: Amendment of Rules Concerning Medical Services Operations in the 450–470 MHz Band in the Special Emergency Radio Service. (PR Docket No. 81–416, RM–3500)

Filed By: Roy Nickels, MPH Director & S. Robert Miller, Communications Consultant for Office of Emergency Services Department of Health, State of New Jersey on 3–6–84; John D. Lane & Lisa Sullivan Gallant, Attorneys for Associated Public-Safety Communications Officers, Inc., on 3–8–84; Richard Neat, Director of Communications for The Maryland Institute for Emergency Medical Services Systems on 3–8–84.

**William J. Tricarico,**

*Secretary, Federal Communications Commission.*

[FR Doc. 84-8876 Filed 4-3-84; 8:45 am]

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**[CC Docket No. 83–1145; Phase I; CC Docket No. 78–72; Phase I]**

### Investigation of Access and Divestiture Related Tariffs; MTS and WATS Market Structure

**AGENCY:** Federal Communications Commission.

**ACTION:** Memorandum opinion and order.

**SUMMARY:** This Order provides for continuation of status quo on interim intercarrier revenue-division arrangements and interconnections for Other Common Carriers during review of exchange access tariffs. This decision also orders the reexamination of rates of return for American Telephone and Telegraph Co. and exchange carriers. This action is necessary to ensure that carriers charge reasonable rates.

**DATES:** Tariffs for interconnections for Other Common Carriers should be refiled by April 9, 1984. Comments on Special Access are due April 16, with replies due April 30, 1984. Comments on other provisions of exchange access tariffs are due April 9, with replies due April 24, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Warren Lavey, Common Carrier Bureau, (202) 632–6910.

### Memorandum Opinion and Order

In the matter of Investigation Access and Divestiture Related Tariffs, CC Docket No. 83–1145, Phase I; and MTS and WATS Market Structure CC Docket No. 78–72, Phase I.

Adopted March 28, 1984.

Released March 28, 1984.

By the Commission: Commissioner Patrick not participating.

*I. Introduction*

1. In the order released February 17, 1984 (FCC 84–51) (*ECA Tariff Order*), we directed carriers in the National Exchange Carrier Association (ECA) to file revised access service tariffs conforming to that order later than March 15 to be effective April 3, 1984 (para. 90). The ECA filed revised tariffs on March 15. In the order released March 7, 1984 (Mimeo No. 2802), the Common Carrier Bureau directed exchange carriers that had filed separate access service tariffs (non-ECA tariffs) to file revised tariffs conforming to that order no later than March 19 to be effective April 3, 1984 (para. 13). These exchange carriers filed revised tariffs on March 19. These orders provided authority for the tariffs to go into effect on less than the statutory notice period of ninety days, pursuant to 47 U.S.C. 203(b) and 47 CFR 61.58.

2. About two dozen parties urged us to reconsider and/or stay our schedule for the filing and review of the revised tariffs.[1] They claimed that a longer notice period was necessary for interested parties to analyze those tariffs to determine whether some provisions were unlawful. We also received an emergency petition filed by American Telephone and Telegraph Co. (AT&T) (February 27) for partial reconsideration of portions of the Commission's decision released February 15, 1984 in Docket CC 78–72, Phase I (MTS and WATS Market Structure, FCC 84–36) (*Further Reconsideration Order*) and the February 17, 1984, decision in Docket CC 83–1145, "which impose upon AT&T the exchange companies' revenue loss caused by the requirement that OCCs pay 55 percent less than AT&T for their access."[2] In their comments and reply comments on AT&T's emergency petition, the National Telecommunications and Information Administration (NTIA) and International Communications Association (ICA) urge us to reexamine and decrease promptly the current interstate authorized rate of return on rate base of 12.75%, which we established in 1981. In their reply comments, various exchange carriers oppose any effort to order a new interim prescription for rate of return or to lower the currently authorized rate of return.

3. In view of the considerations discussed in our order of March 20, 1984, and this order, we found that the public interest would be harmed by allowing the interstate access service tariffs to become effective on April 3. Initial analysis of these tariffs and the other materials submitted has shown that several of the major concerns identified in our orders of February 17 and March 7 and in the information request of February 24 have not been satisfied. Pursuant to our discretion and authority under Section 203(b) of the Communications Act of 1934, as amended, we decided on March 20, 1984, to modify the notice period for all the provisions of the ECA and non-ECA tariffs, extending the effective dates for the tariffs from April 3 to June 13, 1984. This extension gives ninety-days notice on the ECA tariff and 86-days notice on non-ECA tariffs. This action gives parties greater opportunity to comment on the revised tariffs. We hope that access tariffs can go into effect, in whole or part, prior to June 13, and the March 20 order established an expedited comment schedule to facilitate achievement of that goal.

*II. Modified Notice Period*

4. The interstate access service tariffs under investigation in Docket CC 83–1145 were filed by the ECA and 74 other exchange carriers on October 3, 1983, and were to become effective on ninety days notice on January 1, 1984. Under this schedule, the effective date of the access tariffs would have coincided with the AT&T divestiture; the tariffs would have implemented the access charge environment anticipated by both the Commission's *Access Charge Orders*[3] and by the *Modification of Final Judgment.*[4] Our initial review of the tariffs, however, revealed substantial issues of lawfulness requiring investigation. Accordingly, on October 19, 1983 (FCC 83–70), we suspended all of the access and divestiture related tariffs, set a new effective date of April 3, 1984, and began an investigation.

5. Over 50 interested parties filed comments on the rates, rate structures and terms contained in the interstate access service tariffs. The Commission's review of the tariffs, together with analysis of the comments and reply comments, culminated in the issuance of two orders, each more than 400 pages, which found the tariffs filed on October 3 to be unlawful, gave the carriers

[1] Petitions requesting an extended notice period were filed by the Ad Hoc Telecommunications Users Committee (Ad Hoc) and the Western Union Telegraph Co. (Western Union). Additional petitions and comments in support of the Ad Hoc and Western Union petitions were subsequently filed by Aeronautical Radio, Inc. (ARINC), the American Broadcasting Companies (ABC), CBS, Inc. (CBS) and the National Broadcasting Company (NBC), the Association of Data Processing Service Organizations (ADAPSO), the Association of Long Distance Telephone Companies (ALTEL), the Associated Press and Commodity News Services, Hughes Television Network, International Communications Association, ITT Communications Services, J.C. Penny Co., MCI Telecommunications, the National Association of Broadcasters, RCA Communications, Reuters Limited, Satellite Business Systems (SBS), Telesphere Network (TNI), TRT Telecommunications, the Utilities Telecommunications Council, U.S. Telephone, Inc. (USTEL) and Westinghouse Broadcasting and Cable, Inc. (Group W). AT&T has also filed comments in favor of deferring the effective date of the access service tariffs, but not for as long as has been requested by Ad Hoc and Western Union. Petitions and comments in opposition to the AD Hoc and Western Union petitions were filed by The Ameritech Operating Companies (Illinois Bell Telephone Co., Indiana Bell Telephone Co., Michigan Bell Telephone Co., The Ohio Bell Telephone Co. and Wisconsin Bell), Bell Communications Research, Inc., The NYNEX Companies (New York Telephone and New England Telephone & Telegraph Co.) and the United Telephone System, Inc. Reply comments were filed on March 16.

[2] AT&T contends that the interactive effect of these orders unlawfully discriminates against AT&T and results in an unlawful confiscation of its property. AT&T's petition includes an attachment presenting AT&T's projections of interstate revenues, expenses, and rate base for 1984. As a remedy, AT&T seeks a reduction in the OCC discount and an order barring exchange carriers from collecting from AT&T any revenue shortfall occasioned by that discount. On February 28, the Commission issued a public notice which requested comments on the AT&T petition by March 9, with reply comments by March 16. On March 2, the Chief, Common Carrier Bureau directed AT&T to respond to detailed questions about its forecasting methodologies and underlying data. More than 250 comments and reply comments were filed, most of which oppose the relief AT&T seeks. Many commenters question or oppose virtually every aspect of the AT&T petition and its supporting materials. A central issue addressed in many comments is whether AT&T's projections of revenues and expenses for 1984 are likely to prove accurate, particularly when compared with the projections contained in AT&T's 1983 tariff filings. With respect to particular major expense elements, some commenters challenge AT&T's estimates that maintenance expenses will increase by $327 million over 1983 estimates while AT&T's estimate of net plant in service dropped by 10%. Other commenters question the reasonableness of projections showing substantial increases in access charges ($1.878 billion), general ($.194 billions), and other expense elements. With respect to forecasts of revenues, AT&T's econometric models project a sharp reduction in domestic MTS revenues ($1.350 billion). Commenters sharply criticize the forecasting model's variable specification and design, stability, inclusion and non-inclusion of data, and the probative value which should be accorded to any estimates derived from AT&T's models. Commenters also question AT&T's contention that it cannot increase rates and revenues for tariffed services and argue that the price elasticity data AT&T filed do not support its petition.

[3] MTS/WATS Market Structure (CC Docket No. 78–72, Phase I), 93 FCC 2d 241 (1983), *modified on reconsideration*, FCC 83–356 (released August 22, 1983), *modified on further reconsideration*, FCC 84–36 (released February 15, 1984) *(Further Reconsideration Order)*.

[4] United States v. American Telephone and Telegraph Co., 552 F. Supp 131 (D.D.C. 1982), *aff'd sub nom.* Maryland v. United States, 103 S.Ct. 1240 (1983).

specific directions for revising the tariffs so as to comply with our rules, and set an effective date for revised tariffs—to be filed on March 15 and 19—of April 3.[5]

6. The emergency Petitions for Reconsideration and Petitions for Stay filed by Ad Hoc, Western Union and otehr parties [6] are essentially limited to the issue of whether the interval between March 5, and April 3 is sufficient to allow thorough review of the refiled tariffs. Ad Hoc, for example, argued that this notice period was insufficient to permit Meaningful Commission review of the tariffs and would deprive interexchange carriers and their customers of their right to be heard as to the lawfulness of the refiled tariffs. Specifically, Ad Hoc argued that, as a result of the Commission's *Further Reconsideration Order* and *ECA Tariff Order*, the refiled tariffs will be substantially different from those originally filed in 1983. Therefore, in its view, the refiled tariffs will amount to a new tariff filing, requiring a full ninety-day notice period under Section 203 of the Communications Act.[7]

7. Western Union's petition presented a similar argument specifically directed at the special access portions of the tariffs. It argued that the refiled tariffs will be completely changed after the Commisison's finding in the *ECA Tariff Order* that the original special access rate structure was unlawful. The refiled tariffs, it claims, will be at least as complex as the original filings, not fine-tuned versions of those already investigated.[8]

8. Parties filing in opposition to Ad Hoc's and Western Union's petitions argued that the interexchange carriers and other members of the public have had ample opportunity to comment in detail on the access tariffs since the initial filings. They claimed that, given the Commission's close scrutiny of the traiffs and the precise directions imposed by the *ECA Tariff Order*, and given the importance of implementing the new tariff structure, there was no reason to postpone, again, the date of effectiveness. According to these parties, the refiled tariffs would not trigger a ninety-day notice period under Section 203(b)(1) of the Communications Act because that section applies only to new tariffs. The refiled tariffs, in their view, are not new, but are instead merely compliance filings. Moreover, they claimed that even if the ninety-day notice period does apply to these tariffs, the Commission has authority under Section 203(b)(2) of the Act to modify the statutory notice requirement as a matter of discretion, for good cause shown. 47 U.S.C. 203(b)(2).

9. *Discussion.* In the *ECA Tariff Order*, we concluded that the filed access tariffs were functional vehicles for implementing the Access Charge Plan, but changes were required in many specific provisions and the structure proposed for Special Access was unreasonable and unlawful. Further information was also needed on the cost and rate developments to enable us to evaluate the reasonableness and accuracy of this process and of the rates themselves. In particular, it was impossible on the basis of the filed support information to assess the 1984 Budget and Company Views, which were ostensibly based on actual 1982 data adjusted to reflect divestiture, growth, and other factors. Because these views were the basis of all the BOC costs, revenues, and rates, it was indispensable that their development be fully explained and documented. The ECA and BOCs were requested to provide the necessary additional support information by letter from the Common Carrier Bureau dated February 24, 1984.

10. Although we recognized that the needed revisions would entail substantial changes in the filed tariffs, and that the further support information would require careful analysis, we hoped to be able to make an initial review of the revised tariffs and the support information during the period after the March 15 and 19 filing dates to determine if the tariffs might be allowed to become effective April 3. We have begun this initial review. The ECA has in very substantial part made the revisions we found necessary and complied conscientiously with the *ECA Tariff Order*. The additional support information also provides a much better picture of the rate development, although certain gaps remain. For example, the claimed effects of divestiture and subsequent projected growth were shown for only thirty-three of fifty-one study areas, comprising approximately two-thirds of all BOC Plant in Service.

11. Nevertheless, there are significant problems. Some additional tariff provisions are proposed but not explained or justified, for example a provision relating to the offering of presubscription. Some revised provisions are complicated and unclear. More importantly, the additional data contains obvious errors and inaccuracies. It is not clear whether some of these were reflected in rate calculations.[9] Some of the calculations, however, seem clearly to overtstate the BOC revenue requirements. For example, agregate BOC Plant in Service (excluding CPE) increased by only 11.0 percent in the year and a half from midyear 1982 to yearend 1983 according to actual figures reported to the FCC. The BOC Budget Views, however, are based upon projected growth from midyear 1982 to midyear 1984 (*i.e.*, an additional six months) of 18.0 percent. To achieve 18.0 percent two year growth would reequired an annualized growth rate of 13.0 percent in the remaining six months for which actual figures are not yet available. This projected growth rate is higher than any Plant in Service growth rate for at least the last seventeen years and much higher than the growth rates of 8.1 and 6.8 percent experienced by all BOCs in 1982 and 1983. If the actual growth trend of 11.0 percent for one and a half years were extended to June of 1984, the two year projected growth rate would be 15.0 percent. The 3.0 percent difference between this estimate and that of the BOCs used in the Budget View represents approximately $3.642 billion. In addition, the BOCs have in general projected increases in the percentage of

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[5] *See* para. 1 *supra*.

[6] *See* n.1 *supra*.

[7] Section 203(b)(1) of the Communications Act states: No change shall be made in the charges, classifications, regulations, or practices which have been so filed and published except after ninety days notice ot the Commission and to the public, which shall be published in such form and contain such information as the Commission may be regulations prescribe.

47 U.S.C. 203(b)(1).

[8] Western Union also claims that, under the Docket 20099 Settlement Agreement, it is entitled to a six-month notice period before filed rates become effective. *See* AT&T, 47 FCC 2d 660 (1974), 52 FCC 2d 727 (1975), *aff'd sub nom.* Carpenter v. FCC, 539 F.2d 242 (D.C. Cir. 1976). We considered, and rejected, this argument in the *ECA Tariff Order* at para. 50. Although we continue to believe that the OCCs have been afforded the notice contemplated in the Docket 20099 Agreement, some parties, including Western Union, dispute this position. Out of an abundance of caution, interested parties should address whether the Agreement continues to be in the public interest, accepting *arguendo* Western Union's legal analysis. Changes in the telecommunications industry, regulation, and the history and importance of these tariffs may weigh against viewing this Agreement as in the public interest. Commenters may wish to address whether continuing the six-month notice requirement would impose excessive burdens on other ratepayers and impair competition. *See* FPC v. Sierra Pacific Power Co., 350 U.S. 348 (1956); United Gas Pipeline Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956).

Comments on this issue are due April 16, with reply comments due April 30, 1984.

[9] For example, because of apparent clerical erors, Mountain States Telephone reports a post-divestiture *increase* in its Total Plant in Service in New Mexico from $837 million to $3.411 billion. The BOCs also inconsistently reported their pre-divestiture Customer Premise Equipment figures, rendering aggregate 1982 totals and separations factors incorrect. Aggregate 1983 Total Plant in Service is also misstated.

plant allocated as interstate since the 1982 post-divestiture views. These allocations would further increase interstate plant and revenue requirements without clear justification. Although wer are continuing to examine the cost support and the additional information (which also provides the first adequate opportunity for public scrutiny of the rate development), this initial review already indicates that the costs, revenue requirements, and hence the rates may be overstated.

12. If there is overstatement in this area, adjustment could alleviate the grevious impact projected by AT&T, Western Union and others. Based on its preliminary analysis of the revised Special Access sections of the ECA tariff, Western Union asserts that charges imposed on it would be even higher than under the earlier, unlawful provisions. Its total annual charges under the October 3, 1983, filing would have been $118 million, an increase of 371 percent over its present charges of $25 million. Western Union calculates that its annual charges would be $156 million under the March 15 ECA tariff. This would be a 525 percent increase over the present charges. (Reply of the Western Union Telegraph Company, Docket CC 83–1145, Phase I, March 16, 1984, attachment.) This substantial further increase is at a minimum puzzling because AT&T has also stated that charges imposed on it would increase. Yet the filing itself purportedly only restructures Special Access without increasing the revenues targeted by the October 3 rates. Moreover, as we noted in the *ECA Tariff Order*, para. 50, individual customers reported dramatic increases in Special Access rate levels under the October 3 tariffs. These increases ranged up to 11,000 percent. Included among the users expressing concern over the huge increases were Dow Jones, Musak, American Library Association, universities, press associates, and radio and television networks. Concerns that private line increases may drive these entities out of business, or at least make telecommunications so unaffordable as to alter their primary business, require this Commission to be diligent in reviewing the cost information submitted in justifying any rate increase. These concerns have not abated with the filing of new tariffs.

13. *Special Access.* In the February 17 and March 7 orders, we identified special access as an area of primary concern. We pointed to aspects of the special access provisions which were unreasonable, discriminatory, and violative of Commission decisions and policies. We ordered the carriers to replace those provisions and gave guidance for the development of lawful provisions. In addition, we noted that further information and, most likely, further investigation would be needed to probe the development and justification for these rates. By letter for the Chief, Common Carrier Bureau (February 24, 1984), we requested the exchange carriers to provide by March 15, *inter alia*, specific information necessary to meet their burden of proving that the proposed special access rate increases are reasonable.

14. A number of petitioning and commenting parties argue that they must be given an adequate opportunity to review and file comments on the special access provisions before the tariffs become effective. Extension of the effective date for the special access provisions beyond April 3 will allow them to review those provisions carefully and to file helpful, accurate comments. Our preliminary review shows that the special access provisions filed on March 15 and 19 are substantially different from those filed in 1983, and there may be some areas in which the special access provisions do not comply with our orders. In addition, it appears that the revised tariffs provide for large increases from the rates some customers pay under currently-effective tariffs. These customers should be given an adequate opportunity to analyze and comment on the revised tariffs. The extended notice period for parties to file new comments on the revised special access provisions will help ensure that these provisions are generally reasonable and workable before they are allowed to take effect.

15. We seek to avoid unnecessary delay in reviewing the revised special access provisions, recognizing that currently-effective tariffs and interim intercarrier revenue-division arrangements may be at tension with the approach of the *Modification of Final Judgment*,[10] and that the revised special access provisions are necessary to implement some features of the *Further Reconsideration Order* as well as the *MFJ*. Therefore, we are striving to have new tariffs take effect as soon as possible to replace the interim intercarrier arrangements, implement our access charge rules, and promote the public interest in other ways. Our decisions in Docket CC 83–1145 have attempted to speed the effective date for new, lawful tariffs by providing specific guidance and a short time for refiling tariffs. Yet, as we explained in our order in this proceeding that was released on December 29, 1983 (FCC 83–568), allowing questionable special access provisions to go into effect with an accounting order is not a viable alternative to delaying their effective date. See also para. 12 *supra*. Comments should be filed expeditiously so that we can decide whether to allow all or parts of the special access provisions to go into effect on or before June 13, to reject all or parts, or to prescribe. 47 U.S.C. §§ 204–205. Our March 20 order established that comments are due on the special access provisions on April 16, 1984, which is 32 days after the ECA tariffs were filed and 28 days after the non-ECA tariffs were filed. While this is less time than we allowed for comments on the 1983 tariffs, review of those tariffs and the orders in this proceeding will, we believe, permit interested parties to analyze and file comments more quickly on the revised tariffs. Reply comments are due April 30, fourteen days after the comments.

16. *Other Tariff Provisions.* The orders of February 17 and March 7 also directed the exchange carriers to revise provisions of the access tariffs other than those specifically for special access. these include provisions dealing specifically with switched access service, as well as general provisions applying to both switched and special access services. If the exchange carriers followed the guidance in the orders, it is likely that the definitions, rate structures, and most terms for switched access in the revised tariffs will be just and reasonable. But, our preliminary review of the revised tariffs has revealed some departures from the orders in these provisions. We recognize that delay of the switched access provisions will delay implementation of end-user charges for multiline business customers and the revised discount for Other Common Carriers ordered in the *Further Reconsideration Order*, and require some interim arrangements for switched as well as special access. Nevertheless, a notice period extending beyond April 3 appears necessary for interested parties to analyze and prepare comments on these provisions and on the cost justification for the proposed rates in light of the data filed in response to our information request.

[10] *See* United States v. Western Electric Co. and American Telephone and Telegraph Co., Civ. Action No. 82–0192, Misc. No. 82–0025 (PI) (filed Dec. 1, 1983). We fully acknowledge Judge Greene's concern that the access tariffs be implemented expeditiously. At the same time, we are certain that the Court would share the concern that we have in fulfilling our regulatory responsibility that the tariffs be generally reasonable and workable before they take effect. For example, the Court has made clear on several occasions its concern that access tariffs be reasonable and work no undue hardship on the telecommunications using public.

Also, the extended period will allow the Commission to direct the exchange carriers to change any provisions which fail to comply with our orders or otherwise are unlawful. We intend to complete our review of these other provisions expeditiously, and if possible, permit them to become effective prior to June 13. Pursuant to our March 20 order, interested parties may file comments on the provisions of the ECA and non-ECA tariffs other than those specifically dealing with special access on April 9, with reply comments due on April 24. This reply period may be shortened or eliminated by subsequent order after initial review of the tariffs and the April 9 comments. We hope that, with the cooperation of the exchange carriers in changing any provisions which appear unlawful, we can allow the provisions other than those specifically dealing with special access to go into effect within the next several weeks.

17. *Interim Arrangements.* Interim arrangements appear necessary to accommodate the extended notice period. We find that currently-effective interim intercarrier revenue-division arangements for all interstate services should continue in the interim period until the Commission allows revised tariffs to go into effect, orders some change in the arrangements, or the participating carriers reach other interim agreements. Judge Greene has approved a waiver of the *MFJ* for these arrangements only through April 3. Extension of these arrangements may require the parties to the antitrust agreement to seek further waiver of the *MFJ* as they believe appropriate. It will also delay any change in revenues that exchange carriers could realize through new tariffs. These considerations and others reinforce our commitment to rapid tariff review and short interim intercarrier arrangements. At the onset of the Docket CC 83–1145 investigation, the Commission gave notice that it would prescribe tariff arrangements if that action became necessary. The March 20 decision to extend the notice period established a new interim period extending 72 days or less beyond April 3. From the tenor of the debate concerning AT&T's Emergency Petition, it is clear that AT&T and the exchange carriers are unlikely to reach negotiated agreements for interim arrangements by April 3. Any possible interruption of service or drop in efficiency caused by the failure to extend existing arrangements or reach reasonable new agreements would be against the public interest, 47 U.S.C. 151, 214. Accordingly, it is necessary for us to impose interim arrangements to prevent any lapse in service. *See Lincoln Tel. & Tel. Co. v. FCC*, 659 F.2d 1092 (D.C. Cir. 1981).

18. Pursuant to 47 U.S.C. 154(i), 201(a), and 205(a), the Commission is authorized to establish divisions of charges for service provided by through routes. Also, we have the authority to declare unlawful and prescribe any practice in intercarrier contracts, 47 U.S.C. 205(a), 211(a). We can indicate to carriers practices which appear reasonable. *Trans Alaska Pipeline Rate Cases*, 436 U.S. 631 (1978). Of course, if we had suspended these tariffs, we could still allow "part" of them to take effect. 47 U.S.C. 204 (a), (b).[11] The fact that the tariff lapse is caused by the notice requirement of Section 203(b)—instead of a Section 204 suspension (which we hope we will not have to invoke)—does not mean we are powerless to require service to continue to be rendered and to impose charges therefor. The Commission has ample authority under Section 4(i) to "issue such orders, not inconsistent with [the Communications] Act, as may be necessary in the execution of its functions." *See Lincoln Tel., supra; Trans Alaska, supra.*

19. In view of the exigencies caused by the postponement of the effective date of the exchange carriers' tariffs, we find that the public interest requires us to maintain the status quo as constituted in the existing intercarrier revenue-division arrangements, unless there are carrier agreements for extension or replacement of the present arrangements. These arrangements were mutually agreed upon by the participating carriers under circumstances substantially similar to the present situation. While it is apparent from the debate concerning AT&T's Emergency Petition that some exchange carriers feel they might fare better under different arrangements, experience of three months with these arrangements appears to show that each participating carrier is earning at least as much as it did in 1983; no participating carrier can claim that the existing arrangements are insufficient to cover its costs or confiscatory. Moreover, on the basis of our investigation so far in Docket CC 83–1145, we are confident that the existing arrangements fall within the requirements of reasonableness established in the Act. *See Permian Basin Area Rate Cases*, 390 U.S. 747, 767 (1968). At this time, we simply do not have enough certainty about the numbers filed by the parties to find that arrangements departing from the status quo would be just and reasonable. Therefore, on the basis of the pleadings received from the participating carriers and the comments thereon received from other interested parties in this docket, we prescribe that—unless there is some new agreement among the participating carriers regarding replacements before April 3, 1984—the carriers participating in currently-effective interim intercarrier revenue-division arrangements must extend those arrangements until the Commission allows the revised tariffs to take effect, orders some change in the arrangements, or the carriers reach other interim agreements which are acceptable to the Commission.

