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Monday
April 30, 1984

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Aviation Safety
Federal Aviation Administration

Education of Handicapped
Education Department

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 918

[Georgia Peach Reg. 3]

Fresh Peaches Grown in Georgia Grade and Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule modifies minimum grade and size requirements currently in effect for peaches grown in Georgia shipped fresh to markets outside the State. These requirements are necessary to promote orderly marketing in the interests of producers and consumers.

DATES: Effective April 30, 1984. Comments due May 30, 1984.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under Secretary's Memorandum 1512–1 and Executive order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This interim rule is issued under the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in Georgia. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Georgia fresh peach shipments are currently regulated by grade and size under § 918.325 Peach Regulation 2, as amended, initially issued in July 1982. Because such regulatory requirements infrequently change from season to season they are issued on a continuing basis subject to amendment, modification, or suspension, as may be recommended by the committee and approved by the Secretary. This action is based on information submitted by the Industry Committee established under this order, and upon other available information.

This interim rule modifies current grade and size requirements for fresh Georgia peach shipments as follows: The minimum grade is set at 85 percent U.S. No. 1 quality, with additional allowances for peaches with well-healed hail marks, split pits, and not more than 1 percent decay. The minimum size requirement for such shipments is 1⅞ inches in diameter, except that such minimum is 1¾ inches for peaches grading at least U.S. Extra No. 1. Peaches shipped in closed containers to adjacent markets (The States of Florida, Alabama, Tennessee, North Carolina, South Carolina, Mississippi, and that portion of Louisiana which is east of the Mississippi River) are exempt from such grade and size requirements if they are at least 1¾ inches in diameter, and if they are inspected and in containers marked "For Sale in Adjacent Markets Only". Peaches shipped in bulk to adjacent markets are exempt from grade, size, and inspection requirements. During the 1983 season peaches shipped to nonadjacent markets were required to be mature and be at least 1⅝ inches in diameter, while all requirements were suspended for shipments to adjacent markets. The committee reports that shipments of low quality and small sized peaches from Georgia last season hampered the marketing of better quality peaches. Permitting shipment of peaches 1¾ inches in diameter grading U.S. Extra No. 1 should not adversely affect shipments of larger peaches as the smaller peaches would need meet a higher color requirement designed to assure shipment of peaches which are of good quality and mature. Likewise permitting shipment of peaches to adjacent markets exempt from certain grade and size requirements would provide a market for lower quality fruit or fruit which is too ripe to be shipped to distant markets.

The committee met on April 5, 1984, to consider supply and market conditions and other factors affecting the need for and type of regulation suitable for the 1984 season Georgia peach crop. The committee recommended the grade and size requirements specified herein based on an appraisal of the current and prospective growing and marketing conditions for this season's Georgia peach crop. The Georgia peach production area is one of the first each season to market an appreciable amount of fresh peaches. During the early weeks of the season there is a tendency to ship immature and smaller size fruit. Shipment of such fruit at this time tends to adversely affect consumer demand, with resultant depressing effects on grower returns. Establishing minimum grade and size requirements for Georgia peach shipments is necessary to promote orderly marketing of the 1984 crop.

The Secretary finds that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date of this interim rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because of insufficient time between the date when information became available upon which this rule is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the modification of the grade and size requirements at an open meeting, at which the committee recommended issuance of the specified requirements to become effective April 30, 1984. Georgia peach handlers have been apprised of this rule's provisions and the effective date. The interim rule provides a 30-day comment period. A longer comment period would be contrary to the public interest, as any comments on the effect of the rule need to be received within 30 days, so that any necessary changes can be made promptly in the grade and size requirements. All comments received will be considered prior to finalization of this interim rule. It is found that this interim rule will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 918

Marketing agreements and order, Peaches, Georgia.

§ 918.325 [Removed]

Therefore, § 918.325 is removed and a new § 918.326 is added to read as follows:

§ 918.326 Georgia Peach Regulation 3.

(a) On and after April 30, 1984:

(a) *Nonadjacent Markets:* No handler shall ship peaches to destinations in other than adjacent markets unless such peaches grade at least 85 percent U.S. No. 1 quality, except that peaches with well-healed hail marks and split pits, and peaches with not more than 1 percent decay, may be shipped if they otherwise meet the requirements of this grade: *Provided,* That such peaches are at least 1⅞ inches in diameter, except that the minimum diameter requirement is 1¾ inches for peaches grading at least U.S. Extra No. 1.