20. A second interim arrangement may be necessary because of the expiration of tariffs and contracts reflecting the ENFIA agreement (e.g., BSOC Tariff FCC No. 8) or agreements for similar interconnections. *Exchange Network Facilities*, 71 FCC 2d 440 (1979), *ENFIA Extension Orders*, 90 FCC 2d 6, 90 FCC 2d 202, 91 FCC 2d 1079 (1982), 93 FCC 2d 739 (1983); *MCI Telecommunications Corp. v. FCC*, 712 F.2d 517 (D.C. Cir. 1983). Under these tariffs and contracts, exchange carriers provide interconnections for origination and termination of interstate MTS and WATS-like traffic carried by Other Common Carriers (OCCs). Resulting from an agreement among the carriers, BSOC–8 and possibly some other of these tariffs and contracts were filed with an expiration date of April 15, 1984. Because these interconnections must continue, exchange carriers are entitled to reasonable compensation for their services, *Lincoln Tel., supra*, 659 F.2d at 1108. It is beyond dispute that continuation of these interconnections for OCCs' services is in the public interest, as expressly required in several appellate court decisions. *MCI, supra; Lincoln Tel., supra; MCI Telecommunications Corp. v. FCC*, 561 F.2d 365 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 1040 (1978) (*Execunet I*); *MCI Telecommunications Corp. v. FCC*, 580 F.2d 590 (D.C. Cir.), *cert. denied*, 439 U.S. 980 (1978) (*Execunet II*). The *Further Reconsideration Order* ordered exchange carriers to provide non-premium switched access to OCCs for a 55% discount off their charges to AT&T for premium switched access. The tariffs

[11] Under Section 204(a), the Commission has the power to suspend a charge "in whole or in part." Section 204(b) was added to the Act in 1976, evidently to expand the Commission's latitude by authorizing us to allow part of a suspended charge to take effect (perhaps "on a temporary basis pending further order of the Commission") based upon a written showing by the carriers affected that "such partial authorization is just, fair, and reasonable." 47 U.S.C. 204(b).

filed on March 15 and 19 would raise the charges for OCC interconnections from about $235 per line per month under currently-effective ENFIA tariffs to about $362 per line per month. We are examining the exchange carriers' cost justification for these rates in light of the data filed in response to our February 24 request. Pursuant to 47 U.S.C. 154(i), 201(a), and 2095(a), the Commission is authorized to establish charges for carrier interconnections. Also, we can indicate to carriers what rates appear reasonable before they file tariffs that might otherwise be subject to unexpected suspensions. 47 U.S.C. 204(a); *Trans Alaska, supra.* For purposes of an interim arrangement until switched access provisions go into effect, we will allow exchange carriers participating in the ENFIA and similar tariffs to refile these tariffs at the existing rates.[12] Refiling these tariffs with the existing rates will be consistent with our efforts to maintain the status quo during our tariff review.

21. As another interim arrangement, AT&T must continue its current financial support and arrangements with the National Exchange Carrier Association until such time as this association receives revenues in connection with the application of access charges.

22. *Authorized Rate of Return.* As stated in the February 17 and March 7 orders and in the February 24 letter, the support material filed with the October 3 tariffs did not contain adequate information to judge whether the claimed revenue requirements and specific rates were rasonable. A critical element in assessing the reasonableness of the rates for both switched and special access services is the rate of return on rate base used. The exchange carriers claim that their rates are set to earn 12.75% on interstate rate base in compliance with the Commission's prescription in May 1981. *AT&T: Modification of Prescribed Rate of Retun,* 86 FCC 2d 221 (1981), *aff'd sub nom. United States v. FCC,* 707 F.2d 610 (D.C. Cir. 1983). The weighted average rate of return of 12.75% was derived from AT&T's capital structure at that time, a 17.4% cost of common and convertible preferred stock, an 8.8% embedded cost of debt (short, intermediate, and long term), a 7.8% cost of non-convertible preferred stock, and a zero cost of other financing sources. Through AT&T's interstate tariffs, division of revenues procedures within the pre-divestiture Bell System, and settlements procedures with independent telephone companies, this interstate prescription was applied to AT&T and most exchange carriers. AT&T's petition urges us to examine the level of charges it will pay under the exchange access tariffs, which is influenced by the rate of return those tariffs are targeted to earn. We are examining AT&T's arguments and figures, and the arguments and figures of commenting parties. Regardless of the accuracy of any set of figures on AT&T's costs and revenues, NTIA and ICA have pointed to evidence of lower interest rates and inflation that, they claim, justify a rate of return lower than the one prescribed in 1981.

23. The legal framework for this discussion can be briefly stated. The Commission can prescribe a rate of return for a carrier's interstate services for purposes of determining whether the carrier's rates are just and reasonable.[13] To remain financially healthy, a carrier should target its rates to earn enough to cover its costs of operation and its financing expenses (cost of capital). The return to investors must "be commensurate with returns on investments in other enterprises having corresponding risks" and "be sufficient to assure confidence in the financial integrity of the enterprises, as to maintain its credit and to attract capital."[14] But, to protect the interests of ratepayers, the Commission should authorize "the lowest possible return consistent with overall responsibility to provide modern, efficient service at reasonable rates."[15] When economic conditions change, so should rate-of-return prescriptions in order to avoid unreasonable rates for ratepayers or hardship for the carrier and its investors.[16] The Commission does not have to employ a specific methodology in its rate-of-return prescriptions as long as the result falls within the "zone of reasonableness" and "upon consideration of the entire record, the agency's rationale reasonably may be perceived."[17] Pragmatic adjustments based on particular circumstances may lawfully be made to achieve a rate within the zone of reasonableness.[18]

24. We believe that the 12.75% authorized rate of return for the exchange carriers and AT&T should be reexamined. That rate of return may lead to unjust and unreasonable rates charged by these carriers. The *Further Reconsideration Order* stated (para. 29):

> We recognize that our 12.75% prescription may be outdated in view of the significant changes in economic conditions and changes in the structure of the telephone industry that have occurred since the spring of 1981 * * *. Exchange carriers and AT&T are facing rapidly changing economic circumstances, including, possibly, different interest rates, equity structures, pressures from competition and risk factors. We shall allow the overall 12.75 to stand while we develop data on these changed circumstances. In the meantime, AT&T and the exchange carriers may continue to file tariffs targeted to earn less than 12.75 percent, but not more than 12.75 percent.

The 1981 prescription pertained to a single firm (the pre-divestiture AT&T) that filed almost all interstate tariffs for the "partnership" services provided by the Bell System and independent telephone companies, and accounted for almost all interstate toll transmission plant and about eighty percent of the exchange plant of the "partnership." The AT&T divestiture and access charge rules adopted in Docket CC 78–72, Phase I require dissolution of the Bell System and the "partnership." We received 75 sets of interstate access service tariffs, including one from the ECA covering 1328 exchange carriers. In addition, AT&T filed new interstate tariffs in 1983, and several exchange carriers filed "copycat" tariffs for their interstate services other than exchange access. It appears that these carriers differ greatly in their financial structures and costs of financing. Even if it appeared that the average authorized rate of return should remain unchanged, the public interest would be served by examining whether

[12] We would waive the data requirements of 47 CFR 61.38 for these tariffs. Also, we would allow them to go into effect on shortened notice by special permission pursuant to 47 CFR 61.58. These tariffs should be filed by April 9, 1984.

[13] 47 U.S.C. §§ 202, 205; Nader v. FCC, 520 F.2d 182, 204 (D.C. Cir. 1975); United States v. FCC, 707 F.2d 610, 612 (D.C. Cir. 1983); AT&T: Manual and Procedures for the Allocation of Costs, 84 FCC 2d 384, *reconsid.*, 86 FCC 2d 667 (1981), *aff'd sub nom.* MCI Telecommunications Corp. v. FCC, 675 F.2d 408 (D.C. Cir. 1982); AT&T: Equalization Filing, 89 FCC 2d 1000 (1982). The Commission may choose to enter an interim rate-of-return prescription. AT&T and the Bell System Operating Companies, 78 FCC 2d 661 (1980); AT&T: Charges for Interstate Telephone Service, 51 FCC 2d 619, 627 (1975).

[14] FPC v. Hope Natural Gas Co., 320 U.S. 591, 602 (1944). *See also* FPC v. Conway Corp., 426 U.S. 271, 278 (1976); FPC v. Memphis Light, Gas & Water Division, 411 U.S. 458, 466 (1973); Permian Basin Area Rate Cases, 390 U.S. 747, 791–92 (1968); United Gas Pipe Line Co. v. Memphis Light, Gas & Water Division, 358 U.S. 103, 113–14 (1958).

[15] AT&T (Docket No. 19129), 38 FCC 2d 213, 228 (1972), *aff'd sub nom. Nader, supra.*

[16] "[W]e recognize as a general proposition that such a prescription cannot remain binding indefinitely without agency reevaluation, especially during periods of rapidly changing conditions." *Nader, surpa,* 520 F.2d at 205. *See also United Gas, supra,* 358 U.S. at 113.

[17] *Permian Basin, supra,* 390 U.S. at 767; *Hope, supra,* 320 U.S. at 602; United States v. FCC, *supra,* 707 F.2d at 618; *Nader, supra,* 520 F.2d at 193; Aeronautical Radio v. FCC, 642 F. 2d 1221, 1228 (D.C. Cir. 1980), *cert. denied,* 451 U.S. 920 (1981).

[18] *Permian Basin, supra,* 390 U.S. at 800; United States v. FCC, *supra,* 707 F.2d at 618.

some carriers should have higher or lower authorized interstate rates of return than others.

25. In addition, it appears that the average costs of financing for AT&T, the Bell Operating Companies, and the independent telephone companies may have shifted since the May 1981 rate-of-return prescription. Interest rates on a variety of financial instruments and the rate of inflation changed during this period.[19] According to reports filed with the Commission, AT&T and most exchange carriers earned on their interstate services 10.92% in 1981, 9.55% in 1982, and 10.10% in 1983—all substantially below 12.75%. Yet, we are not aware that any of these carriers was unable to attract capital at a cost consistent with these actual earnings during this period. Also, with the AT&T divestiture and the growth of competition, the riskiness of investing in many or all of these carriers currently may differ from the riskiness in May 1981. We cannot at this time state with confidence what our examination will reveal about a reasonable authorized rate of return for any one carrier or the average carrier currently. Close analysis is necessary to determine the relative costs of capital for these carriers currently as compared to May 1981. Yet, the public interest requires reexamination of authorized rates of return in the face of changing economic conditions. *Nader, supra,* 520 F.2d at 205.

26. In light of this information, we conclude that the changed industry structure and changing economic conditions warrant reexamining the 1981 rate-of-return prescription. Analysis of a carrier's rate of return is an integral part of an investigation of a carrier's rates and charges, and the Commission has the responsibility to determine what rate of return is just and reasonable. *Nader, supra,* 520 F.2d at 192. Of course, before reaching a new prescription, we will have to look closely at financial information and assess factors such as the effects of the AT&T divestiture on the riskiness of investments in AT&T and exchange carriers. We do not hereby vacate the 12.75% authorized rate of return for these carriers. Rather, we intend to institute a proceeding shortly to examine just and reasonable rates of return for AT&T and the exchange carriers. If the record in this proceeding shows that a new prescription is in the public interest, we shall prescribe a new rate or rates, and require AT&T and the exchange carriers to target their tariffs accordingly. We may choose to enter an interim prescription based on the available record and analysis before we complete this investigation, as we did in 1980 and 1975.[20] These carriers may choose to target their tariffs at less than 12.75% before we reach an interim or final prescription, as we stated in the *Further Reconsideration Order.*

27. *Other Access and Divestiture Related Tariffs.* Our order of October 19, in Docket CC 83-1145 also suspended AT&T's interstate tariffs and certain interstate tariffs of exchange carriers ("copycat tariffs") filed on or before October 3, 1983. AT&T's tariffs proposed substantial increases in private line rates, completely restructured private line services, modified rates and rate relationships for MTS, OutWATS, and 800 Service, and had other provisions which warranted investigation. We have decided to extend the suspension of AT&T's tariffs to June 1, 1984, five months past their initial effective date.[21] 47 U.S.C. 204(a). Our goal is to achieve generally reasonable and workable tariffs before they are allowed to take effect. Similarly, the copycat tariffs of the BOCs and certain other exchange carriers purportedly copied some of AT&T's existing tariffs as interim offerings, but contained changes and errors and raised other issues of lawfulness. Our analysis of the "copycat tariffs" is continuing and requires suspension of them to June 1, 1984.[22]

*III. Ordering Clause*

28. Pursuant to our authority under 47 U.S.C. 154(i), 201(a), 203(b), 204, 205, and 211, it is so ordered.

Federal Communications Commission.
**William J. Tricarico,**
*Secretary.*

[FR Doc. 84-8839 Filed 4-3-84; 8:45 am]
**BILLING CODE 6712-01-M**

[19] *See, e.g.,* Economic Report of the President 197, 283, 299 (1984); Standard & Poor's Bond Guide 3 (March 1984); Moody's Investors Service, Moody's Public Utility 1977 (March 20, 1984); AT&T 1983 Annual Report, financial section at 5.

[20] *See* note 13 *supra.*

[21] AT&T has not modified its proposed tariffs to take into account changes in the access tariffs resulting from the *Further Reconsideration Order* and the ECA and Non-ECA tariff orders. It is evident, moreover, that AT&T's rate proposals will be affected by the outcome of its Emergency Petition. Since some of the original rationale and justification for its October 3, 1983, filing has been impaired by subsequent events, we are continuing our suspension in the hope that resolution of lingering uncertainties will enable AT&T to finalize its changes and permit us to evaluate fully the results.

[22] Separate filings made to cancel existing tariffs concurrent with the effectiveness of the October 3, 1983, tariffs should be revised to reflect this suspension.

## FEDERAL HOME LOAN BANK BOARD

**[No. AC-353]**

### Metropolitan Federal Savings and Loan Association, Hialeah, Florida; Final Action, Approval of Conversion Application

Dated: March 30, 1984.

Notice is hereby given that on February 14, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Metropolitan Federal Savings and Loan Association, Hialeah, Florida, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georiga 30343.

By the Federal Home Loan Bank Board.
**J. J. Finn,**
*Secretary.*

[FR Doc. 84-8958 Filed 4-3-84; 8:45 am]
**BILLING CODE 6720-01-M**

## FEDERAL MARITIME COMMISSION

### Filing and Approval of Agreement

The Federal Maritime Commission hereby gives notice that on March 22, 1984, the following agreement was filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended by section 4 of the Maritime Labor Agreements Act of 1980, Pub L. 96-325, 94 Stat. 1021, and was deemed approved that date, to the extent it constitutes an assessment agreement as described in the fifth paragraph of section 15, Shipping Act, 1916.

Agreement No. LM-89.

Title: South Atlantic Employers Negotiating Committee and the International Longshoremen's Association.

Parties: South Atlantic Employers Negotiating Committee International Longshoremen's Association.

Synopsis: Agreement No. LM-89 is an agreement between the South Atlantic Employers Negotiating Committee and the International Longshoremen's Association. The agreement contains tonnage assessment formula for funding fringe benefit obligations for guaranteed annual income, vacation and holiday,

and administrative support for these benefits.

Filing party: Thomas W. Gleason, 90-Broad Street, Suite 600, New York, New York 10004.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

*Secretary.*

Dated: March 30, 1984.

[FR Doc. 84-8918 Filed 4-3-84; 8:45 am]

BILLING CODE 6730-01-M

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[Agreement No. 10402]

**Section 15 Agreements, Bank Line, Ltd., and Shaw Savill & Albion Co., Ltd.; Cancellation**

Title: The Bank and Savill Line Limited Service Agreement.

Parties:

The Bank Line, Ltd.

The Shaw Savill & Albion Co., Ltd.

Synopsis: By notice received at the Commission on March 21, 1984, the parties to the agreement announced its cancellation effective May 30, 1984.

Filing Party: Elmer C. Maddy, Esq., Kirlin, Campbell, & Keating, 120 Broadway, New York, New York 10271.

By order of the Federal Maritime Commission.

Dated: March 30, 1984.

Francis C. Hurney,

*Secretary.*

[FR Doc. 84-8917 Filed 4-3-84; 8:45 am]

BILLING CODE 6730-01-M

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[Agreement No. T-2650]

**Termination of Agreement; Matson Terminals, Inc. and Showa Line, Ltd.**

Title: Matson Terminals, Inc. and Showa Line, Ltd.

Parties:

Matson Terminals, Inc.

Showa Line, Ltd.

Synopsis: The aboved referenced agreement has been terminated by Agreement No. T-4167 which became effective on March 26, 1984.

Filing Party: David F. Anderson, Matson Navigation Company, 333 Market Street, Post Office Box 7452, San Francisco, California 94120.

By order of the Federal Maritime Commission.

Dated: March 30, 1984.

Francis C. Hurney,

*Secretary.*

[FR Doc. 84-8916 Filed 4-3-84; 8:45 am]

BILLING CODE 6730-01-M

**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, N.W., 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-3968-1.

Title: The Port of Seattle/American President Lines, Amended Lease Agreement.

Parties:

The Port of Seattle (Port)

American President Lines (APL)

Synopsis: Agreement No. T-3968-1 amends the basic agreement between the parties which provides for the lease by the Port to APL of terminal 46, Seattle. The amendment provides for the amortization by APL of an additional $195,000 worth of improvements at the leased premises.

Filing Party: Beryl J. Barker, Senior Property Manager, Port of Seattle, Post Office Box 1209, Seattle, Washington 98111.

Agreement No. T-4172.

Title: Mississippi State Port Authority at Gulfport and Sealand Terminal Corporation, Lease Agreement.

Parties:

Mississippi State Port Authority at Gulfport (Authority).

Sealand Terminal Corporation (STC).

Synopsis: Agreement No. T-4172 provides that the Authority will lease to STC certain premises at the port of Gulfport for the handling of water-borne domestic and foreign commerce through the port. The term of the agreement is for 5-years with two renewal periods of 5-years each. The Agreement will become effective upon approval by the Commission.

Filing Party: J. W Clark, Executive Director, Mississippi Port Authority of Gulfport, Post Office Box 40, Gulfport, Mississippi 39501.

Agreement No. T-4173.

Title: The Indiana Port Commission and Merchants Grain Transportation, Inc., Lease Agreement.

Parties:

The Indiana Port Commission (IPC).

Merchants Grain Transportation, Inc. (MGTI).

Synopsis: Agreement No. T-4173 provides that IPC will lease to MGTI, 12½ acres at Clark Maritime Centre on the Ohio River near Jeffersonville, Indiana. MGTI will occupy the premises for the purposes of installation, operation, manufacturing, packaging and distribution facility for various bulk and/or bagged commodities. The premises will be used in connection with common carriers by water.

Filing Party: Garth L. Whipple, Acting Executive Director, Indiana Port Commission, 6600 U.S. Highway 12, Portage, Indiana 46368.

Agreement No. 17-48.

Title: Far East Conference.

Parties:

Japan Line, Ltd.

Kawasaki Kisen Kaisha, Ltd.

Mitsui O.S.K. Lines, Ltd.

A. P. Moller Maersk Line

Nippon Yusen Kaisha, Ltd.

United States Lines, Inc.

Yamashita Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would allow the parties to select an individual to fulfill the functions of the conference chairman, but to use a designation other than chairman as the job title.

Filing Party: Harlan P. Breed, Chairman, Executive Committee, Far East Conference, c/o United States Lines, Inc., 27 Commerce Drive, Cranford, New Jersey 07016.

Agreement No. 57-132.

Title: Pacific Westbound Conference.

Parties:

American President Lines, Ltd.

Japan Line, Ltd.

Kawasaki Kisen Kaisha, Ltd.

Korea Marine Transport Co., Ltd.

Mitsui O.S.K. Lines, Ltd.

A. P. Moller Maersk Line

Nippon Yusen Kaisha, Ltd.

Sea-Land Service, Inc.

Showa Line, Ltd.

United States Lines, Inc.

Yamashita Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would prohibit members who had given notice of withdrawal from voting on any conference matter which would become effective, or remain in effect after the member's withdrawal without the unanimous consent of all members.

Filing Party: Charles L. Coleman, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No. 57–133.
Title: Pacific Westbound Conference.
Parties:
American President Lines, Ltd.
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Korea Marine Transport Co., Ltd.
Mitsui O.S.K. Lines, Ltd.
A. P. Moller Maersk Line
Nippon Yusen Kaisha, Ltd.
Sea-Land Service, Inc.
Showa Line, Ltd.
United States Lines, Inc.
Yamashita Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would exclude the reference in Article 5 to the obsolete position of Vice-Chairman and substitute the term "the Chairman's designate".

Filing Party: Charles L. Coleman, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No. 57–134.
Title: Pacific Westbound Conference.
Parties:
American President Lines, Ltd.
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Korea Marine Transport Co., Ltd.
Mitsui O.S.K. Lines, Ltd.
A. P. Moller Maersk Line
Nippon Yusen Kaisha, Ltd.
Sea-Land Service, Inc.
Showa Line, Ltd.
United States Lines, Inc.
Yamashita Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would transfer administrative control of the Pacific Cargo Inspection Bureau from the Chairman and Executive Committee of the Conference to the conference Owner's Management Committee.

Filing Party: Charles L. Coleman, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No. 57–135.
Title: Pacific Westbound Conference.
Parties:
American President Lines, Ltd.
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Korea Marine Transport Co., Ltd.
Mitsui O.S.K. Lines, Ltd.
A.P. Moller Maersk Line
Nippon Yusen Kaisha, Ltd.
Sea-Land Service, Inc.
Showa Line, Ltd.
United States Lines, Inc.
Yamashita Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would require that independent action be taken only over the name of a senior executive of a member line, or his designated alternatives.

Filing Party: Charles L. Coleman, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No. 5850–40.
Title: North Atlantic Westbound Freight Association.
Parties:
Atlantic Container Line (G.I.E.).
Compagnie Generale Maritime.
Dart-ML Ltd.
Hapag-Lloyd AG.
Intercontinental Transport (ICT) B.V.
Sea-Land Service Inc.
Trans Freight Lines, Inc.
United States Lines, Inc.

Synopsis: The proposed amendment would add "wheeled agricultural tractors without attachments" to the types of wheeled vehicles which Atlantic Container Lines is presently authorized by the Agreement to carry under a space chartering agreement with Wallenius Line.

Filing Party: Howard A. Levy, Esquire, 17 Battery Place, Suite 727, New York, New York 10004.

Agreement No. 8210–48.
Title: Continental North Atlantic Westbound Freight Conference.
Parties:
Atlantic Container Line (G.I.E.).
Dart-ML Ltd.
Hapag-Lloyd AG.
Sea-Land Service Inc.
Trans Freight Lines, Inc.
United States Lines, Inc.

Synopsis: The proposed amendment would add "wheeled agricultural tractors without attachments" to the types of wheeled vehicles which Atlantic Container Lines is presently authorized by the Agreement to carry under a space chartering agreement with Wallenius Line.

Filing Party: Howard A. Levy, Esquire, 17 Battery Place, Suite 727, New York, New York 10004.

Agreement No. 9982–19.
Title: Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference.
Parties:
Atlantic Container Line (G.I.E.).
Dart-ML Ltd.
Hapag-Lloyd AG.
Sea-Land Service Inc.
Trans Freight Lines, Inc.
United States Lines, Inc.

Synopsis: The proposed amendment would add "wheeled agricultural tractors without attachments" to the types of wheeled vehicles which Atlantic Container Lines is presently authorized by the Agreement to carry under a space chartering agreement with Wallenius Line.

Filing Party: Howard A. Levy, Esquire, 17 Battery Place, Suite 727, New York, New York 10004.

Dated: March 30, 1984.

By Order of the Federal Maritime Commission.

**Francis C. Hurney,**

*Secretary.*

[FR Doc. 84–8972 Filed 4–3–84; 8:45 am]
BILLING CODE 6730–01–M

## FEDERAL RESERVE SYSTEM

### CB & T Bancshares, Inc., 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 outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would

not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 24, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *CB & T Bancshares, Inc.*, Columbus, Georgia; *Bank South Corporation*, Atlanta, Georgia; *Citizens and Southern Georgia Corporation*, Atlanta, Georgia; *First Atlanta Corporation*, Atlanta, Georgia; *First City Bancorp, Inc.*, Marietta, Georgia; *First Railroad & Banking Company of Georgia*, Augusta, Georgia; *Heritage Bancshares, Inc.*, Snellville, Georgia; and *Trust Company of Georgia*, Atlanta, Georgia: to engage *de novo* through their subsidiary, Georgia Interchange Network, Inc., Atlanta, Georgia, in a joint venture in data processing activities pursuant to § 225.25(b)(7) of Regulation Y, serving the State of Georgia.

B. **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 *de novo* through its subsidiary, First Security Investment Services, Salt Lake City, Utah, in the activities of discount securities brokerage, consisting principally of buying and selling securities solely upon the order and for the account of customers, and of extending margin credit in conformity with Regulation T.

Board of Governors of the Federal Reserve System, March 29, 1984.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 84-8855 Filed 4-3-84; 8:45 am]

BILLING CODE 6210-01-M

## First Michigan Bank Corporation, 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 present at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 27, 1984.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Michigan Bank Corporation*, Zeeland, Michigan; to acquire 100 percent of the voting shares of The Oceana County Savings Bank, Hart, Michigan.

2. *Peshtigo National Bancorporation, Inc.*, Peshtigo, Wisconsin; to become a bank holding company by acquiring 83.4 percent of the voting shares of The Peshtigo National Bank, Peshtigo, Wisconsin.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Laverne Bancshares, Inc.*, Laverne, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank of Laverne, Laverne, Oklahoma.

2. *Montbello Bankcorp, Inc.*, Denver, Colorado; to acquire at least 85 percent of the Mission State Bank, Lakewood, Colorado.

c. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *The Forum Park Bancorp*, Inglewood, California; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank of Inglewood, Inglewood, California (in organization).

Board of Governors of the Federal Reserve System, March 29, 1984.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 84-8856 Filed 4-3-84; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### Privacy Act of 1974; Report of Altered System of Records

**AGENCY:** Office of the Secretary, Office of the Assistant Secretary for Personnel Administration, HHS.

**ACTION:** Report of altered system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act, the Office of Personnel Systems Integrity (OPSI) is publishing this notice altering the system of records entitled, "Management Information System Efficiency Report (MISER), HHS/OS/ASPER/OPSI, 09-90-0095." The altered system contains the records and statistical data of investigative materials that are compiled for personnel, legal, and regulatory enforcement purposes. Records and statistical data are maintained to assist OPSI managers and other responsible officials in locating problem areas for personnel management evaluations, and recommending policy changes regarding investigation and processing of complaints.

In connection with these alterations, we are updating the routine uses, category of records, purposes, and record source categories. We are modifying the notification, access and contesting record procedure sections. At the same time, we are adding EEO-case-tracking data of other HHS components participating in the current system.

We invite public comments on the proposed alterations, on or before May 4, 1984.

**DATES:** We submitted an altered system report to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget (OMB) on March 16, 1984. These proposed alterations will become effective without further notice, 60 days after the filing date, unless we receive comments that would result in a contrary determination.

**ADDRESS:** Comments should be submitted to—Department of Health and Human Services Office of the Secretary,

OASPER Director, Office of Personnel Systems Integrity Room 2054, Switzer Building 330 Independence Avenue, SW Washington, D.C. 20201.

**FOR FURTHER INFORMATION CONTACT:** Betty Colton, Director, Division of Personnel Systems Improvement, on (202) 475–0027.

**SUPPLEMENTARY INFORMATION:** This system of records as currently constituted and described in a system notice published in the **Federal Register** (System Number 09–90–0095, 47 FR 45771) contains records and statistical data on all types of complaints, appeals, and allegations, that are investigated, or adjudicated, or examined by the Office of Personnel System Integrity and the Division of Complaints Adjudication and Management (i.e., EEO complaints, HHS merit system investigations, grievances, and grievance reconsiderations). Some of these records will contain information supplied by confidential sources.

We are adding a routine use which permits disclosures to the Office of Personnel Management to carry out personnel management evaluations.

We are updating the statement of categories of records in the system. The updated statement now reads as follows:

The automated and manual systems consist of a variety of records pertaining to EEO complaints, HHS grievances, grievance reconsiderations, investigations of merit systems violations and prohibited personnel practices. In addition to employee's name as a personal identifier, this system includes information such as—position title, grade, and series; organizational location; race; sex; type of case; issue; basis; action on case; dates filed and received; processing events; names of staff involved in case processing; and weekly, monthly, and yearly production data. These records also include documentary and physical evidence; transcripts; correspondence; information from personnel files; affidavits; investigative reports; analytical papers; computer discs; and hardcopy reports. The system includes EEO case-tracking data of other components.

We are also updating the statement of record source categories and removing extraneous wording. The updated statement now reads as follows:

Information is either provided by the individual to whom EEO complaint, grievance, grievance reconsideration, merit system and prohibited personnel practice complaints apply; derived from information supplied by others; or is supplied by documents related to the investigation. Record sources may include confidential sources.

We issued a Notice of Proposed Rule Making (see **Federal Register**, Vol. 49, No. 30, dated February 13, 1984, pages 5361–5362) to exempt this system of records under the provisions of 5 U.S.C. 552a(k)(2). Records in this system would be exempt from the requirements of 5 U.S.C. 552a(c)(3), (d)(1)–(4), (e)(4)(G) and (H), and (f) as investigatory material compiled for law enforcement purposes. The insertion of the word "exempt" in the notification and contesting record procedure sections concern that portion of this system relating to investigations of merit systems violations and prohibited personnel practices.

The adding of EEO-case-tracking data of other HHS components participating in the existing system concerns the Office of Civil Rights and Equal Employment Opportunity, Social Security Administration; the Office of Equal Employment Opportunity, Public Health Service; the Office of Equal Employment Opportunity, Health Care Financing Administration; and the Office of Equal Employment Opportunity, Office of Human Development Services; but does not relate to investigatory materials compiled for personnel, legal, and regulatory enforcement purposes.

All of the physical protections, manual and automated access safeguards, and personnel restrictions set forth in the existing system notice will continue under this alteration.

We have prepared this system alteration in accordance with the principles and requirements of the Privacy Act. Therefore, we anticipate no adverse effect on the privacy or other personal or propety rights of individuals as a consequence of the maintenance of this records system.

We are publishing the MISER records system notice in its entirety to reflect the proposed alterations.

Dated: March 16, 1984.

**Thomas S. McFee,**

*Assistant Secretary for Personnel Administration.*

**09–90–0095**

**SYSTEM NAME:**

Management Information System Efficiency Report (MISER) HHS/OS/ASPER.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of Personnel Systems Integrity (OPSI), Room 2946 Switzer Building, 330 Independence Avenue, SW, Washington, DC 20201.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Applicants for employment and current or former employees, who have a formal grievance, grievance reconsideration, merit system/prohibited personnel practice complaint, or EEO complaint against the agency or agency official investigators, examiners, contractors, and/or clerical support personnel, who are involved in case processing.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The automated and manual system consists of a variety of records pertaining to EEO complaints, HHS grievances, grievance reconsiderations, investigations of merit systems violations and prohibited personnel practices. In addition to the employees name as a personal identifier, this sytem includes information such as—position title, grade, and series; organizational location; race; sex; type of case; issue; basis; action on case; dates filed and received; processing events; names of staff involved in case processing; and weekly, monthly, and yearly production data. These records also include documentary and physical evidence, correspondence, information from personnel files, affidavits, investigative reports, analytical papers, computer discs, tapes, and hard copy reports. The system includes EEO-case-tracking data of other components.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 11478, 42 U.S.C. 200e 29 U.S.C. 633a, 5 U.S.C. 1302, 3301, 3302, Executive Order 10577, Executive Order 11787.

**PURPOSE(S):**

Information in this system of records is used in locating problem areas for personnel management evaluation, analyzing causes of lowered moral among Department employees, recommending policy regarding investigation and processing of compliants, case management and control, human resources planning, and to document investigations of merit systems and prohibited personnel practices complaints.

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

Disclosures may be made:

1. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. To the Department of Justice for the purpose of obtaining its advice, when desirable or necessary, to determine whether particular records are required to be disclosed under the Freedom of Information Act.

3. In the event of litigation where the defendant is (a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity; (b) the United States where HHS determines that the claim, is successful, is likely to directly affect the operations of HHS or any of its components; or (c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee. HHS may disclose such record as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

4. To Equal Employment Opportunity Commission to refine the complaints processing procedure and to provide technical assistance to Federal agencies the Departments as it relates to the efficiency and effectiveness of their complaints systems.

5. To the Office of Management and Budget to make a detailed and accurate assessment of the complaint program's cost effectiveness.

6. To the Merit Systems Protection Board (including its Office of the Special Counsel) to investigate alleged violations of merit system principles.

7. To the Office of Personnel Management (OPM) to carry out personnel management evaluations.

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

**STORAGE:**

Magnetic tapes, disks, cassette tapes, bound notebooks, paper forms, and index cards in locked file cabinets.

**RETRIEVABILITY:**

Information is retrieved by names, docket numbers, or other data elements (e.g., type of case, organizational unit, dates).

**SAFEGUARDS:**

Safeguards are established in accordance with Part 6, ADP Systems Manual. Access to and use of these records is limited to those persons whose official duties require such access. Records are kept in locked files or a locked room. Data stored in the automated system is accessed through the use of passwords known only to authorized personnel.

**RETENTION AND DISPOSAL:**

Manual and automated records are destroyed by shredding or erasing after periods varying from one to five years after resolution or final disposition of the complaint or grievance.

**SYSTEM MANAGER AND ADDRESS:**

Director, Office of Personnel Systems Integrity, Room 2046, 330 Independence Avenue, SW, Switzer Building, Washington, DC 20201.

**NOTIFICATION PROCEDURES:**

Exempt. However, consideration will be given to requests addressed to the System Manager.

**RECORD ACCESS PROCEDURES:**

Same as notification procedures. Requesters should also reasonably specify the record being sought.

**CONTESTING RECORD PROCEDURES:**

Exempt. However, consideration will be given to a request written to the system manager. Request should specify the information to be contested, and state the corrective action sought and the justification for the correction.

**RECORD SOURCE CATEGORIES:**

Information is either provided by the individual to whom EEO complaint, grievance, grievance reconsideration, merit system and prohibited personnel practice complaints apply; derived from information supplied by others; or is supplied by documents related to the investigation. Record sources may include a confidential source.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Records in this system of records will be exempt from the provisions of the Privacy Act concerning: Making the accounting of certain disclosures available; providing notification access and amendment; and the corresponding provisions of the Department's Privacy Act regulation (45 CFR Part 5b). This exemption is based on 5 U.S.C. 552a(k)(2).

[FR Doc. 84-8895 Filed 4-3-84; 8:45 am]
BILLING CODE 4150-04-M

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## Low Wage Labor Market Studies; Applications for Grants

Pursuant to section 1110A of the Social Security Act, the Assistant Secretary for Planning and Evaluation (here after the Assistant Secretary) is seeking applications from researchers affiliated with non-profit organizations for grants for research in the area of low wage labor markets.

### A. Type of Application Requested

This announcement seeks applications for projects to develop and conduct a program of research and analysis relating to the promotion of economic self-sufficiency among the transfer income population. The following paragraphs describe the general area of interest in greater detail. Applications should be for projects that will address the issues discussed below; other closely related issues may also be included if they are clearly demonstrated to be relevant to the general area of interest.

Our concept of transfer programs and their role in the economy has been undergoing revision in recent years. Changes in these programs reflect an emphasis on reducing the public burden of these programs by increasing the employment of current and potential transfer income recipients. At the same time, there is a search for new policies, management techniques and other ideas that will contribute to an expansion of the recipients' labor market opportunities.

This grant announcement seeks research to inform analysts about job opportunities for transfer income recipients from the prospectives of the labor markets in which they will seek employment. Past research has contributed extensively to our knowledge of the labor force behavior of subgroups of the population including the participants in demonstration and experimental transfer income programs as well as those in current programs. In order to understand employment experiences of these participant populations from a different perspective, research is desired to examine labor markets. Aspects of labor markets that might be analyzed include the growth of employment opportunities in some sectors of the economy or for some demographic groups. *The emphasis is therefore on fresh views on where and why job opportunities exist in different labor markets for the particular demographic groups at risk of poverty.*

As background information, please note that last year a grant competition included three priority research areas: (a) Characteristics of low wage markets, (b) trends in low wage labor markets, and (c) firm employment decisions. We now propose a second competition for area (b), because no projects were funded in this area last year. The orientation of the second grant announcement emphasizes analysis of how these adjustments occurred as well as identifying what changes have occurred. In other words, we would like to be able to understand the parameters of employee and employer behavior that create employment prospects for part-time, or inner-city, or other similar workers, as well as identifying past trends.

The operation of labor markets in the recent past appears to offer ample evidence of how market opportunities for different kinds of workers can change. In particular, over the last two decades, market opportunities for female heads of families with dependent children may have changed as women of all ages, including women with children, have entered the labor force. Similarly, labor market opportunities for the aged may have changed as companies have altered mandatory retirement ages or people have sought part-time work after retiring from full-time jobs.

The operation of labor markets can be analyzed with evidence on changes in labor markets in recent years. Questions that may be addressed include: How do employers respond to changes in the availability of different kinds of workers (such as changing the mix of wage and non-wage (fringe) compensations). What has been the effect of increases in supply of part-time workers, on the wages paid to them or on their employment rates? Other questions that may be worth addressing include: Which sectors have changed most to accommodate recent labor market entrants? What factors influence the demand for different kinds of labor? Can a model of these factors be estimated with formal labor demand models? How are the new employment opportunities for all workers affected by tax credits for hiring particular kinds of worker? Can differences in employer responses to these tax credits be traced to differences in industries, product demand or management techniques?

Responses to these questions will most likely come from analyses of *trends* in labor markets over time. The decennial Censuses, now available as microdata covering the period from 1940 through 1980, are an obvious data source for measuring many of the changes in labor markets in recent decades. (Researchers should note, however, the problems inherent in comparing data across years from different questionnaires.) Since the emphasis in this grant announcement is on both descriptive information and the measurement of basic behavioral parameters other data may also provide measures of the parameters and changes listed above. Other sources include: the Bureau of Labor Statistics, the Panel Study of Income Dynamics, or the National Longitudinal Surveys or data derived from experimental or demonstration programs. However, applicants are invited to propose research with data, especially data on employers' behavior that are not listed in this grant announcement.

Methods appropriate for project application are empirical investigations that are well-grounded in economic theory.

1. *Potential Users.*—Potential users of the research include employers, federal government policy makers, state and local sponsors of employment programs, non-profit agencies assisting low-skilled workers with employment problems, and future researchers.

2. *Types of projects excluded.*—In consideration of the intent of this announcement applications concentrating primarily on the concerns of a local service delivery organization will not be considered for funding.

3. *Content and organization of application.*—The application must begin with a cover sheet, followed by the required application forms and an abstract of the application. Failure to include the abstract may result in delays in processing the application. The abstract should summarize the proposal in not more than two pages. Each application should carefully describe the issues to be examined, hypotheses to be tested, methodology proposed for testing the hypotheses, data sources to be used, and anticipated products of the research, as well as relating the expected products to policy issues. Resumes of staff should be included, as should a full budget for the proposed project.

**B. Applicable Regulations**

1. "Grant Programs Administered by the Office of the Assistant Secretary for Planning and Evaluation" (45 CFR Part 63), which was published in the *Code of Federal Regulations* on October 1, 1980.

2. "Administration of Grants" (45 CFR Part 74), which was published in the *Code of Federal Regulations* on June 9, 1981.

**C. Effective Date and Duration**

1. The grant awarded pursuant to this announcement is expected to be made on or about June 30, 1984.

2. In order to avoid unnecessary delays in the preparation and receipt of applications, this notice is effective immediately. The closing dates for applications are specified in Sections F and G below.

3. Applicants should present a work plan and budget covering a one-year period.

**D. Statement of Funds Availability**

1. A total of $250,000 has been set aside for one or more grants to be awarded as a result of this announcement. The government estimates that the cost of a project in this area is $100,000 to $125,000 but recognizes that meritorious project may cost more or less than this amount. Organizations are therefore encouraged to submit applications that are higher or lower than this estimate.

2. Nothing in this application should be construed as committing the Assistant Secretary to dividing available funds among all qualified applicants or to make any award.

**E. Applications Processing**

1. Applications will be initially screened for relevance to the needs defined in section A (as well as additional areas of interest persuasively shown to be relevant by the grantee). If judged relevant, the application will then be reviewed by a government review panel, possibly augmented by outside experts. Three (3) copies of each application are required. Applicants are encouraged to send an additional seven (7) copies of their application to ease processing of it, but applicants will not be penalized if these seven (7) copies are not included.

2. Applications will be judged as to eligibility, quality, and relevance, according to the criteria set forth in item 5.

3. An unacceptable rating on any individual criterion may render the application unacceptable. Consequently, applications should take care to ensure that all criteria are fully addressed in the application.

4. Applications should be as brief and concise as is consistent with the information requirements of the reviewers. Applications should be limited to 30 double-spaced typed pages, exclusive of forms, abstract, resumes, and the proposed budget; they should neither be unduly elaborate nor contain voluminous supporting documentation.

5. *Criteria for evaluation.* Evaluation of applications will employ the following criteria. The relative weights are shown in parentheses.

a. The potential usefulness of the objectives and anitipated results of the proposed project for providing individuals and organizations concerned with the issues discussed in Section A above with improved bases for making decisions about these issues. (20 points.)

b. The potential usefulness of the proposed project for the advancement of scientific knowledge. (30 points.)

c. The clarity of statement of objectives, methods, and anticipated results. (5 points.)

d. The appropriateness and soundness of methodology, including research design, statistical techniques, modeling strategies, choice of data, and other procedures. (25 points.)

e. The qualifications and experience of personnel. (20 points)

**F. Applications Sent by Mail**

Applications may be sent by either the U.S. Postal Service or a commercial carrier. Applications sent by U.S. Postal Service will be considered to be received on time by the Grants Officer if the application was sent by first class, registered or certified mail not later than May 18, 1984, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service. Applications sent by a commercial carrier will be considered to be received on time by the Grants Officer if sent not later than May 18, 1984 as evidence by a receipt from the commercial carrier.

**G. Hand-Delivered Applications**

An application to be hand-delivered must be taken to the Grants Officer at the address listed at the end of this announcement. Hand-delivered applications will be accepted daily between 9:00 a.m. and 4:30 p.m., Washington, D.C., time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after close-of-business on Friday, May 18, 1984.

**H. Disposition of Applications**

1. *Approval, disapproval, or deferral.* On the basis of the review of the application, the Assistant Secretary will either (a) approve the application whole or in part; (b) disapprove the application; or (c) defer action on the application for such reasons as lack of funds or a need for further review.

2. *Notification of disposition.* The Assistant Secretary will notify the applicants of the disposition of their application. A signed notification of grant award will be issued to the contact person listed in block 4 of the application to notify the applicant of the approved application.

**I. Application Instructions and Forms**

Copies of applications submitted to: Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue S.W., Room 457F, Hubert H. Humphrey Building, Washington, D.C. 20201, Phone (202) 245–1794. Questions concerning the preceding information should be submitted to the Grants Officer at the same address. Neither questions nor requests for applications should be submitted after May 1.

**J. Federal Domestic Assistance Catalog**

This announcement is not listed in the Federal Domestic Assistance Catalog.

Dated: March 29, 1984.

**Robert J. Rubin,**

*Assistant Secretary for Planning and Evaluation.*

[FR Doc. 84-8975 Filed 4-3-84; 8:45 am]

BILLING CODE 4150-04-M

## Centers For Disease Control

### Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–67776, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 49 FR 6025, February 16, 1984) is amended to (1) change the name of the Office of Administrative Management to the Office of Program Support, and revise the functional statement to delete the introductory statement: "Under the direction of the Executive Officer"; and (2) update the list of officials in the Order of Sucession.

Section HC–B, *Organization and Functions,* is hereby amended as follows:

1. After the heading and statement for *Office of the Director (HCA),* change the name of the *Office of Administrative Management (HCA5)* to *Office of Program Support (HCA5)* and delete the introductory statement: "Under the direction of the Executive Officer:"

Section HC–C, *Order of Succession.* After the first sentence, delete the officials listed in (1) through (5) and substitute the following: (1) Deputy Director, (2) Assistant Director for International Health, (3) Assistant Director/Washington, (4) Assistant Director for Public Health Practice, (5) Assistant Director for Science, (6) Assistant Director for Management, (7) Director, Office of Program Support.

Dated: March 27, 1984.

**Edward N. Brandt, Jr.**

*Assistant Secretary for Health.*

[FR Doc. 84-8974 Filed 4-3-84; 8:45 am]

BILLING CODE 4160-18-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### Duck Valley Indian Irrigation Project; Nevada—Idaho

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Public notice.

**SUMMARY:** The purpose of this public notice is to change the annual per acre assessment rates for the operation and maintenance of the irrigation facilities on the Duck Valley Indian Irrigation Project to properly reflect the actual cost of labor, materials, equipment, and services. The change is from $6.40 to $22.73 per irrigable acre for non-Indian owned land and Indian owned land leased to non-Indians, and from $3.40 for subjudated lands and $1.00 for native hay lands to $5.30 per irrigable acre for all Indian owned land farmed and operated by Indians.

**EFFECTIVE DATE:** This notice shall become effective on April 4, 1984 and remain in effect until changed by public notice.

**FOR FURTHER INFORMATION CONTACT:** Thomas W. Neumann, Bureau of Indian Affairs, Phoenix Area Office, P.O. Box 7007, Phoenix, AZ 85011, telephone (602) 241–2285 COM, 261–2285 FTS.

**SUPPLEMENTARY INFORMATION:** The current operation and maintenance charges were established in July 1978. The cost of laber, materials, power, equipment, and services have continued to increase each year until costs now exceed revenue from current charges. A notice of intent to increase the operation and maintenance rate was posted February 13, 1984, in four public buildings on the Duck Valley Reservation. Public meetings were held with the water users on February 16 and March 1, 1984 and with water users and a majority of the Duck Valley Business Council on March 14, 1984. Comments received at these public meetings were carefully considered in arriving at the new rate.

The principal author of this document is Thomas W. Neumann, Bureau of Indian Affairs, Phoenix Area Office, P.O. Box 7007, Phoenix, AZ 85011, telephone (602) 241–2285 COM, 261–2285 FTS.

Pursuant to § 171.1e of Part 171, Chapter I, of Title 25 of the Code of Federal Regulations, this public notice is issued under authority delegated to the Assistant Secretary for Indian Affairs by

the Secretary of the Interior in 209 DM 8 and redelegated by the Assistant Secretary for Indian Affairs to the Area Director in 10 BIAM 3.

Notice shall read as follows:

**Duck Valley Indian Irrigation Project, Nevada-Idaho, Annual Operation and Maintenance Charges**

*Charges.* The annual basic operation and maintenance assessment rates for land to which water can be delivered under the Duck Valley Indian Irrigation Project, Nevada-Idaho for operation and maintenance of the project are hereby fixed at $22.73 per acre for non-Indian owned lands and Indian owned lands leased to non-Indians and $5.30 per irrigable acre for Indian owned lands farmed and operated by Indians. The payment of the assessment rate shall entitle water users to their prorated share of water.

*Payments.* Annual charges shall become due when billed for 1984 and on April 1 of each year thereafter and payable on or before that date, and any unpaid charges shall stand as a first lien against the land without penalty until paid.

*Delivery.* Delivery of water shall be refused to all tracts of land for which the charges have not been paid, except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners are financially unable to pay the assessment when due. In such instances, water may be delivered under the following conditions:

1. The Indian owner shall make necessary arrangements with the Superintendent to pay the assessment from proceeds derived for labor performed on the project works as authorized by the Superintendent or from proceeds of crops grown on the land when harvested nd marketed within that calendar year.

2. In any instances where the Superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian is financially unable to pay his assessment from proceeds for labor performed on the project works or from the proceeds of crops grown on the land or from any other source, water may be delivered following certificaiton by the Superintendent to the official in charge of the irrigation project that such Indian is financially unable to pay the assessment.

*Water Users Responsibility for Water After Delivery.* The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in a suitable condition for delivery of irrigation water.

*Distribution and Apportionment.* All water of the project is deemed a common water supply in which all irrigable lands of the project are entitled to share equally and such water will be distributed to the lands of the project as equitably as physical conditions will permit.

**Walter R. Mills,**
*Acting Area Director.*

[FR Doc. 84-8936 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-02-M

## Bureau of Land Management

**[C-07761, C-28561]**

## Colorado; Notice of Proposed Continuation

March 28, 1984.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Department of Energy proposes that the withdrawals made by the Atomic Energy Commission for their domestic uranium program be modified and continued for a period of ten years. The land will continue to be withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws.