(2) *Adjacent Markets:* No handler shall ship peaches to destinations in adjacent markets unless such peaches meet the grade and size requirements specified in paragraph (a)(1) of this section: *Provided,* That peaches may be shipped to adjacent markets in closed containers exempt from such grade and size requirements if they are at least 1¾ inches in diameter, and are inspected and in containers marked as specified in § 918.130: *Provided further,* That peaches may be shipped to adjacent markets in bulk exempt from all such grade and size requirements.

(3) *Size Tolerances:* Size tolerances applicable to the minimum size requirements specified in paragraphs (a)(1) and (a)(2) of this section shall be as follows: Not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than the minimum size specified.

(b) The inspection requirement specified in § 918.64 shall not apply to peaches shipped in bulk to destinations in the adjacent markets, except for peaches in closed containers.

(c) The maturity regulations specified in § 918.400 are hereby suspended for peaches shipped to all destinations other than those in the adjacent markets.

(d) "U.S. No. 1", U.S. Extra No. 1, and "diameter" mean the same as defined in the United States Standards for Peaches (7 CFR 51.1210—51.1223).

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

Dated: April 25, 1984.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-11578 Filed 4-27-84; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 84-193]

Brokered Deposits; Limitations Applicable to Institutions With Low Net Worth

Dated: April 23, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Interim final rule; clarification.

SUMMARY: On March 26, 1984, the Federal Home Loan Bank Board ("Board") adopted an interim final rule limiting to five percent the amount of deposits that insured institutions with low net worth may acquire by or through deposit brokers. The Board is now clarifying that rule in a number of respects.

DATE: Effective from March 26, 1984, through September 30, 1984.

FOR FURTHER INFORMATION CONTACT: Wendy B. Samuel, Deputy Director, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, (202) 377–6447.

SUPPLEMENTARY INFORMATION: On March 26, 1984, the Board adopted a regulation to limit insurance coverage of deposits placed by or through deposit brokers. That regulation resulted from the Board's determination, based on recent experience in supervisory cases, that access to brokered deposits could endanger insured institutions and the Insurance Fund. Because insured institutions require time to reorganize their portfolios and to amend their operating procedures to adjust to the new insurance limitation, the Board delayed the effective date of the regulation until October 1, 1984.

In order to forestall certain abuses prior to the effective date of the insurance limitation, however, the Board also adopted on that date an interim final regulation to prevent the acquisition of brokered deposits in excess of five percent of total deposits by institutions having net-worth levels of less than three percent of liabilities. The Board expressed concern that the delayed effective date of the insurance limitation might encourage such institutions to acquire large amounts of insured deposits through brokers, since all deposits acquired prior to October 1, 1984, would continue to be insured through maturity. Institutions with a substantial net-worth cushion would be unlikely, in the Board's judgment, to be negatively affected by such actions in the period prior to the effective date, and were therefore not included in the interim restriction.

As a result of a number of inquiries, the Board has become aware of certain ambiguities in the interim rule. First, the applicability of the interim rule to renewals and rollovers of funds obtained through a deposit broker appears to be unclear; prohibiting acceptance of funds under such circumstances could precipitate a liquidity crisis by forcing an affected institution to repay large numbers of depositors who had invested through deposit brokers when their maturing deposits could not be renewed. The result would be inconsistent with the Board's intent which was not to force an immediate reduction but rather to preclude acquisition of additional amounts of brokered deposits. The regulation has therefore been clarified to exclude renewals and rollovers from the prohibition on new insured brokered deposits.

Particularly in institutions with liquidity or cash-flow problems, it is also not inconsistent with the Board's purpose to permit a return to the dollar amount of brokered deposits on the date of adoption of the interim final rule, where the actual amount of such deposits has been reduced through such means as withdrawals. The Board is therefore taking this opportunity to permit such an exception during the interim period. Because the decision as to whether these additional amounts of brokered deposits should be permitted will depend on the particular situation of the institution involved, the Board is delegating this authority to its Supervisory Agent, with appropriate standards provided.

A technical problem with the regulation has arisen from the reference to net worth at the beginning of the quarter; questions were raised regarding institutions whose fiscal years do not coincide with the calendar year, and there was also uncertainty as to the specific quarter involved. Queries were also received with regard to commitments for funds and later acceptance of those funds, and whether net-worth determinations would be required for completion of each phase of the transaction. The regulatory language has accordingly been clarified to remove

the quarter determination date and to provide that institutions must be in compliance with the net-worth requirement when committing for additional brokered deposits. Lastly, the Board has amended the regulation to make clear that more stringent brokered-deposits restrictions imposed on institutions by the Board or the FSLIC in other contexts will continue to apply to those institutions during the effective period of this regulation.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Board hereby certifies that the interim final rule will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that only a few institutions have both net worth below the proposed requirement and brokered deposits in excess of five percent of deposits. Therefore, a regulatory flexibility analysis is not required, 5. U.S.C. 605(b).