**DATE:** Comments or requests for hearing should be received on or before July 3, 1984.

**ADDRESS:** Comments should be sent to the undesigned at 1037 20th Street, Denver, Colorado 80202.

**FOR FURTHER INFORMATION CONTACT:** Richard D. Tate, 303-837-2535.

The Department of Energy proposes that the land withdrawals listed below be continued for a period of ten years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

1. Public Land Order 1495, as amended by Public Land Orders 1533 and 3772, which withdrew public lands subject to valid existing rights, is proposed to be continued as to the lands described below:

**C-07761**

**New Mexico Principal Meridian**

T. 43 N., R. 18 W.,
Sec. 4, lots 1, 2, 3, and 4, and S½N½.
T. 44 N., R. 18 W.,
Sec. 32, lots 2, 3, and 5;
Sec. 33, lots 3 and 8.

The area described aggregates approximately 539 acres of public lands in Montrose County, Colorado.

2. Public Land Order 494, as amended by Public Land Orders 698, 939, 1223, and 1398, which withdrew public lands and those patented lands containing public minerals, subject to valid claims, and other valid rights in the states of Colorado and Utah is proposed for continuation as it affects the lands in the state of Colorado. Any tract or tracts of land to which valid claims have attached under the public land laws prior to the date of the order are excluded from the reservation, provided that upon abandonment or extinguishment of such claims for any cause, the reservation shall immediately become effective as to such tract or tracts and the minerals therein. The following lands in the state of Colorado are currently proposed for withdrawal continuation:

**C-28561**

**New Mexico Principal Meridian**

T. 50 N., R. 17 W.,
Sec. 7, lots 3 and 4, and E½SW¼;
Sec. 17, SW¼;
Sec. 18, lots 1, 2, 3, and 4, E½W½, and E½.
T. 43 N., R.18 W.,
Sec. 5, lots 1 thru 14, S½NE¼, NE¼SE¼, and S½SE¼;[1]
Sec. 6, lots 1, 2, 6, 7, and 10, SW¼NE¼, and W½SE¼.[1]
T. 44 N., R. 18 W.,
Sec. 19, SW¼;[1]
Sec. 29, SW¼;
Sec. 30, NW¼,[1] and NE¼SE¼;
Sec. 31, S½SW¼NE¼;
Sec. 32, NW¼.
T. 50 N., R. 18 W.,
Secs. 2, 3, and 4, inclusive; [2]
Secs. 9, thru 12, inclusive; [2]
Sec. 13, NE¼;
Sec. 14, lots 1, 2, and 3, SE¼NW¼, and all of those portions of unpatented M.S. 20177 occupying the former NW¼ of said section.
T. 43 N., R. 19 W.,
Sec. 19, lots 1 thru 4, and E½W½.
T. 44 N., R. 19 W.,
Sec. 24, SE¼;[1]
Sec. 25, NE¼NE¼.[1]
T. 43 N., R. 20 W.,
Sec. 23, SE¼;
Sec. 24, NE¼, SE¼NW¼, and S½;
Sec. 25, NW¼;
Sec. 26, NE¼.

The area described aggregates approximately 9,132 acres in Mesa and San Miguel Counties. Lands which contain valid unpatented mining claims are included in the continuation of the withdrawal until such time as vested rights attach.

The Department of Energy proposes continuation of these withdrawals for ten years to stimulate mining and development of uranium ore for purchase by the Federal Government through a leasing program.

The Bureau of Land Management (BLM) manages the surface resources of these withdrawals through an interagency agreement with the Department of Energy. The subsurface minerals remain under direct Department of Energy supervision. The custody of the property is vested in the Department of Energy. The withdrawals closed the lands to all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. No change in

[1] Exclusive of patented M.S. 20643, and 20639.

[2] Inclusive of unpatented M.S. 20174A, 20174B, 20175A, 20175B, 20176A, 20176B, and 20177.

the segregative effect or use of the land would be affected by the continuations.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned within 90 days of the publication of this notice. Upon a determination by the State Director, BLM, that a public hearing should be held, a notice will be published in the Federal Register giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuations may present their views in writing to the State Director within 90 days of the date of publication of this notice.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Secretary of the Interior, the President, and Congress. The final determination on the Continuation of the withdrawals will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

Evelyn W. Axelson,

*Acting Chief Branch of Lands & Minerals Operations.*

[FR Doc. 84-8941 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-JB-M

[C-28260]

## Colorado; Proposed Continuation of Withdrawal

March 28, 1984.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Reclamation proposes that a 80.57 acre withdrawal for the San Luis Valley Project continue for an additional five years. The lands remain closed to surface entry and mining but have been and will remain open to mineral leasing.

**DATE:** Comments and requests for a public meeting should be received on or before July 3, 1984.

**ADDRESS:** Comments and meeting request should be sent to: State Director, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

**FOR FURTHER INFORMATION CONTACT:** Richard D. Tate, Colorado State Office, 303-837-2592.

**SUPPLEMENTARY INFORMATION:** The Bureau of Reclamation proposes that the existing land withdrawal made by Secretarial Order of April 10, 1935, as amended by Secretarial Order of July 28, 1954, be continued for a period of five years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

New Mexico Principal Merdian

T. 42 N., R. 10 E.,
Sec. 18, lot 2, and SE§ NW§ .

The area described aggregates approximately 80.57 acres in Saguache County, Colorado.

The purpose of the withdrawal is for protection of land for pipelines, roads, electrical distribution lines, and water salvage well sites to service the Closed Basin Division, San Luis Valley Project. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the State Director, in the Colorado State Office.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire a public meeting for the purpose of being heard must submit a written request to the State Director, within 90 days from the date of publication of this notice. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the Federal Register at least 30 days before the scheduled date of the meeting.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

Robert D. Dinsmore

*Chief, Branch of Lands & Minerals Operations.*

[FR Doc. 84-8942 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-JB-M

[C-28261]

## Colorado Proposed Continuation of Withdrawal

March 28, 1984.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Reclamation proposes that approximately 2400 acres withdrawn for the Platoro Dam and Reservoir-San Luis Valley Project continue for an additional 40 years. The lands, all within the Rio Grande National Forest, remain closed to surface entry and mining but have been and will remain open to mineral leasing.

**DATE:** Comments and requests for a public meeting should be received on or before July 3, 1984.

**ADDRESS:** Comments and meeting request should be sent to: State Director, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

**FOR FURTHER INFORMATION CONTACT:** Richard D. Tate, Colorado State Office, 303-837-2592.

**SUPPLEMENTARY INFORMATION:** The Bureau of Reclamation proposes that the existing land withdrawal made by Secretarial Order of June 18, 1941, be continued for a period of 40 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, as to the following described lands:

New Mexico Principal Merdian

T. 35 N., R. 3E.,
Sec. 1, E½NE¼.
T. 35 N., R. 4 E.,
Sec. 6, NW¼NE¼, and NW¼.
T. 36 N., R. 4 E.,
Sec. 20, SE¼SE¼;
Sec. 21, SE¼NE¼, S½SW¼, and SE¼;
Sec. 22, SW¼NW¼, and W½SW¼;
Sec. 28, NE¼NE¼, W½NE¼,NW¼, and NW¼SW¼;
Sec. 29, E½, E½W½, SW¼NW¼, and W½SW¼;
Sec. 30, SE¼SE¼;
Sec. 31, E½, E½W½, SW¼NW¼, and W½SW¼;
Sec. 32, W½NW¼, and NW¼SW¼.

The area described aggregates approximately 2,400 acres in Conejos County, Colorado.

The above legal description is based upon original plats of survey of the listed townships, now superceded by Bureau of Land Management Protraction Diagram No. 29, accepted May 6, 1965. The public land order effecting the continuation, if issued, will conform the above legal description as nearly as practicable to the protraction diagram. The record file for the withdrawal action is on file with the Bureau of Land Management, Colorado State Office and available for review.

The purpose of the withdrawal is for protection of land for the existing Platoro Dam and Reservoir, used to store floodwaters of the Conejos River and to provide supplemental irrigation water to approximately 73,890 acres of irrigable land. The reservoir is a part of the Bureau of Reclamation's San Luis Valley Project. The wihdrawal segreggates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the State Director, in the Colorado State Office.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire a public meeting for the purpose of being heard must submit a written request to the State Director, within 90 days from the date of publication of this notice. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

**Robert D. Dinsmore,**

*Chief, Branch of Lands & Minerals Operations.*

[FR Doc. 84-8943 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-JB-M

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[NM 15843]

## New Mexico; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97-451, Thomas J. Jeffrey petitioned for reinstatement of oil and gas lease NM 15843 covering the following described lands located in McKinley County, New Mexico:

T. 17 N., R. 9 W., NMPM,
Sec. 34: All.
Containing 640.00 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $5.00 per acre per year and royalties shall be at the rate of 16⅔ percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, September 1, 1982.

Dated: March 27, 1984.

**Monte G. Jordan,**

*Associate State Director.*

[FR Doc. 84-8948 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-FB-M

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[NM 25452]

## New Mexico; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97-451, Hixon Development Company petitioned for reinstatement of oil and gas lease NM 25452 covering the following described lands located in San Juan County, New Mexico:

T. 25 N., R. 12 W., NMPM,
Sec. 29: NE¼NE¼, W½NE¼, NW¼.
Containing 280.00 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $10.00 per acre, or fraction thereof, per year and the royalty rate to 16⅔ percent, computed on a sliding scale 4 percentage points greater than the competitive royalty schedule attached to the lease. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, July 1, 1980.

Dated: March 27, 1984.

**Monte G. Jordan,**

*Associate State Director.*

[FR Doc. 84-8949 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-FB-M

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[NM 25447]

## New Mexico; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97-451, Hixon Development Company petitioned for reinstatement of oil and gas lease NM 25447 covering the following described lands located in San Juan County, New Mexico:

T. 25 N., R. 12 W., NMPM,
Sec. 19: Lots 1, 2, NE¼, E½NW¼.
Containing 319.15 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $10.00 per acre, or fraction thereof, per year and the royalty rate to 16⅔ percent, computed on a sliding scale 4 percentage points greater than the competitive royalty schedule attached to the lease. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, July 1, 1980.

Dated: March 27, 1984.

**Monte G. Jordan,**

*Associate State Director.*

[FR Doc. 84-8950 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-FB-M

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[NM 45240-(Okla.)]

## New Mexico; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97-451, Mayco Exploration Company petitioned for reinstatement of oil and gas lease NM 45240-(Okla.) covering the following described lands located in Woods County, Oklahoma:

T. 29 N., R. 17 W., I. M.,
Sec. 32: SW¼ SE¼.
Containing 40.00 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $10.00 per acre, or fraction thereof, per year and the royalty rate to 16⅔ percent, computed on a sliding scale 4 percentage points greater than the competitive royalty schedule attached to the lease. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, August 1, 1983.

Dated: March 27, 1984.

**Monte G. Jordan,**

*Associate State Director.*

[FR Doc. 84-8951 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-FB-M

[NM 14310]

## New Mexico; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97-451, Texas Oil & Gas Corporation petitioned for reinstatement of oil and gas lease NM 14310 covering the following described lands located in Chaves County, New Mexico:

T. 6 S., R. 29 E., NMPM.
Sec. 1: Lots 3, 4.
Sec. 10: NE¼SE¼.
Sec. 11: NE¼, S½.
Sec. 12: W½NW¼.
Sec. 14: N½.
Sec. 15: NE¼NE¼, S½NE¼, SE¼.
Containing 1,447.78 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $5.00 per acre per year and royalties shall be at the rate of 16⅔ percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, September 1, 1981.

Dated: March 27, 1984.

**Monte G. Jordan,**

*Associate State Director.*

[FR Doc. 84-8952 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-FB-M

[OR 17295 (Wash.)]

## Washingon; Termination of Proposed Disposal Classification

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** This action terminates a proposed classification decision and will also open 5,853.50 acres of public land to surface entry and mining. The lands have been and remain open to mineral leasing.

**EFFECTIVE DATE:** May 14, 1984.

**ADDRESS:** Inquiries concerning the lands should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

**FOR FURTHER INFORMATION CONTACT:** Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

**SUPPLEMENTARY INFORMATION:** 1. By order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on May 2, 1977 (42 FR 22205), pursuant to the provisions of 43 CFR 2400 the following described lands were proposed to be classified for disposal by exchange under the Act of October 21, 1976 (90 Stat. 2743, 2756; 43 U.S.C. 1716).

Willamette Meridian

T. 12 N., R. 20 E.,
Sec. 12, E½E½.
T. 12 N., R. 21 E.,
Sec. 2, SW¼NW¼ and NW¼SW¼;
Sec. 4, Fractional N½N½, S½N½, E½ SW¼, and SW¼;
Sec. 8, NW¼NE¼ and NE¼NW¼;
Sec. 10;
Sec. 14, SW¼.
T 13 N., R. 21 E.,
Sec. 32, N½Nw¼ and E½SE¼;
Sec. 34, W½.
T. 12 N., R. 22 E.,
Sec. 12, NW¼ and S½;
Sec. 18, Lots 1, 2, 3, and 4, E½W½, and E½.
T. 12 N., R. 23 E.,
Sec. 2, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 10, NE¼ and NE¼NW¼;
Sec. 12, NE¼, N½NW¼, and E½SE¼.
T. 11 N., R. 24 E.,
Sec. 4, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 6, SE¼SW¼ and S½SE¼.
T. 12 N., R. 24 E.,
Sec. 4, N½SW¼;
Sec. 6, Lots 3, 4, 5, 6, and 7, SE¼NW¼, and E½SE¼;
Sec. 22, SW¼.
T. 13 N., R. 24 E.,
Sec. 20, E½SE¼;
Sec. 22, W½SW¼ and SE¼SW¼.

The areas described aggregate 5,853.50 acres in Benton and Yakima Counties, Washington.

2. Pursuant to 43 CFR 2461.5(b)(2), the proposed classification is terminated upon publication of this notice in the **Federal Register.**

3. At 8:30 a.m., on May 14, 1984, the lands described in paragraph 1 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on May 14, 1984, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 8:30 a.m., on May 14, 1984, the lands described in paragraph 1 will be open to location and entry under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

5. The land has been and remains open to applications and offers under the mineral leasing laws.

Dated: March 27, 1984.

**Harold A. Berends,**

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 84-8935 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-33-M

[Int. FEIS 84-10]

## Final Medford Grazing Management Environmental Impact Statement; FEIS Availability

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Availability of Final Environmental Impact Statement.

**SUMMARY:** Pursuant to section 202(f) of the Federal Land Policy and Management Act (FLPMA) and section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Impact Statement for the Medford EIS area. The proposal involves implementing a livestock grazing program on public lands within the Medford EIS area of the Medford District in southwestern Oregon.

Public reading copies will be available for review at the following locations:

Klamath County Library, Klamath Falls, Oregon
Josephine County Library, Grants Pass, Oregon
Coos County Library, Coquille, Oregon
Curry County Library, Gold Beach, Oregon
Douglas County Library, Roseburg, Oregon
Jackson County Library, Medford, Oregon
Rogue Community College Library, Grants Pass, Oregon
Library, Southern Oregon State College, Ashland, Oregon
Library, Oregon Institute of Technology, Klamath Falls, Oregon
Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah Street, Portland, Oregon
Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon 97504
Library, University of Oregon, Eugene, Oregon
Library, Portland State University, 727 S.W. Harrison, Portland, Oregon
Library, Oregon State University, Corvallis, Oregon

A limited number of copies are available upon request to the BLM Medford District Office. The final EIS is published in an abbreviated format and is designed to be used with the Draft EIS published in September, 1983. Portions of the draft that did not require changes are included in the final document by reference. Changes and additions to the draft resulting from public comments have been incorporated into the final document.

Written comments on the final EIS should be sent by the end of April, 1984 to: District Manager, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97504.

**FOR FURTHER INFORMATION CONTACT:** Joseph Ross, Medford District Office, Telephone: (503) 776–4604.

**SUPPLEMENTARY INFORMATION:** The proposed Josephine and Jackson-Klamath plan amendments for grazing shall be approved by the Oregon State Director no earlier than thirty days after publication in the **Federal Register** of the Evironmental Protection Agency's notice of filing. The approval of the plan amendments will be documented in a record of decision, which will be available for public review. Approval will be withheld on any portion of the plan amendments protested until final action has been completed on such protest. Protests must conform to the requirements of 43 CFR 1610.5–2 and be filed with the Director of the Bureau of Land Management within thirty days of publication of the notice of filing.

Dated: March 27, 1984.

**Stanley D. Butzer,**

*Deputy State Director for Lands and Renewable Resources.*

[FR Doc. 84–8900 Filed 4–3–84; 8:45 am]

BILLING CODE 4310–33–M

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**[AA–6680–B and AA–6680–C]**

## Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (ANCSA), will be issued to Paug-Vik Incorporated, Limited, for approximately 2,302 acres. The lands involved are within the Seward Meridan, Alaska:

T. 17 S., R. 44 W.
T. 17 S., R. 45 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision of the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until May 4, 1984 to file an appeal.

Any party know or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

U.S. Department of the Army, Alaska District Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510
State of Alaska, Department of Natural Resources, Division of Technical Services Title Administration, Pouch 10–7035, Anchorage, Alaska 99510–7035
Paug-Vik Incorporated, Limited, P.O. Box 61, Naknek, Alaska 99633
Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576

**Barbara A. Lange,**

*Section Chief, Branch of ANCSA Adjudication.*

[FR Doc. 84–8880 Filed 4–3–84; 8:45 am]

BILLING CODE 4310–JA–M

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## Minerals Management Service

## Receipt of Proposed 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 Cities Service Oil and Gas Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4548, Block 685, Matagorda Island Area, offshore Texas. 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 Galveston, Texas.

**DATE:** The subject DOCD was deemed submitted on March 5, 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 Managment 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. 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.

**SUPPLMENTARY 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 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 § 250.34 of Title 30 of the CFR.

Dated: March 27, 1984.

**John L. Rankin,**

*Regional Manager, Gulf of Mexico Region.*

[FR Doc. 84–8954 Filed 4–3–84; 8:45 am]

BILLING CODE 4310–MR–M

## National Park Service

### Availability Draft Land Protection Plan; Buffalo National River, Arkansas

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, Part 516 of the Departmental Manual, Chapter 1 of Title 36 of the Code of Federal Regulations, and the policy statement for Preparation of Land Protection Plans printed in the Federal Register on May 11, 1983 (48 FR 21121), the National Park Service has prepared a Draft Land Protection Plan for Buffalo National River, Searcy, Newton, Baxter and Marion Counties, Arkansas.

The Draft Land Protection Plan addresses the protection of 3,584.57 acres within the established boundaries that have not been acquired. It considers alternate means of protection, establishes priorities, provides for public use and safety and identifies what land or interest in land needs to be in Federal ownership in order to achieve management purposes consistent with the intent of Congress in authorizing the park.

Copies of the Draft Land Protection Plan are available from Buffalo National River, Post Office Box 1173, Harrison, Arkansas 72601; and the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Anyone wishing to comment on the Draft Land Protection Plan should provide them to the Superintendent, Buffalo National River, at the address provided above, within 30 days from the publication date of this notice.

Dated: March 23, 1984.

**Robert I. Kerr,**

*Regional Director, Southwest Region.*

[FR Doc. 84–8922 Filed 4–3–84; 8:45 am]

BILLING CODE 4310–70–M

### Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, May 19, 1984, at 1:00 p.m. in the War Memorial Building, 2nd floor (also known as the Men's Club) on the corner of King and German Street, Shepherdstown, West Virginia.

The Commission was established by Pub. L. 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Carrie Johnson, Chairman, Arlington, Virginia
Mr. Carl L. Shipley, Washington, D.C.
Ms. Polly Bloedorn, Bethesda, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. William H. Ansel, Jr. Romney, West Virginia
Mr. Silas Starry, Shepherdstown, West Virginia
Ms. Bonnie Troxell, Cumberland, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. Rockwood H. Foster, Washington, D.C.
Mr. Barry Passett, Washington, D.C.
Ms. Barbara Yeaman, Brookmont, Maryland
Ms. Joan LaRock, Lovettsville, Virginia
Ms. Elise Heinz, Arlington, Virginia
Ms. Marjorie Stanley, Silver Spring, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. R. Lee Downey, Williamsport, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland

Matters to be discussed at this meeting include:

1. Old and new business
2. Superintendent's Report
3. Committee Reports, Plans and Projects Committee, Recreation Policies and Issues Committee, and Resource Protection Committee
4. Public Comments

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: March 28, 1984.

**Robert Stanton,**

*Acting Regional Director, National Capital Region.*

[FR Doc. 84–8923 Filed 4–3–84; 8:45 am]

BILLING CODE 4310–70–M

### Proposed Land Exchange, Cape Krusenstern National Monument; Opportunity for Public Comment

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of public meeting and availability of draft decision documents.

**SUMMARY:** The Department of the Interior and the NANA Regional Corporation are proposing a land exchange at the Cape Krusenstern National Monument. A public meeting is scheduled to explain the proposed exchange and to provide an opportunity for public comment. Copies of draft final administrative decision documents will be available in advance of the meeting for review.

**DATES:** Public meeting—Tuesday, May 1, 1984, 7:30 p.m. Written comments will be accepted through May 21, 1984.

**ADDRESSES:** Public Meeting—

National Park Service, Alaska Regional Office, Room 110, 2525 Gambell Street, Anchorage, Alaska

Regional Director, National Park Service, Alaska Regional Office, Room 107, 2525 Gambell Street, Anchorage, Alaska 99503–2892

**FOR FURTHER INFORMATION CONTACT:** Michael Finley, Associate Regional Director, Operations, National Park Service, Alaska Regional Office, Anchorage, Alaska (907) 271–4196.

**SUPPLEMENTARY INFORMATION:** The purpose of this public meeting is to review the proposed land exchange and receive public comment regarding the proposal. For those persons who cannot attend this public meeting, the National Park Service will accept and consider written comments received through May 21, 1984.

In cooperation with the State of Alaska and in the interest of better serving the public, comments will also be heard and accepted at the meeting by the State Office of Management and Budget, Division of Governmental Coordination, regarding the consistency of the proposed land exchange with the Alaska coastal management program.

Several administrative decision documents are in preparation. Four of these will be available in final draft form for public review on April 10, 1984. These documents are: (1) Agreement between NANA Regional Corporation, Inc., and the United States of America; (2) Resource Evaluation; (3) Public Interest Determination; and (4) An Evaluation of the Effects on Subsistence of a Proposed Land Trade in Cape Krusenstern National Monument. The documents may be reviewed or obtained in person at the following National Park Service Offices:

Alaska Regional Office, 2525 Gambell Street, Anchorage, Alaska
Office of the Superintendent, Northwest Areas, Kotzebue, Alaska
Room 3219, Alaska Programs, Department of the Interior Bldg., 18th and C Sts., NW., Washington, D.C.

Public comment, either oral or written, should preferably be based on the content of these documents. Appendix A of this notice provides further background and the basis for further negotiation of the exchange.

**Robert L. Peterson,**

*Acting Regional Director, Alaska Region.*

**Appendix A**

The Secretary of the Interior
*Washington*
March 12, 1984.

Mr. John Schaeffer,
*President, NANA Regional Corporation, P.O. Box 49, Kotzebue, Alaska 99750*

Dear Mr. Schaeffer: For the past several weeks, representatives of my staff and the NANA Regional Corporation have been engaged in discussions and negotiations concerning a proposed land exchange pursuant to section 1302(h) of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. 3192(h) and 22(f) of ANCSA, 43 C.F.R. 1621(f), involving lands within the NANA Region and the Cape Krusenstern National Monument. This letter will set forth our mutual understanding of what we are considering, and will serve as the basis for further negotiations. It should be recognized, however, that various administrative findings are required before a formal exchange may be effectuated.

Prior to execution of an agreement, the following administrative work, as a matter of law, policy or comity, must be satisfactorily completed:

1. Compliance with section 7 of the Endangered Species Act.
2. Compliance with section 106 of the National Historic Preservation Act.
3. Compliance with OMB Circular A–95.
4. Compliance with section 307 of the Coastal Zone Management Act.
5. Completion of a resource evaluation.
6. A determination that the exchange is for equal value or that it is in the public interest.
7. Coordination with the Alaska Land Use Council.
8. A subsistence evaluation and determination under section 810 of ANILCA.

Completion of these administrative tasks, and the resulting conclusions from these reviews, must support the exhange. Furthermore, the appraisals must demonstrate that the United States is receiving a reasonable value, the exchange must not undermine the essential integrity of Cape Krusenstern National Monument, and it must provide a net benefit for the National Park System.

Although this Department has made, and I can make, no binding commitment to an exchange at this time, it is my intent to pursue an exchange within the parameters negotiated so far as outlined in this letter. I will proceed with a good faith effort to negotiate a final agreement consistent with this outline unless the administrative work listed causes me to reach the conclusion that the exchange is not in the public interest.

The outline of the potential exchange would be as follows:

**A. Obligations of United States**

(1) The United States would convey approximately 62,723 acres to NANA, within the Cape Krusenstern National Monument, more particularly described as follows:

*Kateel River Meridian*

T. 25 N., R. 23 W., Secs. 5 NW¼, and 6;
T. 26 N., R. 22 W., Secs. 4–8, 17 and 18;
T. 26 N., R. 23 W., Secs. 1–23, 24 N½ and SW¼, 25 W½, and 26–32;
T. 27 N., R. 22 W., Secs. 1–10, 15–21, 22 W½, and 28–33;
T. 27 N., R. 23 W., All;

Aggregating 62,723 acres more or less.

(2) In addition, I would convey to NANA approximately 32,300 acres within the monument from prior selections, and NANA would have the lands so conveyed charged against its land entitlements under sections 12(b) and 12(c) of the Alaska Native Claims Settlement Act (ANCSA) as appropriate, said lands particularly described as follows:

*Kateel River Meridian*

T.25 N., R.24 W., Secs. 1–2 and 11–14;
T.26 N., R.24 W., Secs. 1–16, 21–28, and 34–36;
T.27 N., R.24 W., Secs. 11–15, 22–29, and 32–36;

Aggregating 32,300 acres more or less.

(3) I would agree to grant to NANA any necessary winter trail easement or easements for travel related to subsistence across monument lands exchanged or relinquished by NANA pursuant to paragraph B(1) of this letter.

(4) The exchange agreement would recognize that title to all lands relinquished by NANA pursuant to paragraph B(1) of this letter would remain in the United States and therefore would continue to be "public lands" as that term is defined in section 102(3) of ANILCA for the purposes of title VIII of ANILCA.

**B. Obligations of NANA**

(1) NANA would relinquish all village and regional selections of approximately 101,005 acres within the Monument, made pursuant to sections 12(a), 12(b), 12(c), 14(h)(1) or 14(h)(8), of the Alaska Native Claims Settlement Act, said lands more particularly being located in:

*Kateel River Meridian*

T.23 N., R.21 W., All;
T.24 N., R.21 W.;
T.25 N., R.21 W.;
T.26 N., R.20 W.;
T.26 N., R.21 W.;
T.27 N., R.20 W.;
T.27 N., R.21 W.

Those lands selected by NANA within the area described in this paragraph B(1) and which lie outside the Monument boundary may be retained. The acreage selected by NANA pursuant to section 12(c) of ANCSA within the area described in this paragraph B(1) and which lies within the Moument would be retained by the United States and 64,894 acres, more or less, would be charged against NANA's 12(c) entitlement.

(2) NANA would convey to the United States easements or equitable servitudes on the following described lands, or agree to convenants running with the lands, as appropriate, which would provide for all aspects of cultural resources protection and research related thereto by the National Park Service, as well as National Park Service participation in planning related to any development on the described lands. These lands are composed of approximately 10,942 acres within the Moument, and are more particularly described as:

*Kateel River Meridian*

T. 19 N., R 19 W. (partial towship), all, excluding any valid Alaska Native Allotments; Aggregating 10,942 acres more or less.

(3) NANA would release its interests to approximately 2,010 acres within the Monument to the United States, said lands more particularly described as:

*Kateel River Meridian*

T. 25 N., R. 24 W., Sections 23 S½, 24, 25, 26 and 36, aggregating 2,010 acres more or less.

Those lands already conveyed to NANA would be reconveyed to the United States, and the charge for such acreage against NANA's entitlement would be reduced accordingly. NANA would be entitled to select an equal acreage from land validly selected by NANA in the section 11(a)(1) withdrawal area for the village of Kivalina; the land would be adjacent to lands owned or to be owned by a Native Corporation, would be in one compact tract and would be specifically identified in the final exchange agreement. Those areas selected but not yet conveyed would be relinquished, and there wold be no charge for such acreage against NANA's entitlement.

(4) NANA would agree to allow the United States to include in the conveyance of the lands to NANA by the Secretary pursuant to paragraph A(1) of this letter, covenants running with the land, easements, and equitable servitudes, as appropriate, providing for:

(a) Reasonable access to and procedures for survey and examination of archeological sites known or discovered within the land, and procedures agreed to by the parties for the protection, collection and disposal of archeological specimens, such procedures to be part of the final exchange agreement.

(b) Reasonable right of access by National Park Service employees and contractors to undertake research related to Monument resources.

(c) Protection of wildlife and habitat, in particular caribou and musk oxen, and mitigation of any significantly adverse impacts during construction of any future roads or other developments, and control of vehicular traffic on any roads for the purpose of avoiding significant disturbance to the caribou.

(d) Protection of active peregrine falcon nests known or discovered, consistent with existing policies of the U.S. Fish and Wildlife Service.

(e) Protection for anadromous or other fish passage, consistent with the policies and procedures of the State of Alaska under Title 16 of the Alaska Statutes.

(f) National Park Service participation in planning related to the development of material sites, including the mitigation of adverse visual impacts.

(g) Reclamation of gravel extraction sites.

(5) NANA would execute a sufficient interest in land for a 5-acre administrative site, including a ranger station, a visitor facility, and a camp site and related facilities, for the National Park Service at a location to be mutually agreeable to the parties within the Onion Portage Historic District, Kobuk Valley National Park. The interest in land would be for as long as the National Park Service would utilize the site for said administrative purposes, at no cost to the United States. Other terms and conditions of the interest in land are subject to negotiation. The terms and conditions would not unreasonably or significantly interfere with the use of the site by the National Park Service.

(6) Without either admitting or denying the legal position of the Department of the Interior, NANA would not challenge the use by the United States of sand and gravel under any easement reserved pursuant to section 17(b)(1) of the Alaska Native Claims Settlement Act if the sand and gravel is used for purposes of either developing or maintaining the easement under which the sand and gravel lies.

C. General

NANA and the Department of the Interior agree to further negotiate a provision in the formal agreement concerning an option or options for NANA to rescind the agreement. Both parties agree to negotiate such provision in good faith, recognizing that the Department of the Interior must receive adequate consideration for such option or options.

We will proceed with the various steps that could lead to a formal exchange agreement, with the clear understanding that I have made no binding commitment to the exchange, nor can I at this time. By your acceptance of this letter of intent, you agree that your corporation, subject to the conditions set forth above, will pursue negotiation of an exchange as outlined previously, and will continue to act in good faith. I acknowledge, also, that the terms of any agreement must be approved by the NANA Board.

Accepted: This 14th day of March, 1984.

Sincerely,

William Clark

NANA Regional Corporation.

By John Schaeffer.

[FR Doc. 84-8920 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-70-M

## General Management Planning; Harry S Truman National Historic Site, Missouri; Public Meetings

Notice is hereby given that meetings will be conducted to inform the public about the initiation of a General Management Plan for Harry S Truman National Historic Site. These meetings will be conducted as open houses at the following locations.

April 4, 1984, 1:00–4:00 p.m. and 6:00–9:00 p.m., Arthur Mag Center, 425 Volker Boulevard, Kansas City, Missouri

April 5, 1984 1:00–4:00 p.m. and 6:00–9:00 p.m., Blue Room, Roger T. Sermon Community Center, 201 North Dodgion, Independence, Missouri

A document describing a range of management alternatives for the site and including a mail-in response form will be distributed at these meetings. Copies of this document may also be obtained from the Superintendent, Harry S Truman National Historic Site, c/o Harry S. Truman Library, Independence, Missouri 64050. The Superintendent and other members of the planning team will be available at the meetings to respond to questions about the planning effort.

Dated: March 23, 1984.

**Randall R. Pope,**

*Acting Regional Director, Midwest Region.*

[FR Doc. 84-8880 Filed 4-3-84; 8:45 am]

BILLING CODE 4310-70-M

## Bureau of Reclamation

## Colorado River Water Quality Improvement Program Uinta Basin Salinity Control Unit, Utah; Intent To Prepare a Draft Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare a draft environmental statement integrated with a planning report for the Uinta Basin Unit, Utah, of the Colorado River Water Quality Improvement Program. The purpose of the unit is to control salt picked up by surface and ground water within the Uinta Basin by preventing the salt from entering the Colorado River where it causes economic problems for municipal, industrial, and agricultural water users downstream. Approximately 450,000 tons of salt annually enter the Colorado River from the Uinta Basin Unit area.

Alternatives being evaluated include: lining irrigation canals and laterals to reduce seepage losses and thus reduce the salt load carried to the Colorado River; collecting saline water and disposing of it through deep well injection, evaporation ponds, or a desalting plant; using saline water for energy development, for transportation of coal through a coal-slurry pipeline, or for cooling purposes at a local powerplant; and the retirement from irrigation of high salt contributing lands.

The present investigation has been underway since November 1976. During this time, interested agencies and individuals have been informed of the study's progress and have contributed much information. Future scoping meetings will be held in the project area to solicit information from the public to assist in determining the scope of the planning report/draft environmental statement and to identify significant environmental issues that should be studied. The draft should be available for review and comment in the summer of 1985.

In addition to addressing the impacts of construction and operation of the project, the process will insure compliance with Executive Orders relating to Floodplain Management (11988) and Protection of Wetlands (11990).

For further information or to provide input, please contact Mr. Jay Franson at the Utah Projects Office, Bureau of Reclamation, P.O. Box 1338, Provo, Utah 84603; or call him at (801) 379–1155.

Dated: March 29, 1984.

**James Furse, Jr.,**

*Acting Commissioner.*

[FR Doc. 84–8881 Filed 4–3–84; 8:45 am]

BILLING CODE 4310–09–M

## Office of Surface Mining Reclamation and Enforcement

### Postponement of Public Hearing for the National Wildlife Federation/ Wyoming Wildlife Federation's Petition To Designate the Red Rim Area, Carbon and Sweetwater Counties, Wyoming, as Unsuitable for Surface Coal Mining Operations; Extension of Comment Period for the Petition and Draft Combined Petition Evaluation Document/Environmental Impact Statement

**AGENCY:** Office of Suface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Notice of date changes for public hearing and close of public comments on petition and draft petition evaluation document/environmental impact statement (PED/EIS).

**SUMMARY:** The public hearing on the Red Rim Unsuitability Petition, scheduled to held on April 9, 1984, has been postponed indefinitely by the Wyoming Enviromental Quality Council (EQC). In the interest of maintaining joint administrative proceedings with the State of Wyoming, OSM has concurred in the hearing postponement. The comment period on the petition and the draft PED/EIS is extended until further notice. Notice of the hearing date and close of the comment period will be made in the **Federal Register**.

**DATES:** The date of the public hearing will be announced. Public comments on the petition and draft PED/EIS will be accepted until further notice.

**ADDRESSES:** The administrative record of the Red Rim petition process is located at, and written comments may be submitted to, the following two locations:

Office of Surface Mining, 2d Floor, Brooks Towers, 1020 15th Street, Denver, Colorado 80202

Wyoming Department of Environmental Quality, Equality State Bank Building, 401 West 19th Street, Cheyenne, Wyoming 82002.

The administrative record is also located at the following locations:

Bureau of Land Management, District Office, 1300 North 3d Street, Rawlins, Wyoming 82301

Office of the County Clerk, Carbon County Courthouse, Fifth and Spruce Street, Rawlins, Wyoming 823091.

**FOR FURTHER INFORMATION CONTACT:** Charles Albrecht, OSM, Western Technical Center (telephone (303) 837–5421; FTS 327–5421), or Rick Lawton, Wyoming Department of Environmental Quality (DEQ) (telephone (307) 777–7756), at the addresses listed above.

**SUPPLEMENTARY INFORMATION:** On March 5, 1984 (49 FR 8092), OSM and the Wyoming EQC rescheduled the public hearing to receive comment on the National Wildlife Federation/Wyoming Wildlife Federation's petition to designate the Red Rim area as unsuitable for surface coal mining operations. The hearing was set for April 9, 1984, in Rawlins, Wyoming. On March 29, 1984, the Wyoming EQC granted an indefinite postponement of that hearing. In the interest of maintaining joint administrative proceedings with the State of Wyoming, OSM has concurred in the postponement of the hearing. OSM will attempt to reschedule the hearing at a future date that will minimize the inconvenience to persons wishing to present oral testimony. In addition, the public comment period on the petition and the draft PED/EIS which was scheduled to close on April 20, 1984, will remain open until further notice. Notice of the hearing date, time, and place, and of the date for the close of comments on the petition and the draft PED/EIS will be published in the **Federal Register** at a later date.

For further information on previously scheduled public hearings and comment periods for the Red Rim petition see the October 20, 1983, **Federal Register** notice (48 FR 48724) on the availability of the draft PED/EIS and notice of public hearing; the January 4, 1984, **Federal Register** notice (49 FR 521) on continuance of the hearing and extension of the comment period; and the March 5, 1984, notice (49 FR 8092) on rescheduling of the hearing and extension of comment period.

Dated: April 2, 1984.

**Brent Wahlquist,**

*Assistant Director, Technical Services and Research.*

[FR Doc. 84–9117 Filed 4–3–84; 8:45 am]

BILLING CODE 4310–05–M

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731–TA–148 (Final)]**

### Fresh Cut Roses From Colombia

**AGENCY:** International Trade Commission.

**ACTION:** Institution of final antidumping investigation and scheduling of a public hearing to be held in connection with the investigation.

**EFFECTIVE DATE:** March 14, 1984.

**SUMMARY:** As a result of an affirmative preliminary determination by the U.S. Department of Commerce that imports of fresh cut roses from Colombia, provided for in item 192.18 of the Tariff Schedules of the United States are being or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–148 (final) under section 735(b) of the act (19 U.S.C. 167 3d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Colombia of such merchandise. The Department of Commerce is scheduled to make its final determination in the case on or before June 27, 1984, and the Commission will make its final injury determination by August 13, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Burket (202–724–0088), Office of Industries, U.S. International Trade Commission.

**SUPPLEMENTARY INFORMATION:**

### Background

On November 7, 1983, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of fresh cut roses from Colombia, which were alleged to be sold at less than fair value in the United States. The preliminary investigation was instituted in response to a petition filed on

September 30, 1983, by counsel for Roses, Inc., an association of rose growers.

**Participation in the Investigation**

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c)).

**Staff Report**

A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on June 18, 1984, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

**Hearing**

The Commission will hold a hearing in connection with the investigation beginning at 10:00 a.m., on June 28, 1984, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on June 20, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on June 22, 1984, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is June 22, 1984.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR § 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on July 9, 1984.

**Written Submissions**

As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who had not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before July 9, 1984. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subpart A and C (19 CFR Part 207), and part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's rule (19 CFR 207.20).

By order of the Commission.

Issued: March 28, 1984.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 84-8961 Filed 4-3-84; 8:45 am]

BILLING CODE 7020-02-M

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**[Investigation No. 337-TA-161]]**

## Certain Trolley Wheel Assemblies; Commission Decision Not To Review Initial Determination Terminating Respondent on the Basis of a Consent Order; Issuance of Consent Order

**AGENCY:** 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 Tri-II, Inc., on the basis of a settlement agreement and consent order.

**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 March 7, 1984, 49 FR 8504. No petitions for review or agency or public comments were received.

**FOR FURTHER INFORMATION CONTACT:** Sheila Landers, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0359.

By order of the Commission.

Issued: March 26, 1984.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 84-8962 Filed 4-3-84; 8:45 am]

BILLING CODE 7020-02-M

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**[Investigation No. 337-TA-188]**

## Certain Fluidized Supporting Apparatus and Components Thereof; Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge James P. Timony 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: March 23, 1984.

**Donald K. Duvall,**

*Chief Administrative Law Judge.*

[FR Doc. 84-8963 Filed 4-3-84; 8:45 am]

BILLING CODE 7020-02-M

**[Investigations Nos. 701-TA-212 and 731-TA-169 through 182 (Preliminary)]**

## Certain Carbon Steel Products From Argentina, Australia, Finland, South Africa, and Spain

### Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Australia of galvanized carbon steel sheet, provided for in items 608.07 and 608.13 of the Tariff Schedules of the United States (TSUS), which are alleged to be subsidized by the Government of Australia (investigation No. 701-TA-212 (Preliminary)). The Commission also determines, pursuant to section 733(a) of the act (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 of the following products which are alleged to be sold in the United States at less than fair value (LTFV):

Carbon steel plate not in coils, provided for in item 607.66 of the TSUS, from—
- Finland (investigation No. 731-TA-169 (Preliminary));
- South Africa (investigation No. 731-TA-170 (Preliminary)); [3] and
- Spain (investigation No. 731-TA-171 (Preliminary)); [4]

Carbon steel plate in coils, provided for in item 607.66 of the TSUS, from—
- South Africa (investigation No. 731-TA-172 (Preliminary)); [5] and
- Spain (investigation No. 731-TA-173 (Preliminary)); [6]

Hot-rolled carbon steel sheet, provided for in items 607.67 and 607.83 of the TSUS, from South Africa (investigation No. 731-TA-174 (Preliminary));

Cold-rolled carbon steel sheet, provided for in item 607.83 of the TSUS, from—
- Argentina (investigation No. 731-TA-175 (Preliminary));
- South Africa (investigation No. 731-TA-176 (Preliminary)); and
- Spain (investigation No. 731-TA-177 (Preliminary)); [7]

Galvanized carbon steel sheet, provided for in items 608.07 and 608.13 of the TSUS, from—
- Australia (investigation No. 731-TA-178 (Preliminary));
- South Africa (investigation No. 731-TA-179 (Preliminary)); and
- Spain (investigation No. 731-TA-180 (Preliminary)); and

Carbon steel angles, shapes, and sections having a maximum cross-sectional dimension of 3 inches or more, provided for in item 609.80 of the TSUS, from—
- South Africa (investigation No. 731-TA-181 (Preliminary)); and
- Spain (investigation No. 731-TA-182 (Preliminary)).

### Background

On February 10, 1984, United States Steel Corp., Pittsburgh, Pa., filed petitions with the Commission and the Department of Commerce alleging that an industry in the United States is materially injured or threatened with material injury by reason of imports from Argentina, Australia, Finland, South Africa, and Spain of certain carbon steel products which are being subsidized by the foreign Government and/or sold in the United States at LTFV. Accordingly, effective that date, the Commission instituted preliminary countervailing duty and antidumping investigations under sections 703(a) and 733(a), respectively, of the act 19 U.S.C. 1671b(a) and 1673b(a)).

Notice of the institution of the Commission's investigations 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 February 23, 1984 (49 FR 6808). The Commission's conference was held in Washington, D.C. on March 7, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on these investigations to the Secretary of Commerce on March 26, 1984. A public version of the Commission's report, Certain Carbon Steel Products from Argentina, Australia, Finland, South Africa, and Spain (investigations Nos. 701-TA-212 and 731-TA-169 through 182 (preliminary)), USITC Publication 1510, March 1984) contains the views of the Commission and information developed during the investigations.

By order of the Commission.

Issued: March 26, 1984.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 84-8964 Filed 4-3-84; 8:45 am]

BILLING CODE 7020-02-M

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**[Investigation No. 337-TA-152]**

## Certain Plastic Food Storage Containers; Commission Determination Not To Review Initial Determination of Default Against Certain Respondents and Imposing Sanctions

**AGENCY:** International Trade Commission.

**ACTION:** The Commission has determined not to review an initial determination (ID) to default certain respondents and to impose sanctions.

**Authority:** 19 U.S.C. 1337; 19 CFR 210.53(c) and (h).

**SUPPLEMENTARY INFORMATION:** On December 9, 1983, complainant Dart Industries Inc. filed a motion (Motion No. 152-14) for default and remedies for respondents' failure to make discovery. On January 13, 1984, complainant filed a supplemental motion for default and sanctions against respondents Lemarle B.V. and International Porcelain, Inc., who had not been included in the original motion. On February 6, 1984, the presiding officer (ALJ) issued Order No. 22, requiring the two respondents to show cause why they should not be held in default and why sanctions should not be imposed. Neither respondent responded. On March 5, 1984, the ALJ issued an ID (Order No. 23) granting the motion and imposing the same sanctions previously ordered against the other respondents.

The Commission received neither a petition for review of the ID nor comments from other Government agencies.

**FOR FURTHER INFORMATION CONTACT:** Jack Simmons, Esq., Office of the General Counsel, 202-523-0493.

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern dissenting.

[3] Commissioners Stern and Haggart made a single affirmative determination concerning imports from South Africa of carbon steel plate not in coils and carbon steel plate in coils (invs. Nos. 731-TA-170 and 172 (Preliminary)).

[4] Commissioners Stern and Haggart made a single affirmative determination concerning imports from Spain of carbon steel plate not in coils and carbon steel plate in coils (invs. Nos. 731-TA-171 and 173 (Preliminary)).

[5] Commissioners Stern and Haggart made a single affirmative determination concerning imports from South Africa of carbon steel plate not in coils and carbon steel plate in coils ((invs. Nos. 731-TA-170 and 172 (Preliminary)).

[6] Commissioners Stern and Haggart made a single affirmative determination concerning imports from Spain of carbon steel plate not in coils and carbon steel plate in coils ((invs. Nos. 731-TA-171 and 173 (Preliminary)).

[7] Commissioner Stern dissenting.

By order of the Commission.

Issued: March 26, 1984.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 84-8966 Filed 4-3-84; 8:45 am]

BILLING CODE 7020-02-M

## INTERSTATE COMMERCE COMMISSION

**[Sec. 5a Application No. 60; Amdt. No. 5]**

### Rocky Mountain Motor Tariff Bureau, Inc. Agreement

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of decision and request for comment.

**SUMMARY:** Rocky Mountain Motor Tariff Bureau, Inc., has filed, pursuant to section 14(e) of the Motor Carrier Act of 1980, an application for approval of its ratemaking agreement under 49 U.S.C. 10706(b). Because several modifications are required before the agreement receives final approval, and because of the new and complex questions involved in determining whether the agreement is consistent with the 1980 Act and the decision implementing it, the Commission has decided to solicit public comment on its interpretation and application of specific rate bureau provisions. Copies of applicant's proposed amended agreement are available for public inspection and copying at the Office of the Secretary, Interstate Commerce Commission, 12th St. and Constitution Ave., N.W., Washington, DC 20423, and from applicant's representatives:

Arthur J. Cerra, Stinson, Mag & Fizzell, P.O. Box 19251, Kansas City, MO 64141

Z. L. Pearson, Jr., Rocky Mountain Motor Tariff Bureau, Inc., P.O. Box 5746, Denver, CO 80217

Copies of the complete Commission decision are available for inspection and copying at the Interstate Commerce Commission, or may be purchased from TS Infosystems, Inc., Room 2227, Interstate Commerce Commission Building, 12th St. and Constitution Ave., N.W., Washington, DC, 20423; or call toll free (800) 424-5403, or (202) 289-4357 in the Washington, DC, metropolitan area.

**DATES:** Comments from interested persons are due by May 4, 1984. Replies are due by May 21, 1984.

**ADDRESS:** An original and fifteen copies, if possible, of comments should be sent to: Section 5a Application No. 60, Room 1312, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:**

Robert G. Rothstein, (202) 275-7912

or

Howell I. Sporn, (202) 275-7691

**SUPPLEMENTARY INFORMATION:** Rocky Mountain Motor Tariff Bureau, Inc. (RMB) has filed an application for approval of its proposed amended collective ratemaking agreement as required by section 14(e) of the Motor Carrier Act of 1980, Pub. L. 96-296 (1980). Since filing its application, RMB has been obligated to observe the requirements of the Act and the standards set forth in our decision implementing Section 14, found in Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureaus—Implementation of Pub. L. 96-296*, 364 I.C.C. 464 (1980) and 364 I.C.C. 921 (1981), in order to enjoy antitrust immunity for certain activities.

We have provisionally approved RMB's agreement as consistent with 49 U.S.C. 10706(b) and Ex Parte No. 297 (Sub-No. 5), supra, subject to certain modifications including the following subject areas: identification and description of member-carriers; right of independent action; employee docketing; open meetings; final disposition of cases; general standards for member-carrier voting and discussion of collectively established rates; single-line rates; general increases and decreases in tariff structure; Section 10721 rates and zone of rate freedom and released rates. We have also offered comments and imposed requirements concerning the agreement generally. RMB has been directed to file a revised agreement conforming to the imposed conditions within 60 days of service of the decision provisionally approving the agreement.

In light of the complex interpretation involved in determining whether the agreement is consistent with the Act and Ex Parte No. 297 (Sub-No. 5), *supra*, we request applicant and other interested parties to comment on our interpretation of the controlling statutory and administrative criteria generally, and their application to RMB's agreement in particular.

A copy of any comments filed with the Commission shall also be served on RMB, which shall have 15 days from the expiration of the comment period to reply. These comments will be considered in conjunction with our review of the modifications that RMB must submit to the Commission as a condition precedent to final approval of its agreement.

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

This notice and accompanying decision are issued pursuant to 49 U.S.C. 10321 and 10706 and 5 U.S.C. 553.

Decided: March 23, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Vice Chairman Andre and Commissioner Gradison concurred with separate expressions. Chairman Taylor commented with a separate expression.

*Commissioner Gradison*, concurring:

Parties should also comment on the propriety and legality of RMB's collection of license fees, and RMB's ability to retain non-profit status while collecting those fees.

**James H. Bayne,**

*Acting Secretary.*

[FR Doc. 84-8971 Filed 4-3-84; 8:45 am]

BILLING CODE 7035-10-M

## MERIT SYSTEMS PROTECTION BOARD

### Political Activity and the Federal Employee et al.; Deadline for Ordering

**AGENCY:** Office of the Special Counsel; Merit Systems Protection Board.

**ACTION:** Notice of deadline for ordering "Political Activity and the Federal Employee" and "Political Activity and the State and Local Employee"; ordering procedures.

**SUMMARY:** This notice extends the deadline published in the **Federal Register** on Thursday, March 15, 1984, page 9784, to May 21, 1984. For ordering publication "Political Activity and the Federal Employee" reference MSPB requisition number 4-00118, and for ordering publication "Political Activity and the State and Local Employee reference MSPB requisition number 4-00119.

Agencies should submit their requirements to their headquarters printing procurement office. Printing procurement offices should submit consolidated requirements on Standard Form 1 to the Government Printing Office, Requisitions Section, Room 836, Washington, D.C. 20401, no later than May 21, 1984. These publications are 12 pages long, saddled stitched, book 60# stock, with the cover printed on 110# buff index stock. Agencies may estimate cost by using the current Government Printing Office price list of printing services.

**FOR FURTHER INFORMATION CONTACT:**

H. Alma Hepner, Director of Congressional and Public Relations, Office of the Special Counsel, Merit Systems Protection Board, Suite 1137,

1120 Vermont Avenue, NW., Washington, D.C. 20419, (202) 653–7984.

For the Special Counsel.

**H. Alma Hepner,**

*Director of Congressional and Public Relations.*

[FR Doc. 84–8937 Filed 4–3–84; 8:45 am]

BILLING CODE 7400–02–M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Note 84–32]**

### NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92–463 as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Space Power and Electric Propulsion.

**DATE:** Date and Time: May 15–17, 1984, 9:00 a.m. to 5:00 p.m. each day.

**ADDRESS:** Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California. The meeting will be held in the Conference Room in Building 167 on May 15, and in Room 90, Building 180, on May 16 and May 17.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jerome P. Mullin, National Aeronautics and Space Administration, Code RSE, Washington, D.C. 20546 (202/453–2860).

**SUPPLEMENTARY INFORMATION:** The informal Advisory Subcommittee on Space Power and Electric Propulsion was established to provide guidance and direction to the Space Energy Systems research and technology programs of NASA's Office of Aeronautics and Space Technology. The Subcommittee, chaired by Mr. Jerome H. Molitor, is comprised of eleven members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including the Subcommittee members and participants).

Type of Meeting: Open.

**Agenda**

*May 15, 1984*

9:00 a.m.—Welcome and Chairperson's Opening Remarks.

9:30 a.m.—Executive Secretary's Report on Space Energy Systems Program Status.

10:00 a.m.—Space Energy Systems Long Range Plan.

11:00 a.m—Subcommittee Discussion on Long Range Plan.

1:00 p.m.—New Initiatives—Space Craft Bus, Solar Thermal.

2:00 p.m.—Subcommittee Discussion on New Initiatives.

3:00 p.m.—High Performance Solar Array Research and Technology Program Briefing.

4:00 p.m.—Subcommittee Comments/Discussion.

5:00 p.m.—Adjourn.

*May 16, 1984*

9:00 a.m.—Space Nuclear Reactor Power System Technology (SP–100) Program Briefing.

10:00 a.m.—Subcommittee Comment/Discussion.

10:30 a.m.—Electro-Chemistry Program Briefing.

11:30 a.m.—Subcommittee Comments/Discussion.

1:00 p.m.—Jet Propulsion Laboratory's (JPL) Role in Space Energy Systems Research and Technology.

2:00 p.m.—Subcommittee Comments/Discussion.

3:00 p.m.—Tour of JPL Space Energy Systems Facilities.

5:00 p.m.—Adjourn.

**May 17, 1984**

9:00 a.m.—Subcommittee Review Session.

1:00 p.m.—Subcommittee Recommendations.

5:00 p.m.—Adjourn.

**Richard L. Daniels,**

*Deputy Director, Logistics Management and Information Programs Division Office of Management.*

March 28, 1984.

[FR Doc. 84–8854 Filed 4–3–84; 8:45 am]

BILLING CODE 7510–01–M

## NATIONAL FOUNDATIONS ON THE ARTS AND THE HUMANITIES

### Music Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Challenge Section) to the National Council on the Arts will be held on April 19, 1984, from 9:00 a.m.—5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue N.W., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion on information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b ot Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

**John H. Clark,**

*Director Office of Council and Panel Operations National Endowment for the Arts.*

March 28, 1984.

[FR Doc. 84–8953 Filed 4–3–84; 8:45 am]

BILLING CODE 7537–01–M

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel History and Philosophy of Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for History and Philosophy of Science.

Date and Time: April 19, 20, 21, 1984: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G Street, N.W. Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Ronald J. Overmann, Program Director, History and Philosophy of Science Program, Room 312, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–9677.

Purpose of Advisory Panel: To provide advise and recommendation concerning support for research in History and Philosophy of Science.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority to Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make

such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

*Committee Management Coordinator.*

March 30, 1984.

[FR Doc. 84-8685 Filed 4-3-84; 8:45 am]

BILLING CODE 7555-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 20796; SR-MSRB-83-15]

### Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

March 28, 1984.

The Municipal Securities Rulemaking Board ("MSRB") 1120 Connecticut Avenue, NW., Washington, D.C. 20036, on October 4, 1983, filed with the Securities and Exchange Commission a proposed rule change (MSRB-83-15) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder. The MSRB also filed amendments to that rule change on January 4, 1984.

The proposed rule change would amend MSRB Rule G-12(e)(ii)(B) to permit persons who receive the delivery of new issue municipal securities imprinted with incorrect CUSIP numbers to reject the delivery. In addition, the proposed rule change would permit rejection of delivery of new issue municipal securities without CUSIP numbers when the underwriter is required under Rule G-34 to obtain a CUSIP number for the security, which occurs whenever the security is CUSIP-eligible. MSRB Rule G-34 requires an underwriter to arrange for the correct CUSIP number to be affixed to a new issue municipal security where the security is eligible for CUSIP number assignment. The MSRB believes that underwriters should not be permitted to deliver new issues bearing either incorrect CUSIP numbers or no CUSIP numbers when those securities are eligible for CUSIP number assignment. The proposed rule change also deletes the former effective date in MSRB Rule G-12(e).

Notice of the proposed rule change was given in Securities Exchange Act Release No. 20660 (February 15, 1984), published in the **Federal Register** (48 FR 6816, February 23, 1984). No comments on the proposed rule change were received.

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 MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

George A. Fitzsimmons,

*Secretary.*

[FR Doc. 84-8898 Filed 4-3-84; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF STATE

[Public Notice 902]

### Office of the Director General of the Foreign Service and Director of Personnel; Notification of Policy Change Regarding Affirmative Action

**AGENCY:** Department of State.

**ACTION:** Notification of Policy Change Regarding Affirmative Action Mid-Level Hiring Program for the Foreign Service.

**SUMMARY:** In 1975, the Secretary of State established a special Mid-Level Affirmative Action Hiring Program for Women and Minorities, which permitted qualified candidates to enter the Foreign Service at the middle classes rather than as junior officers. The program was set up as a temporary 5-year supplement to the Department's Affirmative Action program for junior officers and had an overall hiring goal of 100 Mid-Level officer candidates, that is, 20 candidates a year for 5 years. However, the program has been continued, and as of December 31, 1983, 156 officer candidates have entered the Foreign Service through this Mid-Level program, 141 of whom remain on duty. These entries have been an important reason why the number of women and minorities at the mid-level of the Foreign Service have risen from 8.0 percent and 5.0 percent, respectively, in 1975, to 16.0 percent and 11.4 percent as of December 31, 1983.

Following a review of the Mid-Level Affirmative Action Program for Women and Minorities conducted in 1983, the Department of State intends to phase out the program over a 3-year period, beginning in 1984. The reasons for the proposal to phase out this Mid-Level program included the fact that the Department had already significantly exceeded its original hiring goal, the marked increase in the numbers of women and minorities at the middle classes, the proven ability of women and minorities recruited as junior officers to compete effectively for promotions into the middle ranks, and the success that the Department of State's junior officer programs have had in recruiting women and minorities for Foreign Service careers. At the end of 1983, 22.5 percent of junior Foreign Service Officers were minorities and 28.4 percent were women.

Under the terms of the phaseout, 18 Mid-Level Affirmative Action officer candidates will be appointed into the Foreign Service in 1984, 12 will be hired in 1985, and 6 in 1986. After January 1, 1987, all Mid-Level candidates, including minorities and women, will require separate certifications of need before the Board of Examiners may process their applications, in accordance with 22 CFR 11.11(b)(4) (48 FR 19702, dated May 2, 1983), inasmuch as separate annual hiring goals will no longer be established for the Mid-Level Affirmative Action Program.

**EFFECTIVE DATE:** January 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Frontis B. Wiggins, Executive Director, Board of Examiners for the Foreign Service, P.O. Box 12226, Rosslyn Station, Arlington, Virginia 22209, (703-235-9232).

Dated: March 29, 1984.

Clint A. Lauderdale,

*Deputy Assistant Secretary for Personnel.*

[FR Doc. 84-8894 Filed 4-3-84; 8:45 am]

BILLING CODE 4710-15-M

### Advisory Committe on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on Accounting Standards of the Advisory Committee on International Investment, Technology and Development on Monday, April 16, 1984 from 10:00 a.m. to noon, in Room 3524, Department of State, 2201 C Street, NW., Washington, D.C. 20520.

The purpose of the meeting is to discuss: the outcome of the March 1984 session of the UN Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting and possible next steps; upcoming issues at the April 1984 meeting of the Working Group on Accounting Standards of the OECD's Committee on International Investment and Multinational Enterprises.

Members of the public wishing to attend the meeting must contact the Office of Investment Affairs ((202) 632-2728) in order to arrange admittance to

[1] 17 CFR 200.30-3(a) 12.

the State Department. Please use the C street entrance.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public at the meeting.

Dated: March 20, 1984.

**Philip T. Lincoln, Jr.,**

*Executive Secretary.*

[FR Doc. 84-8945 Filed 4-3-84; 8:45 am]

BILLING CODE 4710-10-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Environmental Impact Statement; Santa Clara County, California

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent revision.

**SUMMARY:** The FHWA is issuing this notice revision to advise the public that an environmental impact statement will be prepared for a proposed transportation project in Santa Clara County, California. The original notice, published Thursday, April 14, 1983, on page 16159 of Vol. 48, No. 73 of the **Federal Register** specified the limits of the Route 85 project as Route 87 in San Jose to Stevens Creek Boulevard in Cupertino. This Revision extends the limits approximately 4 miles eastward to include that section of Route 85 between Route 87 and the Route 101 freeway currently under construction.

**FOR FURTHER INFORMATION CONTACT:** D. L. Eyres, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, telephone (916) 440-3541, or Richard H. Green, Study Manager, State of California, Department of Transportation, P.O. Box 7310, San Francisco, California, 94120, telephone (415) 557-9150.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the California Department of Transportation, will prepare a draft environmental impact statement covering alternative transportation development proposals in the corridor of adopted State Highway Route 85 in Santa Clara County between Route 101 in San Jose and Stevens Creek Boulevard in Cupertino, a length of 18 miles. Transportation improvement is needed in this area to relieve existing and anticipated traffic congestion on highways and streets in the corridor.

Alternatives to be considered, in addition to doing nothing, include construction of a freeway, expressway, bus and carpool facility, light rail transit, and combinations thereof. Use of a parallel branch rail line for passenger service will be considered.

The Urban Mass Transit Administration has been requested to participate in this study as a co-lead or responsible agency, but has made no decision regarding its participation at this time.

Two public information meetings were held in April of 1983. Additional meetings will be scheduled with interested agencies and parties who are not already participating in this study are urged to advise the contact persons listed above of their interest.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction)

Issued on: March 28, 1984.

**D. L. Eyres,**

*District Engineer, Sacramento, California.*

[FR Doc. 84-8947 Filed 4-3-84; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on May 1 and May 2, 1984, of the following debt management advisory committee:

Public Securities Association U.S. Government and Federal Agencies Securities Committee

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on May 1 and the preparation of a writen report to the Secretary of the Treasury on May 2, 1984.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matter which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by section 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee hearings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of Title 5 of the United States Code.

Dated: March 29, 1984

**Thomas J. Healey,**

*Assistant Secretary (Domestic Finance).*

[FR Doc. 84-8913 Filed 4-3-84; 8:45 am]

BILLING CODE 4810-25-M

### Fiscal Service

**[Dept. Circ. 570, 1983 Rev., Supp. No. 16]**

### Surety Companies Acceptable on Federal Bonds, Assumption of Assets, Name Change; First Insurance Company of Hawaii, Ltd.

First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii, which holds a certificate of authority as an acceptable surety on Federal bonds, transferred substantially all its assets to one of its subsidiaries, Continental Insurance of Hawaii, Inc., effective January 1, 1983. Confirmation of this action has been received and filed with the Treasury. Accordingly, the certificate of authority issued to First Insurance Company of Hawaii, effective July 1, 1982 (47 FR 8875, July 1, 1982) is hereby terminated

retroactive to the January 1, 1983 transference and assumption date.

Continental Insurance of Hawaii, Inc., having assumed all the business of its parent, First Insurance Company of Hawaii, Ltd., changed its name to First Insurance Company of Hawaii, Ltd., effective January 1, 1983. Documents evidencing the assumption of business and name change have been filed with Treasury.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued under Sections 9304 to 9308 of Title 31 of the United States Code, to the new First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii, effective today. An underwriting limitation of $1,921,000 has been established for the company. The principal address is 1100 Ward Avenue, Honolulu, Hawaii 96814 and the state of incorporation is Hawaii.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond approving officers should annotate their reference copies of the Treasury Circular 570, 1983 Revision, at page 30533 to reflect this change. Copies of the circular, when issued, may be obtained from the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: March 26, 1984.

**W. E. Douglas,**

*Commissioner, Bureau of Government Financial Operations.*

[FR Doc. 84-8915 Filed 4-3-84; 8:45 am]

BILLING CODE 4810-35-M

# Sunshine Act Meetings

Federal Register
Vol. 49, No. 66
Wednesday, April 4, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday April 9, 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:

Habib American Bank, a proposed new bank to be located at 19 Rector Street, New York (Manhattan), New York.

Application for Federal deposit insurance and for consent to merge:

Valley Interim Bank, Parkersburg, West Virginia, a proposed new bank in organization, for Federal deposit insurance and for consent to merge with Valley Bank, Parkersburg, West Virginia, a noninsured commercial bank resulting from the proposed conversion of the charter of Valley Savings and Loan Company, Parkersburg, West Virginia, a noninsured industrial loan company.

Applications for Federal deposit insurance and for consent to purchase assets and assume liabilities:

Bank of the Valley, a proposed new bank to be located in Bellwood, Nebraska, for Federal deposit insurance and for consent to purchase the assets of and assume the liability to pay deposits made in Bellwood Cooperative Credit Association, Bellwood, Nebraska, an operating noninsured institution.

Application for consent to purchase assets and assume liabilities and establish one branch:

Cones State Bank, Pierce, Nebraska, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in Foster Cooperative Credit Association, Foster, Nebraska, an operating noninsured institution, and for consent to establish the sole office of Foster Cooperative Credit Association as a branch of Cones State Bank.

Applications for consent to establish a branch:

Centennial State Bank of Colorado, Englewood, Colorado, for consent to establish a branch at 5353 South Federal Boulevard, Littleton, Colorado.

The Village Bank of Hialeah, Hialeah, Florida, for consent to establish a branch at 7220 Northwest 72nd Avenue, Miami, Florida.

Bank of Leadwood, Leadwood, Missouri, for consent to establish a branch at 43 St. Joe, Rivermines, Missouri.

Lincoln Bank of North Carolina, Lincolnton, North Carolina, for consent to establish a branch in the Lowe's Shopping Center at the intersection of State Highways 16 and 150, Unincorporated Catawba County (P.O. Denver), North Carolina.

The Bank of Iredell, Statesville, North Carolina, for consent to establish a branch at 107 North Main Street, Mooresville, North Carolina.

Applications for consent to establish a limited service branch:

The Bank of Northern California, San Jose, California, for consent to establish a limited service branch (courier service) in San Mateo County, California.

Nevada Banking Company, Stateline, Nevada, for consent to establish a limited service branch (night depository) at 215 Elks Point Road, Zephyr Cove, Nevada.

Memorandum re: Amendments to the Corporation's General Travel Regulations (GTR's).

Reports of committee 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.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Audit Report re: Community Bank, Hartford, South Dakota—AP-352 (dated February 24, 1984)

Audit Report re: Western National Bank of Lovell, Lovell, Wyoming—NR-432 (dated March 6, 1984)

Audit Report re: Audit of Teleprocessing System Security (dated March 9, 1984)

Report of the Deputy General Counsel, Closed Bank Litigation and Liquidation Section, Legal Division:

Memorandum re: The Mission State Bank & Trust Company Mission, Kansas—Status Report

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, 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: April 2, 1984.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson**

*Executive Secretary.*

[FR Doc. 84-9119 Filed 4-2-84; 3:30 pm]

BILLING CODE 6714-01-M

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### FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 9, 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 requests that an item be moved to the discussion agenda.

Notice of acquisition of control:

Name and location of bank and names of acquiring persons 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)).

Application for capital assistance pursuant to section 13(i) of the Federal Deposit Insurance Act:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

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:

Advest Bank, a proposed new bank to be located at 31–33 Lewis Street, Hartford, Connecticut.

Request for modification of a previous order granting Federal deposit insurance:

Universal Trust Company, San Juan, Puerto Rico, an operating noninsured bank.

Application for consent to merge and establish a branch:

Ruston State Bank & Trust Company, Ruston, Louisiana, an insured State nonmember bank, for consent to merge, under its charter and title, with Dubach State Bank, Dubach, Louisiana, and for consent to establish the sole office of Dubach State Bank as a branch of the resultant bank.

Application for consent to establish a branch:

The Philadelphia Saving Fund Society, Horsham Township (P.O. Horsham), Pennsylvania, for consent to establish a branch at 8254 Old York Road, Cheltenham Township, Pennsylvania.

Application for consent to establish a branch (mortgage facility):

The Philadelphia Saving Fund Society, Horsham Township (P.O. Horsham), Pennsylvania, for consent to establish a branch (mortgage facility) at 1440 Old York Road, Abington Township, Pennsylvania.

Application for consent to establish a remote service facility:

Michigan Bank—Mid South, Litchfield, Michigan, for consent to establish a remote service facility at 100 East Michigan Avenue, Albion, Michigan.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,990–NR—Penn Square Bank, National Association, Oklahoma City, Oklahoma

Memorandum and Resolution re: American City Bank, Los Angeles, 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 concering the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 2, 1984.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 84-9120 Filed 4-2-84; 3:03 pm]

BILLING CODE 6714-01-M

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3

**FEDERAL MARITIME COMMISSION**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** March 29, 1984, 49 FR 12357.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 9:00 a.m., April 4, 1984.

**CHANGES IN THE MEETING:** The time of the Commission meeting of April 4, 1984 is changed from 9:00 a.m. to 10:00 a.m.

Addition of the following item to the closed session:

2. Baton Rouge Marine Contractors, Inc. v. Board of Commissioners of the Port of New Orleans and Ceres Gulf, Inc. (Civil District Court for the Parish of Orleans, State of Louisiana, Division "A", Docket V, No. 84–3462)—Possible Participation by Federal Maritime Commission.

**Francis C. Hurney,**

*Secretary.*

[FR Doc. 84-8933 Filed 3-30-84; 4:14 pm]

BILLING CODE 6730-01-M

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4

**FEDERAL TRADE COMMISSION**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** FR 49, March 20, 1984, Page No. 10405.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 2:00 p.m., April 11, 1984.

**CHANGES IN THE AGENDA:** The Federal Trade Commission has changed the time of its previously announced open meeting of April 11, 1984, from 2:00 p.m. to 10:00 a.m.

**Emily H. Rock,**

*Secretary.*

[FR Doc. 84-9083 Filed 4-2-84; 2:01 pm]

BILLING CODE 6750-01-M

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5

**PAROLE COMMISSION**

[4P0401]

Pursuant To The Government In The Sunshine Act Pub. L. 94–409 (5 U.S.C. Section 552b)

**TIME AND DATE:** Tuesday, April 10, 1984—9:00 a.m. to 1:00 p.m.

**PLACE:** Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Appeals to the Commission of approximately 22 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

**CONATACT PERSON FOR MORE INFORMATION:** Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

Date April 2, 1984.

**Joseph A. Barry,**

*General Counsel, Parole Commission.*

[Fr Doc 84-9081 Filed 4-2-84; 2:01 pm]

BILLING CODE 4410-01-M

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6

**PAROLE COMMISSION**

[4P0401]

Pursuant To The Government In The Sunshine Act Pub. L 94–409 (5 U.S.C. Section 552b)

**DATE AND TIME**

Tuesday, April 10 1984—2:00 p.m. to 5:30 p.m.

Wednesday, April 11 1984—9:00 a.m. to 5:30 p.m.
Thursday, April 12, 1984—9:00 a.m. to 5:30 p.m.

**PLACE:** Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. Approval of minutes of open meeting of January 17 and 18, 1984.
2. Reports from the Chairman, Vice Chairman, Commissioners, General Counsel, Director of Research, Chief of Case Operations, and the Administrative Section.
3. Presentation by Dennis Curtis, University of Southern California Law School.
4. Experimental Community Services Program.
5. Ten-Year Reconsideration Hearings.
6. Procedures under the Victim and Witness Protection Act.
7. Dispositional Revocation Hearings (28 CFR 2.47)
8. Disclosure of Notices of Action
9. Driving While Intoxicated—procedures concerning possible parole revocation and guidelines.

*Consent Agenda*

The following Consent Agenda Items shall be deemed adopted by consent and will not be discussed at the meeting unless a request to discuss a particular item has been received by April 6, 1984.

10. Rules and Procedures Memorandum 84/2.
11. Temporary Seizure of Passports.

**CONTACT PERSON FOR MORE INFORMATION:** Peter B. Hoffman, Director of Research, United States Parole Commission, (301) 492–5980.

Date April 2, 1984.

**Joseph A. Barry,**

*General Counsel Parole Commission.*

[FR Doc. 84–9081 Filed 4–2–84; 2:01 pm]
BILLING CODE 4410–01–M

federal register

Wednesday
April 4, 1984

Part II

# Department of Education

Office of Special Education and Rehabilitative Services

Educational Media Research, Production, Distribution, and Training; Notice

## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services

### Educational Media Research, Production, Distribution, and Training

**AGENCY:** Department of Education.

**ACTION:** Notice of Proposed Annual Funding Priority.

**SUMMARY:** The Secretary proposes a fiscal year 1984 annual funding priority for new awards under the Educational Media Research, Production, Distribution, and Training program. To ensure that educational media and technology is available, is of good quality, and is used effectively, and to foster mutual growth among entities involved in the educational advancement of handicapped persons, the Secretary proposes to establish an annual priority related to research, dissemination, and training conducted by consortia of such entities.

**DATE:** Comments must be received on or before May 4, 1984.

**ADDRESS:** Comments should be addressed to James S. Johnson, Technology and Marketing Branch, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, S.W. (Switzer Building, Room 3076), Washington, D.C. 20202.

**FOR FURTHER INFORMATION CONTACT:** James S. Johnson. Telephone: (202) 245–8913.

**SUPPLEMENTARY INFORMATION:** Awards under the Educational Media Research, Production, Distribution, and Training program are authorized under Sections 651(a)(2) and 652(b)(5) of Part F of the Education of the Handicapped Act. The purpose of this program is to promote the educational advancement of handicapped persons by providing assistance for projects which:

(a) Undertake research on the use of new or improved implementation of advances in educational media and technology for handicapped persons;

(b) Disseminate information about practices found effective in the use of educational media and technology; and

(c) Train persons in the use of educational media and technology for the advancement of handicapped persons.

An application notice for fiscal year 1984, indicating the closing date for submitting those applications, is published in this issue of the **Federal Register.**

Eligible applicants: Profit and nonprofit public and private agencies, organizations, and institutions are eligible to apply for awards under this program.

Priority: In accordance with 34 CFR 75.105(b)(2) and 75.105(c)(3)(i), the Secretary proposes to give an absolute preference to each application which provides satisfactory assurance that the recipient will use funds made available under this program to conduct authorized activities as follows:

1. *Eligible Applicants.* Funds will be used to support cost-sharing projects under consortium arrangements entered into by a combination of eligible entities. A consortium arrangement is expected to foster mutual growth among parties who have interests in and complementary expertise in implementing educational media and technology innovations for the educational advancement of handicapped persons. A consortium is also desirable since only a combination of eligible entities would have the requisite resources to accomplish the scope of the project. For guidance regarding group applications, the applicant is referred to the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.127–75.129.

Each recipient of a grant under this part must provide a share of the entire cost of the program or project. It is expected that the consortium will share the cost of the project through such means as partial funding and/or contributions and uncompensated services of individuals and organizations. A grantee must contribute to the cost of a project under this program in an amount satisfactory to the Secretary. The part of the cost to be borne by the grantee is determined by the Secretary at the time of the grant award, and generally will be not less than 10 percent of the total project cost. Each application will be reviewed on its own merits and the adequacy of each proposed cost-sharing arrangement will be judged on the resources available to the applicant and the scope of the proposed project activities. The purpose of such cost-sharing arrangements is to encourage continuation of project activities beyond the grant period by providing for grantee investment of fiscal resources or personnel.

2. *Activities.* Funds will be used to support projects which: (i) Undertake research in the use of new or improved advances in educational media and technology that would contribute to the advancement and education of handicapped persons; (ii) disseminate information about practices found effective in the use of educational media and technology; and (iii) train persons in the use of educational media and technology for the educational advancement of handicapped persons. This statement of proposed priority differs slightly from the language use in 34 CFR 332.10 (a)(4), (d), and (e). This change is designed to ensure a broad scope of innovative proposals for activities in both educational media and technology.

Within this priority, the Secretary particularly invites two-year cost-sharing projects that will provide for:

a. Collaborative research between institutions of higher education, profit or nonprofit agencies and organizations and State and local educational agencies on the implementation of technological advances for the purpose of improving the education of handicapped children;

b. Development of practicum sites in local educational agencies for use by institutions of higher education to train teachers in the use of educational media and technology and to strengthen faculty capacity to improve the training programs related to the use of educational media and technology in special education; and

c. Mechanisms for participating agencies and entities to synergistically integrate research, training, and dissemination activities related to the use of educational media and technology for educating handicapped persons.

Applications that meet the three invitational priorities will not, however, receive a competitive or absolute preference over other applications that describe projects consistent with the absolute preference for projects fulfilling the three objectives described in (i) through (iii) above.

It is anticipated that one or more of the following will occur as a result of this program: increased delivery of services to handicapped individuals; increased practical application of technology in special education programs; the development of model sites; and improved integration of research, training, and dissemination of applications of technology.

#### Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to comment: Interested persons are invited to submit comments and recommendations regarding the proposed priority. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before [the 30th day after publication of this document] will be considered before the Secretary issues any final priority. All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 3076, Switzer Building 330 C Street, S.W., 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.

(Catalog of Federal Domestic Assistance No. 84.026, Handicapped Media and Captioned Films)

(20 U.S.C. 1451(a)(2), 1452(a)(2), 1452(b)(5))

Dated: March 30, 1984.

**T. H. Bell,**

*Secretary of Education.*

[FR Doc. 84-8926 Filed 4-3-84; 8:45 am]

BILLING CODE 4000-01-M

## Educational Media Research, Production, Distribution, and Training

**AGENCY:** Department of Education.

**ACTION:** Application Notice Establishing Closing Date for Transmittal of New Grant Applications—Educational Media Research, Production, Distribution, and Training.

Applications are invited for new awards under the Educational Media, Research, Production, Distribution, and Training program.

Authorization for this program is contained in Sections 651(a)(2) and 652(b)(5) of Part F of the Education of the Handicapped Act, Public Law 91-230, as amended.

(20 U.S.C. 1451, 1452)

Funds will be used to support cost-sharing projects under consortium arrangements which: (1) Undertake research in the use of new or improved advances in educational media and technology that would contribute to the advancement and education of handicapped persons; (ii) disseminate information about practices found effective in the use of educational media and technology; and (iii) train persons in the use of educational media and technology for the educational advancement of handicapped persons.

*Closing date for transmittal of applications:* An application for a grant must be mailed or hand delivered by June 4, 1984.

*Applications delivered by mail:* An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.026, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark;

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service;

(3) A dated shipping label, invoice, or receipt from a commercial carrier; or

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark; or

(2) A mail receipt that is not dated by the U.S. Postal Service.

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 its 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 Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between the hours of 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. An application for a new grant that is hand delivered will not be accepted by the Application Control Center after 4:30 p.m. on the closing date.

*Program information:* In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(b)(2) and 75.105(c)(3)(i) the Secretary proposes to give an absolute preference to each application for a cost-sharing project entered into by a combination of eligible entities that will use funds made available under this program to do each of the following: (i) undertake research in the use of new or improved advances in technology that would contribute to the advancement and education of handicapped persons, (ii) disseminate information about practices found effective in the effective use of educational media and technology, and (iii) train persons in the use of educational media and technology for the educational advancement of handicapped persons. Further information on this priority area is contained in this issue of the **Federal Register** under a Notice of Proposed Annual Funding Priority.

### Intergovernmental Review

On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.* ) implementing Executive Order 12372, entitled "Intergovernmental Review of Federal Programs." The regulations took effect on September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accomodated; and
- revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geograhic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States which have established a process, designated a single point of contact, and have selected this program for review:

| | |
|---|---|
| Arizona | Michigan |
| Arkansas | Missouri |
| California | Montana |
| Connecticut | Nebraska |
| Delaware | Nevada |
| Florida | New Jersey |
| Indiana | New Mexico |
| Kentucky | New York |
| Louisiana | Pennsylvania |

| | |
|---|---|
| Oklahoma | Virginia |
| Oregon | Wisconsin |
| South Carolina | Wyoming |
| Tennessee | Puerto Rico |
| Utah | The Northern Mariana Islands |
| Vermont | |

Immediately upon receipt of this notice, applicants which are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about and to comply with the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 20, 1984 to the following address:

The Secretary, U.S. Department of Education, Room 4181, CFDA 84.026, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone Number (202) 245–7913. (Proof of mailing will be determined on the same basis as applications.)

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

*Available funds:* It is expected that approximately $1,500,000 will be available to support 20 new educational media and technology projects under this program for fiscal year 1984. This estimate of funding level does not bind the U.S. 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. Grant approval is expected to be for up to a two year period subject to an annual review of progress and availability of funds.

*Application forms:* Application forms and program information packages will be available on April 11, 1984, and may be obtained by writing to the Technology and Marketing Branch, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3076), Washington, D.C. 20202–3511

Applications must be prepared and submitted in accordance with the 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 40 double-spaced or 20 single-spaced pages in length. The Secretary further urges that applicants submit only the information that is requested. (OMB 1820–0028—Expires 2/28/84)

*Applicable regulations.* Regulations applicable to this program include the following:

(a) Regulations governing the Educational Media, Research, Production, Distribution, and Training program (34 CFR Part 332).

(b) Any final annual priority adopted by the Secretary. A notice of a proposed annual priority is published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed priority. If there are any substantive changes made in these proposed provisions when published in final form, applicants will be given the opportunity to amend or resubmit their applications.

(c) Education Department General Administrative Regulations EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

**FOR FURTHER INFORMATION CONTACT:** Jane Hauser, Technology and Marketing Branch, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3076), Washington, D.C. 20202–3511 Telephone: (202) 732–1126.

(Catalog of Federal Domestic Assistance No. 84.026, Handicapped Media and Captioned Films)

(20 U.S.C. 1451 (a)(2), 1452(b)(5))

Dated: March 30, 1984.

**Madeleine Will,**

*Assistant Secretary, Office of Special Education and Rehabilitative Services.*

[FR Doc. 84–8627 Filed 4–3–84; 8:45 am]

BILLING CODE 4000–01–M

federal register

Wednesday
April 4, 1984

Part III

# Department of Commerce

Patent and Trademark Office

37 CFR Parts 1 and 5
Revision of Foreign Filing License Procedure; Final Rule

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 5

[Docket No. 40227-18]

## Revision of Foreign Filing License Procedure

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Patent and Trademark Office is amending the rules of practice in patent cases, Parts 1 and 5 of 37 CFR, to establish a streamlined procedure for granting licenses for foreign filing. The changes simplify the obtaining of licenses for filing foreign patent applications and for filing amendments, modifications, and supplements in foreign patent applications. Under the revised rules (1) the export, but not actual filing, of technical data to a foreign country for purposes related to the filing and prosecution of a patent application may be done either under appropriate export agencies' rules or by a license issued by the Commissioner of Patents and Trademarks, (2) certain licenses issued by the Commissioner for filing foreign patent applications include a license to file amendments, modifications, and supplements, containing additional matter in foreign applications, (3) specific contents of a petition for retroactive license are established and (4) fees are set for expedited handling of requests for foreign filing licenses and for certain petitions. These changes will result in reduced work for both patent applicants and the Patent and Trademark Office and at the same time strengthen national security protections.

**EFFECTIVE DATE:** June 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Cage by telephone at (703) 557-2877 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

**SUPPLEMENTARY INFORMATION:** This rule change is designed primarily to simplify and expedite the granting of licenses under 35 U.S.C. 184. It contains a number of changes in practice designed to benefit both the Patent and Trademark Office in its handling of its mission and the public the Office serves. Notice of proposed rulemaking was published May 23, 1983, at 48 FR 23144 and corrected June 7, 1983, at 48 FR 26319.

### Discussion of Specific Rules

Section 5.11(a) has been substantially restructured and modified from the proposal. Under § 5.11(a), a license from the Commissioner of Patents and Trademarks is always needed for the act of filing a patent application in a foreign patent office unless the six-month period has passed or the invention was not made in the United States.

Amended § 5.11 (b) and (c) would clarify in the regulations that the export of technical data to a foreign country may be done under appropriate export agencies' rules controlling the export of technical data—Department of State (22 CFR Parts 121–130); Department of Commerce, International Trade Administration Office (15 CFR Part 379); or the Department of Energy (10 CFR Part 810)—or by license from the Commissioner. Compliance with the appropriate export agencies' rules or the license from the Commissioner is required before *exporting* technical data in the form of a patent application or data in any form if related to preparing, filing, and prosecuting a patent application in a foreign country, if the United States application has not been on file for six months at the time of export, or no application has been filed in the United States. It is optional from whom approval for export is obtained. In fact, for certain technical data being exported to certain countries, a specific request for a license or approval from any of the export agencies would not be necessary. However, a single license from the Commissioner would cover both export and filing and avoid any question whether a specific license or approval is required from any of the export agencies. Approval from the appropriate export agencies for export would require a separate additional license from the Commissioner for the filing of the foreign patent application. The rule changes will make the rules more closely conform with the regulations of other agencies which deal with the export of technical data to a foreign country.

The definition of export in these regulations will be controlled by the definition of export in the appropriate regulations of the export agencies having jurisdiction over the export of technical data related to the patent application. (15 CFR 379.1, 22 CFR 125.03 and 10 CFR 810.7).

The requirement of complying with the rules of the export agencies or the Commissioner before exporting an application to a foreign country is not intended to change long-standing Patent and Trademark Office interpretation of 35 U.S.C. 184 or in any way interpret the language in 35 U.S.C. 184 "file or cause or authorize to be filed" as requiring a license before technical data related to the filing or prosecution of an application is exported to a foreign country, such as to a foreign attorney or agent or corporation for review or revision for later filing. It does, however, reflect the delegations the Commissioner has received from other agencies and which are referenced in §§ 5.18, 5.19 and new § 5.20 and clarifies that a patent applicant must be licensed for export of technical data abroad for purposes related to the preparation, filing or possible filing and prosecution of a foreign patent application either by appropriate export agencies or by the Commission. The language "related to the preparation, filing or possible filing and prosecution of a foreign patent application" in § 5.11(b) is used rather than "support a patent application" as used in § 5.18 or "foreign filing" as used in § 5.19 to make clearer that the latter two phrases include the export of technical data in the form of explanations or possible claim language or the like sent to a foreign agent or other person in relation to a foreign patent application. However, a license from the Commissioner would not substitute for approvals required by appropriate export agencies if technical data is exported for purposes not related to the filing or possible filing and prosecution of a foreign patent application. For example, a license from the Commissioner would not cover export of technical data in a U.S. patent application to a foreign research laboratory to support a research project.

Further, the rule is intended to reflect that every exportation of technical data related to filing or possible filing or prosecution within six months of a United States filing without a license from the Commissioner is prohibited unless the applicant complies with the rules of the appropriate export agencies. For example, where an application has been exported to a foreign agent with an authorization to file a foreign patent application, the export of the application may be under a general license from the International Trade Administration of the Department of Commerce. A license from the Commissioner is always necessary for the actual filing of the foreign patent application. In another example, where a validated license is needed under 15 CFR Part 379 to export technical data in the form of a patent application, applicants will need to obtain an International Trade Administration license or obtain a Commissioner's license prior to the act

of export. Under either example, a license from the Commissioner is required before the application is filed in a foreign patent office. In the latter example, a single license from the Commissioner will permit both export and filing of the application.

This rule is promulgated under the authority of 35 U.S.C. 6 and delegations to the Commissioner by regulation (15 CFR 370.10(j), 22 CFR 125.04, and 10 CFR 810.7) or otherwise under the Export Administration Act of 1979, as amended, the Arms Export Control Act, as amended, the Atomic Energy Act of 1954, as amended, and the Nuclear Non-Proliferation Act of 1978. Authority for this rule also exists under 35 U.S.C. 188.

The amended rule assures adequate protection of sensitive material under Title 35, United States Code and provides regulatory consistency with the Arms Export Control Act, as amended, the Export Administration Act, as amended, the Atomic Energy Act of 1954, as amended, the Nuclear Non-Proliferation Act of 1978, and their implementing regulations. The sanctions which apply for failure to obtain a license from either the Commissioner or the appropriate export agencies prior to export are the sanctions specified in the export acts. The sanctions which apply for failure to obtain a license from the Commissioner prior to the filing of a foreign application are the sanctions specified in Title 35, United States Code.

Section 5.11(d), proposed as § 5.11(b), states that applications under secrecy order under § 5.2 cannot be exported to an international agency or filed in a foreign country except in accordance with § 5.5.

Section 5.11(e), proposed as § 5.11(c), states that a license pursuant to paragraph (a) is not required where the invention was not made in the United States, or the United States application was on file for six months without a secrecy order being issued.

Section 5.11(f), proposed as § 5.11(d), states that a license for foreign filing may be revoked at any time upon written notice. Similarly, an authorization for foreign filing resulting from the passage of six months from the filing of a United States patent application may be revoked by the imposition of a secrecy order. The revocation is effective as of the date of the notice and is not intended to be applicable to any prior acts by applicants relying in good faith on the grant of a license.

The language of §§ 5.12(b), 5.13, and 5.14 have been clarified from the proposal to reflect that the § 1.17(h) requirement for a fee is for the expedited handling of a license. No fee is required for a routine, non-expedited request for a foreign filing license.

Section 5.15 has been changed from the form proposed. Amended § 5.15 defines licenses for foreign export and filing of two different scopes. The § 5.15(a) scope license, the grant of which is indicated on the filing receipt in accordance with § 5.12(a) published at 48 FR 2696 (January 20, 1983) and 1027 OG 9 (February 1, 1983), permits the subsequent export and filing of technical data for purposes related to the preparation, filing or possible filing and prosecution of the foreign application and of any amendments or modifications to the application in a foreign country, even if "additional subject matter" were introduced; provided the additional subject matter does not change the general nature of the subject matter disclosed and does not pertain to certain categories of potentially sensitive material which are set forth in § 5.15(a)(4).

The phrase "change the general nature of the subject matter disclosed" is intended to cover situations where the additional subject matter so alters the character of the disclosure that national security review is appropriate. This phrase is intended to permit a broad range of amendments, modifications and supplements, including additional subject matter. The following examples are intended to further clarify the meaning of the language "general nature of the subject matter disclosed" in § 5.15(a):

*Example 1—The physical data on a named compound.* If a licensed disclosure gives the name and structure of a compound, the general nature of the subject matter disclosed includes physical data such as boiling point, melting point or specific gravity of the compound. If a name of a compound is disclosed, the structure of the compound is also within the general nature. If the licensed disclosure deals with the hardness of a claimed alloy, the disclosure of tensile strength is within the general nature.

*Example 2—A known specie of a known genus.* If the genus "lower alkyl" is disclosed, the inclusion of the species "methyl" is within the general nature, as would be homologs and isomers of that genus.

*Example 3—Comparison data of the disclosed compound to data on prior art compounds.* If the licensed disclosure contains a disclosure of the compounds of a pesticide invention, and pesticidal activities, the comparison of pesticidal data of a known compound representing the closest prior art is within the general nature.

*Example 4—A specific optimum temperature within a specified temperature range.* If a licensed disclosure has a range of 0° C to 120° C, the disclosure of an optimum temperature of 100° C is within the general nature.

Example 5—*Activity data on compounds of the invention.* If activity data on 30 of 50 named compounds is disclosed, the disclosure of activity data on other named compounds of the invention is within the general nature.

*Example 6—Additional subject matter and utilities.* If a licensed disclosure describes a chemical herbicide for weed control, the disclosure of chemical warfare uses or human toxic properties (other than to demonstrate safety or absence of such toxicity) *is not* within the general nature. If a licensed disclosure describes an analog computer for microwave telephone transmission, the addition of a cryptographic encoding or decoding device and utility *is not* within the general nature. If a licensed disclosure describes a battery power source for a satellite, the addition or substitution of a nuclear isotopic power source *is* within the general nature, but would be within the control of § 5.15(a)(4)(ii).

A § 5.15(b) scope license is limited to the original subject matter disclosed at the time the license was granted and does not cover "additional subject matter" as the phrase is currently interpreted (*In re Gaertner*, 202 USPQ 714 (CCPA 1979)).

Under § 5.15(c), a license with the scope of § 5.15(a) could also be granted pursuant to a § 5.13 or § 5.14 petition. If granted, the § 5.15(a) scope of license will be indicated on the license grant. For instance, under § 5.15(c) an applicant who filed a United States patent application before February 27, 1983, when the filing receipt license practice became effective could request a § 5.15(a) scope license which, if granted, will cover the subsequent filing of amendments, modifications or supplements, including additional matter in a corresponding foreign patent application. The licenses under §§ 5.12(b), 5.13, and 5.14 are normally limited in scope to the original subject matter disclosed at the time the license was granted unless a license of the § 5.15(a) scope is indicated on the license grant. If a petition for a license under § 5.12(b) is granted prior to the grant of the § 5.12(a) filing receipt license, the former would merge into the latter and would be considered a § 5.12(a) license for the purpose of § 5.15.

A new § 5.20, not included in the proposal, sets forth the specific authority of the Commissioner to license foreign filing, possible filing or prosecution of a patent application in a foreign country under 35 U.S.C. 184 regarding unclassified activities in foreign atomic energy programs. This change only reflects the existing relationship between 37 CFR 5.11 and 10 CFR § 810.7 and alerts patent applicants in this technology to the Commissioner's authority. The term "sensitive nuclear technology" used in paragraph (b) of § 5.20 is defined in 10 CFR § 810.3(q).

A new § 5.25, proposed initially as § 5.20 and modified, sets forth in the regulations the requirements to be met for the granting of a retroactive license. The requirements include (1) a list of the foreign countries in which the patent application material was filed; (2) the date(s) of filing of the foreign application(s); (3) an oath or declaration which (i) states that the subject matter filed is not subject to a secrecy order under 35 U.S.C. 181, (ii) makes a showing of diligence in attempting to obtain the license upon discovery of the error, and (iii) makes a showing of facts which support a conclusion of inadvertence; and (4) includes the required fee. The section also provides in paragraph (b) for review from a denial of a petition for a retroactive license. The section further provides in paragraph (c) that the granting of a retroactive license pursuant to § 5.25 does not excuse any violation of regulations of the export agencies which may have occurred because of the failure to obtain an appropriate license prior to export.

Sections 5.21, 5.22 and 5.23 have been redesignated to become §§ 5.31, 5.32 and 5.33, respectively.

**Significant Differences Between Proposed and Final Rules**

*Section 1.17*

Section 1.17(h) is amended to include a specific reference to § 5.25 petitions for retroactive licenses for which the petition fee is charged, rather than having the present retroactive license fee under § 1.182 petitions. The fee for § 5.12(b) licenses is new and applies only where expedited handling of these license requests is sought. This fee for expedited handling is also referred to in §§ 5.13 and 5.14. Section 5.15(c) provides for a fee for changing the scope of a license.

*Section 5.1*

The proposed amendment to § 5.1 is not being adopted and is withdrawn.

*Section 5.11*

Section 5.11 is amended to control the *export* of technical data in the form of an application or data in any form if related to preparing, filing, or prosecuting a patent application in a foreign country, if the United States application has not been on file for at least six months prior to the date of transmittal, or if no application has been filed in the United States. Export approvals, if required, may be provided by appropriate export agencies—Department of State; Department of Commerce, International Trade Administration or Department of Energy—or by the Commissoner. This will enable the Patent and Trademark Office and the export agencies to better reflect and exercise the export control functions set forth in the Arms Export Control Act, as amended, the Export Administration Act of 1979, as amended, the Atomic Energy Act of 1954, as amended, and the Nuclear Non-Proliferation Act of 1978, respectively.

Under these Acts, the export of technical data is the activity to be controlled. The final rule differs from the proposed rule in that the Patent and Trademark Office will not be the sole export control authority over technical data in the form of an application, or data in any form, if related to preparing, filing, or prosecuting a patent application. Applications will have the option to obtain necessary export approvals either (1) from appropriate export agencies or (2) from the Commissioner. The Commissioner will continue to be the sole licensing authority for the act of filing an application in a foreign patent office.

Paragraphs (a), (b), and (c) of § 5.11 control export activity by requiring either an export agency approval or a Commissioner's license for export of technical data in connection with foreign filing of an application and to that extent implement the Arms Export Control Act, the Export Administration Act, the Atomic Energy Act and the Nuclear Non-Proliferation Act. If a license is obtained from the Commissioner under § 5.12, § 5.13 or § 5.14, no separate approval for the export of technical data to a foreign country in connection with a patent application is required from the export agencies.

It is emphasized that the scope of the Commissioner's license is limited to exporting and filing technical data in the form of an application, or in any form, if related to preparing, filing and prosecuting a patent application or for consideration of the filing of a patent application in a foreign country. A Commissioner's license does not authorize selling or using technical data in a foreign country or exporting data for other purposes. These latter acts continue to require separate approvals from the appropriate export agencies.

Also, the export of technical data in any form to a foreign country for purposes other than related to filing or supporting the filing of a patent application is not controlled by Title 35, U.S.C. or the regulations in Part 5. The exportation of data to a foreign country in such cases would be subject only to other laws and regulations such as the export and arms control regulations. Approval for the export of such technical data for purposes related to filing, possible filing, or supporting the filing of a patent application will be available from the appropriate export agencies or the Commissioner. On the other hand, the Commissioner will be the sole licensing authority for the act of filing the application in a foreign patent office.

Section 5.11(d), proposed as § 5.11(b), states that an application cannot be exported to a foreign country when the corresponding United States application is under secrecy order except under § 5.5

Section 5.11(e), proposed as § 5.11(c), states that no license is required if the invention was not made in the United States, or the application was on file in the United States at least six months and is not under a secrecy order issued under § 5.2

Section 5.11(f), proposed as § 5.11(d), states that any license for foreign filing may be revoked at any time by written notification. It has been amended to further clarify that revocation also applies to authorizations resulting from the passage of six months from the filing date of a United States patent application when a secrecy order is imposed.

*Section 5.12*

Section 5.12(b) is clarified from the proposal to specify that the fee is for expedited handling of a petition under § 1.17(h).

*Section 5.13*

Section 5.13 is clarified from the proposal to specify that the fee is for expedited handling of a petition under § 1.17(h).

*Section 5.14*

Section 5.14(a) is clarified from the proposal to specify that the fee is for expedited handling of a petition under § 1.17(h).

The other changes in § 5.14 make grammatical corrections and do not alter the intent of the section.

*Section 5.15*

Section 5.15(a) broadens the scope of licenses granted under § 5.12(a). Section 5.15(a), as proposed, is changed to clarify the scope of a § 5.15(a) license and delete certain of the exclusions originally proposed. This license permits exporting technical data to and filing corresponding subject matter in an application in any foreign country. The license also permits amendments, modifications, and supplements, including divisions, changes or supporting matter consisting of the illustration, exemplification, comparison, or explanation of subject matter disclosed in the application, to be exported and filed in any foreign country. This license includes additional matter which does not change the general nature of subject matter disclosed and does not pertain to certain prohibited subjects or areas listed on various export restriction lists established by the Department of State and the Department of Energy.

These changes also permit an applicant to take action in the prosecution of the foreign or international application and submit supporting data such as affidavits, test data or the like as long as it directly relates to the filing, possible filing or prosecution of the application and does not pertain to the prohibited subjects or areas enumerated in § 5.15(a)(4). The changes in § 5.15(a) obviate the problems in *In re Gaertner*, supra, by providing a license scope which covers the type of activity involved in that case.

Amended paragraph (b) of § 5.15 is the same as proposed paragraph (b) except for changes for consistency.

Amended paragraph (c) of § 5.15 differs from § 5.15(c) as proposed by including a reference to § 5.14 and specifically permitting an applicant to petition for a change of the scope of a license.

New paragraph (d) of § 5.15 is similar to proposed paragraph (d) with only changes for consistency.

New paragraph (e) of § 5.15 is similar to proposed paragraph (e) with only changes for consistency.

Paragraph (f) of § 5.15 is similar to proposed paragraph (f) with only changes for consistency.

Paragraph (g) is adopted essentially as proposed.

*Section 5.17*

Section 5.17 is similar to proposed § 5.17 with only consistency changes.

*Section 5.20*

Section 5.20, not included in the proposal, is new and clarifies the existing authority of the Commissioner under the unclassified activities in foreign atomic energy programs. Under 10 CFR 810.7, the license of the Commissioner under 37 CFR 5.11 pursuant to 35 U.S.C. 184 constitutes information available to the the public and is a generally authorized activity.

*Section 5.25*

Section 5.25, proposed initially as § 5.20, is new and sets forth the requirements for petitioning for a retroactive license.

*Section 5.31 and 5.32*

Sections 5.21 and 5.22 are redesignated as §§ 5.31 and 5.32, respectively.

*Section 5.33*

Section 5.23 is redesignated as § 5.33 and adopted as proposed.

**Responses to Comments on the Rules**

Specific comments were received on a number of the sections. All of the comments, including the written comments and the oral testimony were considered.

Twenty-one letters presenting written comments were received and nine persons testified at the public hearing on July 20, 1983. Comments appear below along with the responses.

*Comment:* One comment objected to the amendment of § 5.1 to include "transmittal for" filing.

*Reply:* This comment has been adopted by deleting the phrase from the final rule.

*Comment:* Three comments requested an explanation of the conditions when a license may be revoked under § 5.11(d) be clearly set forth and asked whether, if revocation occurs, past acts are valid and whether there will be compensation for damages.

*Reply:* The section has been revised to further clarify the conditions under which a license may be revoked. The power to revoke licenses has been expressly included in all issued licenses for a number of years. Section 5.11(d) as proposed, merely recognizes in the rule the fact that licenses can be revoked. With the advent of the filing of a U.S. application becoming a request for a foreign filing license under § 5.12(a), a regulatory procedure clarifying the revocation practice was appropriate. Revocation will be effective only as of the date of revocation and prior acts predicated on the license would be in compliance with 37 CFR Part 5. The rule as proposed has been clarified to indicate that revocation may apply either to a license specifically granted by the Commissioner or to an authorization to file a foreign application resulting from the passage of six months from the filing of a United States patent application. No compensation is available for revocation of a license.

*Comment:* Eighteen comments requested the amendment of § 5.11 to eliminate the license requirement for "transmittal for filing" and substitute the requirement for "filing" only.

*Reply:* The proposal has been adopted by eliminating the requirement for a license from the Commissioner prior to transmitting or exporting an application abroad. The regulations have been clarified to emphasize the requirements for the export of technical data in the form of an application. An applicant has a choice of exporting such applications under authority of either (1) the appropriate export agencies controlling the export of technical data—Department of State; Department of Commerce, International Trade Administration; or Department of Energy or (2) a license from the Commissioner. While a license from the Commissioner is required only for filing an application abroad, the provisions of §§ 5.18, 5.19 and 5.20 reflect the Commissioner's authority to license the export of technical data in the form of an application for purposes related to filing in addition to the foreign filing of the application in a foreign country.

*Comment:* Six person objected to the transmittal license requirement and argued that the Patent and Trademark Office lacks authority under 35 U.S.C. 184 to require pre-filing (transmitting) licenses. It was also argued that foreign filing licensing is not the conduct of proceedings under 35 U.S.C. 6.

*Reply:* The final rules do not require a license from the Commissioner for export (or transmittal). The export provisions of § 5.11 are issued under 35 U.S.C. 6 and pursuant to delegations under the regulations of the export agencies.

*Comment:* One comment argued that the constitutional right of freedom of speech would be impaired by requiring a license for published material.

*Reply:* A constitutional argument of prior restraint by export licensing of the International Traffic in Arms Regulations was reviewed by the Ninth Circuit in the case of *United States* v. *Edler*, 579 F. 2d 516 (9th Cir. 1978) cert. denied 449 U.S. 1084 (1981). No prior restraint within first amendment protection was found by the Court.

*Comment:* One comment stated that the $120 petition license fee under § 5.12(b) is too high, and a $60 fee would be more reasonable.

*Reply:* The license fee under § 5.12(b), § 5.13 and § 5.14 is not applicable to routine licensing requests. It is only applicable to expedited processing of license requests which require special efforts by the Patent and Trademark Office. The $120 petition fee better reflects the costs to the Patent and Trademark Office for providing expedited handling.

*Comment:* One comment proposed the deletion of the last sentence of paragraph § 5.14(a) since under § 5.12(a) only those cases having interest from a security standpoint are refused a license.

*Reply:* This suggestion has not been adopted because the provision may apply to petitions filed prior to receipt of a filing receipt license where expedited handling is requested.

*Comment:* One comment stated that § 5.15(d) appears to be redundant since it applies only to cases on file for six months and on which no secrecy order has been imposed.

*Reply:* Under § 5.15(d), a license is not needed for cases in this category if no additional subject matter is added. This section complements § 5.15(b) where a license of narrow scope is granted.

*Comment:* One comment raised the question whether § 5.15(a) as to amendments, supplements, and modifications includes continuation-in-part applications.

*Reply:* Continuation-in-part applications are included within the term "amendments, supplements, and modifications." *Beckman Instruments, Inc.* v. *Coleman Instruments*, 143 USPQ 278 (7th Cir. 1964).

*Comment:* Two comments requested that the express language in § 5.15(a)(3) be amended to state that "Technical Data" relating to articles, materials and supplies be limited to the validated license requirements of §§ 379.4(c) and 379.4(d) of the Export Administration Regulations and no other sections, or alternatively, that paragraph (a)(3) be deleted in its entirety.

*Reply:* The final rules do not include § 5.15(a)(3) as proposed.

*Comment:* Two comments proposed that the two-tier licensing structure of § 5.15(a) and § 5.15(b) be amended to reflect a broad one-tier system based on § 5.15(a).

*Reply:* The two-tier system reflects different treatment for applications within the inspection scope of 35 U.S.C. 181 and those outside of its inspection scope. Security review occurs on all applications with inspection cases having a narrow license grant, and non-inspection cases having a broad license grant. This inspection case treatment is necessary for the Patent and Trademark Office to meet its responsibilities under 35 U.S.C. 184 and particularly 37 CFR 5.18, 5.19, and 5.20 where the State, Commerce and Energy Departments accept the Commissioner's licenses in lieu of their own export approval.

*Comment:* One comment indicated that proposed § 5.15(a)(3) was of such wide scope that licenses will always be needed. The example cited was that this section would require licenses for all amendments filed in North Korea and Cuba.

*Reply:* The comment is correct and the provisions of § 5.15(a)(3) have been deleted. The country of destination restrictions did not provide a workable mechanism for technology review under the provisions of 35 U.S.C. 181.

*Comment:* Three comments recommended making a § 5.15(a) scope license available pursuant to a § 5.14 petition where an application was filed prior to February 27, 1983, or where an initial automatic § 5.12(a) petition was not granted after February 27, 1983 or where the general nature of the invention changed but is still outside of the provisions of § 5.15(a)(4).

*Reply:* This provision has been adopted to allow the Commissioner to issue broadened licenses upon a § 5.14 petition in the above circumstances. New § 5.15(c) allows the Commissioner to convert the scope of a license from a § 5.15(b) to a § 5.15(a) license.

*Comment:* Two comments proposed the extension of a § 5.15(a) license upon petition after one or more years after the United States filing date or after grant of a § 515(b) license.

*Reply:* This suggestion has been adopted in § 5.15(c) which will provide the mechanism by petition at any time to convert the scope of a license. This is promulgated since errors may occur in the denial of a § 5.15(a) license. Also, the initial determination of the sensitive nature of technology may be altered by changes in the security classification guidelines. Procedurally, such petitions will be referred to the appropriate defense agencies for their review of the technology prior to the grant of any license.

*Comment:* One comment requested clarification on how and under what circumstances a § 5.12(b) license granted under § 5.15(c) has the same scope as a license granted under § 5.12(a).

*Reply:* Licenses granted under § 5.12(a) will have the § 5.15(a) scope because the applications are not within the inspection scope of 35 U.S.C. 181 referred to the defense agencies for security review. Under § 5.15(c), applications which are not referred to defense agencies pursuant to petitions under §§ 5.12, 5.13 and 5.14 will have a license of the scope of § 5.15(a).

*Comment:* Three comments suggested an amendment to proposed § 5.20(4) to delete the "inadvertence" standard and substitute "through error without deceptive intent."

*Reply:* Inadvertence is a statutory standard which cannot be altered by rulemaking. Further, judge-made law has determined the metes and bounds of this term which further proscribes the rulemaking authority of the Commissioner. In *Barr Rubber Products Co.* v. *Sun Rubber Co.*, 149 USPQ 204, 209 (S.D.N.Y. 1966) inadvertence was defined as "lack of care or attentiveness: inattention" or "an effect of inattention: a result of carelessness; an oversight, mistake, or fault from negligence."

Inadvertence signifies want of attention, and an action which is deliberately taken with full knowledge of the law and facts is not inadvertent. *In re Application of November 22, 1952*, 153 USPQ 410, 411 (Asst. Commr. 1967).

*Implementation of Patent Procedure Revisions*

The various sections will be implemented by the Commissioner on the effective date of the rules by the acceptance of petitions under the various sections. The broadened license scope of § 5.15(a) will apply as of the effective date of these rules to all cases having filing receipt licenses under § 5.12(a) which became effective on February 27, 1983. The provisions of this broad license do not apply to acts of export or filing which occurred prior to the effective date of these rules. No other action will be required by an applicant to receive the benefits of this change.

*Other Considerations*

Environmental, energy, and other considerations: The rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The Acting General Counsel of the Department of Commerce certified to the Small Business Administration that the rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96-354) for several reasons. Under this rulemaking, small entities would be able to obtain licenses without filing separate requests therefor. In general, the rule

change will also expedite proceedings before the Patent and Trademark Office, simplifying existing procedures where possible.

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than $100 million. There will be no major increases in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act. The collection of information requirement of this rule change is included in a PTO request for approval pending before the OMB. Upon assignment of a control number by OMB, we will publish an appropriate amendment of the affected rules.

**List of Subjects**

*37 CFR Part 1*

Administrative practice and procedure, Courts, Freedom of information, Inventions and patents, Lawyers, Small businesses.

*37 CFR Part 5*

Classified information, Foreign relations, Inventions and patents.

Notice is hereby given that, pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, 41 and 181–188 and by delegations to the Commissioner by regulation (15 CFR 370.10(j), 22 CFR 125.04, and 10 CFR 810.7) or otherwise under the Export Administration Act of 1979, as amended, the Arms Export Control Act, as amended, the Atomic Energy Act of 1954, as amended, and the Nuclear Non-Proliferation Act of 1978, the Patent and Trademark Office is amending Parts 1 and 5 of Title 37 of the Code of Federal Regulations as set forth below:

## PART 1—[AMENDED]

1. Section 1.17 is amended by revising paragraph (h) to read as follows:

**§ 1.17 Patent application processing fees.**

* * * * *

(h) For filing a petition to the Commissioner under a section of Part 1 or 5 listed below which refers to this paragraph.....$120.00

—§ 1.47—for filing by other than all the inventors or a person not the inventor
—§ 1.48—for correction of inventorship
—§ 1.182—for decision on questions not specifically provided for
—§ 1.183—to suspend the rules
—§ 1.268—for late filing of interference settlement agreement
—§§ 5.12, 5.13 & 5.14—for expedited handling of foreign filing license
—§ 5.15—for changing the scope of a license
—§ 5.25—for retroactive license

2. The table of contents and heading for Part 5 are revised to read as follows:

## PART 5—SECRECY OF CERTAIN INVENTIONS AND LICENSES TO EXPORT AND FILE APPLICATIONS IN FOREIGN COUNTRIES

**Secrecy Orders**

Sec.
5.1 Defense inspection of certain applications.
5.2 Secrecy order.
5.3 Prosecution of application under secrecy orders; withholding patent.
5.4 Petition for rescission of secrecy order.
5.5 Permit to disclose or modification of secrecy order.
5.6 General and group permits.
5.7 Compensation.
5.8 Appeal to Secretary.

**Licenses for Foreign Exporting and Filing**

5.11 License for filing in a foreign country an application on an invention made in the United States or for transmitting international application.
5.12 Petition for license.
5.13 Petition for license; no corresponding application.
5.14 Petition for license; corresponding U.S. application.
5.15 Scope of license.
5.16 Effect of secrecy order.
5.17 Who may use license.
5.18 Arms, ammunition, and implements of war.
5.19 Export of technical data.
5.20 Export of technical data relating to sensitive nuclear technology.
5.25 Petition for retroactive license.

**General**

5.31 Effect of modification, rescission or license.
5.32 Papers in English language.
5.33 Correspondence.

**Authority:** 35 U.S.C. 6, 41, 181–188 and the Export Administration Act of 1979, as amended, the Arms Export Control Act, as amended, the Atomic Energy Act of 1954, as amended, and the Nuclear Non-Proliferation Act of 1978, and the delegations in the regulations under these acts to the Commissioner (15 CFR 370.10(j), 22 CFR 125.04, and 10 CFR 810.7).

3. The center heading preceding § 5.11 and the text of § 5.11 are revised to read as follows:

**Licenses for Foreign Exporting and Filing**

**§ 5.11 License for filing in a foreign country an application on an invention made in the United States or for transmitting an international application.**

(a) A license from the Commissioner of Patents and Trademarks under 35 U.S.C. 184 is required before filing any application for patent or for the registration of a utility model, industrial design, or model, in a foreign patent office or any foreign patent agency or any international agency other than the United States Receiving Office, if:

(1) An application on the invention has been on file in the United States less than six months prior to the date on which the application is to be filed, or

(2) No application on the invention has been filed in the United States.

(b) The license from the Commissioner of Patents and Trademarks referred to in paragraph (a) would also authorize the export of technical data abroad for purposes related to the preparation, filing or possible filing and prosecution of a foreign patent application without separately complying with the regulations contained in 22 CFR Parts 121–130 (International Traffic in Arms Regulations of the Department of State), 15 CFR Part 379 (Regulations of the Office of Export Administration, International Trade Administration, Department of Commerce) and 10 CFR Part 810 (Foreign Atomic Energy Programs of the Department of Energy).

(c) Where technical data in the form of a patent application, or in any form, is being exported for purposes related to the preparation, filing or possible filing and prosecution of a foreign patent application, without the license from the Commissioner of Patents and Trademarks referred to in paragraphs (a) or (b) of this section, or on an invention not made in the United States, the export regulations contained in 22 CFR Parts 121–130 (International Traffic in Arms Regulations of the Department of State), 15 CFR Part 379 (Regulations of Office of Export Administration, International Trade Administration, Department of Commerce) and 10 CFR Part 810 (Foreign Atomic Energy Programs of the Department of Energy) must be complied with unless a license is not required because a United States application was on file at the time of export for at least six months without a secrecy order under § 5.2 being placed thereon. The term "exported" means export as it is defined in 22 CFR Parts 121–130, 15 CFR Part 379 and 10 CFR Part 810.

(d) If a secrecy order has been issued under § 5.2, an application cannot be exported to, or filed in, a foreign country (including an international agency in a foreign country), except in accordance with § 5.5.

(e) No license pursuant to paragraph (a) of this section is required if:

(1) The invention was not made in the United States, or

(2) The United States application is not subject to a secrecy order under § 5.2, and was filed at least six months prior to the date on which the application is filed in a foreign country.

(f) A license pursuant to paragraph (a) of this section can be revoked at any time upon written notification by the Patent and Trademark Office. An authorization to file a foreign patent application resulting from the passage of six months from the date of filing of a United States patent application may be revoked by the imposition of a secrecy order.

4. Section 5.12 is amended by revising paragraph (b) to read as follows:

**§ 5.12 Petition for license.**

* * * * *

(b) Petitions for license should be presented in letter form and must include the required fee (§ 1.17(h)), if expedited handling of the petition is also sought, the petitioner's address, and full instructions for delivery of the requested license when it is to be delivered to other than the petitioner.

5. Section 5.13 is revised to read as follows:

**§ 5.13 Petition for license; no corresponding application.**

If no corresponding national or international application has been filed in the United States, the petition for license under § 5.12(b) must be accompanied by the required fee (§ 1.17(h)), if expedited handling of the petition is also sought, and a legible copy of the material upon which a license is desired. This copy will be retained as a measure of the license granted. For assistance in the identification of the subject matter of each license so issued, it is suggested that the petition be submitted in duplicate and provide a title and other description of the material. The duplicate copy of the petition will be returned with the license or other action on the petition.

6. Section 5.14 is amended by revising paragraphs (a) and (c) to read as follows:

**§ 5.14 Petition for license; corresponding U.S. application.**

(a) When there is a corresponding United States application on file, a petition for license under § 5.12(b) must include the required fee (§ 1.17(h)), if expedited handling of the petition is also sought, and must identify this application by serial number, filing date, inventor, and title, but a copy of the material upon which the license is desired is not required. The subject matter licensed will be measured by the disclosure of the United States application. Where the title is not descriptive, and the subject matter is clearly of no interest from a security standpoint, time may be saved by a short statement in the petition as to the nature of the invention.

* * * * *

(c) When the application to be filed or exported abroad contains matter not disclosed in the United States application or applications, including the case where the combining of two or more United States applications introduces subject matter not disclosed in any of them, a copy of the application as it is to be filed in the foreign country or international application which is to be transmitted to a foreign international or national agency for filing in the Receiving Office, must be furnished with the petition. If however, all new matter in the foreign or international application to be filed is readily identifiable, the new matter may be submitted in detail and the remainder by reference to the pertinent United States application or applications.

7. Section 5.15 is revised to read as follows:

**§ 5.15 Scope of license.**

(a) Grant of a license under § 5.12(a) authorizes the export and filing of an application in a foreign country or the transmitting of an international application to any foreign patent agency or international patent agency when the subject matter of the foreign or international application corresponds to that of the domestic application. This license includes authority

(1) To export and file all duplicate and formal papers to the foreign country or international agencies;

(2) To make amendments, modifications and supplements, including divisions, changes or supporting matter consisting of the illustration, exemplification, comparison, or explanation of subject matter disclosed in the application;

(3) To take any action in the prosecution of the foreign or international application; and

(4) To add subject matter or take any action under paragraphs (a) (1)–(3) of this section which does not change the general nature of the subject matter disclosed at the time of filing, unless the subject matter added involves technical data pertaining to:

(i) Defense services or articles designated in the United States Munitions List applicable at the time of foreign filing, the unlicensed exportation of which is prohibited pursuant to the Arms Export Control Act, as amended, and 22 CFR Parts 121–130; or

(ii) Restricted Data, sensitive nuclear technology or technology useful in the production or utilization of special nuclear material or atomic energy, the dissemination of which is subject to restrictions of the Atomic Energy Act of 1954, as amended, and the Nuclear Non-Proliferation Act of 1978, as implemented by the regulations for Unclassified Activities in Foreign Atomic Energy Programs, 10 CFR Part 810, in effect at the time of foreign filing.

(b) Grant of a license under § 5.12(b) authorizes the export and filing of an application in a foreign country or the transmitting of an international application to any foreign patent agency or international patent agency. Further, this license includes authority to forward all duplicate and formal papers to the foreign patent agency or international patent agency and to make amendments, modifications or supplements to and take any action in the prosecution of the foreign or international application, provided subject matter additional to that covered by the license is not involved.

(c) A license granted under § 5.12(b) pursuant to § 5.13 or § 5.14 shall have the scope indicated in paragraph (a) of this section, if it is so specified in the license. A petition, accompanied by the required fee (§ 1.17(h)), may also be filed to change a license having the scope indicated in paragraph (b) of this section to a license having the scope indicated in paragraph (a) of this section. The change in the scope of a license will be as of the date of the grant of the change in scope.

(d) In those cases in which no license is required to file the foreign application or transmit the international application, no license is required to file papers in connection with the prosecution of the foreign or international application not involving the disclosure of additional subject matter.

(e) Any paper filed abroad or transmitted to an international patent agency following the filing of a foreign or international application which changes the general nature of the subject matter disclosed at the time of filing or which involves the disclosure of subject matter listed in paragraphs (a)(4)(i) or (ii) of this section must be separately licensed in the same manner

as a foreign or international application. Further, if no license has been granted under § 5.12(a) on filing the corresponding United States application, any paper filed abroad or with an international patent agency which involves the disclosure of additional subject matter must be licensed in the same manner as a foreign or international application.

(f) Licenses separately granted in connection with two or more United States applications may be exercised by combining or dividing the disclosures, as desired, provided:

(1) Subject matter which changes the general nature of the subject matter disclosed at the time of filing or which involves subject matter listed in paragraphs (a)(4) (i) or (ii) of this section is not introduced and,

(2) In the case where at least one of the licenses was obtained under § 5.12(b), additional subject matter is not introduced.

(g) A license does not apply to acts done before the license was granted. See § 5.25 for petitions for retroactive licenses.

8. Section 5.17 is revised to read as follows:

**§ 5.17 Who may use license.**

Licenses may be used by anyone interested in the export, foreign filing, or international transmittal for or on behalf of the inventor or the inventor's assigns.

9. A new § 5.20 is added to read as follows:

**§ 5.20 Export of technical data relating to sensitive nuclear technology.**

(a) Under regulations (10 CFR 810.7) established by the United States Department of Energy, an application filed in accordance with the regulations (37 CFR 5.11–5.33) of the United States Patent and Trademark Office and eligible for foreign filing under 35 U.S.C. 184, is considered to be information available to the public in published form and a generally authorized activity for the purposes of the Department of Energy regulations.

(b) Inquiries concerning the export of sensitive nuclear technology other than related to the filing or prosecution of a foreign patent application should be made to the Attention: Secretary, United States Department of Energy, Office of International Security Affairs, Washington, D.C. 20858.

**§ 5.21 [Redesignated as § 5.31]**

10. Section 5.21 is redesignated as § 5.31.

**§ 5.22 [Redesignated as § 5.32]**

11. Section 5.22 is redesignated as § 5.32.

12. A new § 5.25 is added to read as follows:

**§ 5.25 Petition for retroactive license.**

(a) A petition of retroactive license under 35 U.S.C. 184 shall be presented in accordance with § 5.13 or § 5.14, and shall include:

(1) A listing of the foreign countries in which the patent application material was filed,

(2) The dates on which the material was filed,

(3) A verified statement containing:

(i) An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,

(ii) A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and

(iii) An explanation of why the material was inadvertently filed abroad without the required license under § 5.11 first having been obtained, and

(4) The required fee (§ 1.17(h)).

The above explanation must include a showing of facts rather than a mere allegation of inadvertence. The showing of facts should include statements by those persons having personal knowledge of the acts regarding filing in a foreign country and should be accompanied by copies of any necessary supporting documents such as letters of transmittal or instructions for filing. The acts which are alleged to constitute inadvertence should cover the period from the time of filing until actual filing of the petition under this section.

(b) If a petition for a retroactive license is denied, a time period of not less than thirty days shall be set, during which the petition may be renewed. Failure to renew the petition within the set time period will result in a final denial of the petition. A final denial of a petition stands unless a petition is filed under § 1.181 within two months of the date of the denial. If the petition for a retroactive license is denied with respect to the invention of a pending application and no petition under § 1.181 has been filed, a final rejection of the application under 35 U.S.C. § 185 will be made.

(c) The granting of a retroactive license does not excuse any violation of the export regulations contained in 22 CFR Parts 121–130 (International Traffic in Arms Regulations of the Department of State), 15 CFR Part 379 (Regulations of Office of Export Administration, International Trade Administration, Department of Commerce) and 10 CFR Part 810 (Foreign Atomic Energy Programs of the Department of Energy) which may have occurred because of the failure to obtain an appropriate license prior to export.

13. Section 5.23 is redesignated as § 5.33 and revised to read as follows:

**§ 5.33 Correspondence.**

All correspondence in connection with this part, including petitions, should be addressed to "Commissioner of Patents and Trademarks (Attention Licensing and Review), Washington, D.C. 20231."

Dated: February 24, 1984.

**Gerald J. Mossinghoff,**

*Commissioner of Patents and Trademarks.*

[FR Doc. 84-8884 Filed 4-3-84; 8:45 am]

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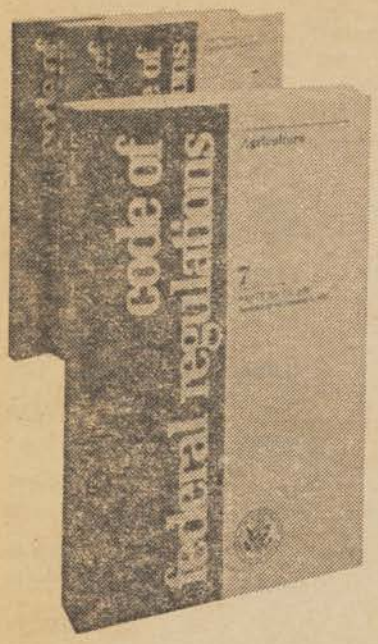
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