The Board finds that observance of the public notice and comment period set forth at 5 U.S.C. 552(b) and 12 CFR 508.11, and the delay of the effective date set forth at 5 U.S.C. 552(d) and 12 CFR 508.14, would be impracticable and contrary to the public interest for the reasons described above, and because the amendments generally constitute clarification.

Lists of Subjects in 12 CFR Part 563

Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation, Savings and loan associations.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION PART 563—OPERATIONS

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

Revise § 563.4 as follows:

§ 563.4 Brokered deposits.

(a) For purposes of this section, the term "net-worth requirement" means (1) an amount at least equal to three percent of all liabilities (i.e., total assets, net of the following: loans in process, specific reserves, and deferred credits other than deferred taxes; minus net worth as defined by § 561.13 of this Subchapter); or (2) for institutions subject to the requirements of § 563.13(b)(2)(iii) of this Part, the applicable percentage of such liabilities required by § 563.13(b)(2)(iii).

(b) For purposes of this section, the term "brokered deposits" means deposits obtained by or through deposit brokers, as defined in § 561.2a of this Subchapter.

(c) Except as provided in paragraph (d) of this section, no insured institution which does not meet its net-worth requirement or other brokered-deposit restrictions imposed by the Board or the Corporation may commit to accept brokered deposits if the amount of such deposits, together with the total amount of all other brokered deposits then outstanding, would exceed five percent of its total deposits. The renewal or rollover of deposits outstanding on March 26, 1984, shall not be considered a commitment to accept deposits for purposes of this section.

(d) An insured institution that does not meet its networth requirement and has brokered deposits in an amount exceeding five percent of its total deposits but less than the dollar amount it had on March 26, 1984, may, upon approval by the Supervisory Agent, commit to accept brokered deposits up to the dollar amount it had on that date. In considering whether to approve such a request, the Supervisory Agent shall take into account the safety and soundness of the institution, including its liquidity requirements, asset/liability maturity, management, and similar factors.

(e) This section expires on October 1, 1984.

(12 U.S.C. 1724, 1725, 1726, 1728)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84-11612 Filed 4-27-84; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-115-AD; Amdt. 39-4855]

Airworthiness Directives; McDonnell Douglas Model DC-8-70 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) that requires replacement of certain thrust reverser hydraulic control units (HCU's) installed on the inboard thrust reversers of certain McDonnell Douglas Model DC-8-70 series airplanes. This action is necessary to correct a design deficiency in certain HCU's and prevent a situation where the thrust reversers cannot be stowed following an in-flight deployment. This action supersedes an existing AD applicable to the same components.

DATE: Effective June 1, 1984. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESS: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen P. Kolb, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) requiring replacement of certain thrust reverser hydraulic control units (HCU's) installed on the inboard thrust reversers on McDonnell Douglas Model DC-8-70 series airplanes was published in the Federal Register on Ferbuary 10, 1984, (49 FR 5134). This action is necessary to correct a design deficiency in certain HCU's and prevent a situation where thrust reversers cannot be stowed following an in-flight deployment. This action supersedes AD 82-19-51 R1, Amendment 39-4714 published in the Federal Register, September 6, 1983 (48 FR 40212), requiring a revision to the limitations section of the FAA approved Airplane Flight Manual (AFM). The AFM revision was required as an interim procedure for operation of thrust reversers with P/N C24466000 HCU's. After those HCU's are replaced with P/N C2446600-/-2, P/N C24466001-2, or other FAA approved units in accordance with this AD, the limitations required per AD 82-19-51 R1, Amendment 39-4714 may be removed from the AFM.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant data and comments provided. Two comments were received in response to the notice of proposed rulemaking. Both commenters agreed to the proposed rule and planned to be in

compliance prior to the proposed deadline of May 1, 1984. In view of the anticipated effective date of this AD, the proposed compliance deadline of May 1, 1984, has been extended to allow for compliance 30 days after the rule becomes effective. This provides a slight extension in the compliance time, which the FAA has determined can be permitted without adversely affecting safety.

Cost Estimate

Cost for replacement and rework of affected HCU's are covered by the manufacturer's warranty. For this reason, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected.

After careful review of available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas Model DC–8–70 series airplanes equipped with P/N C24466000 Thrust Reverser Hydraulic Control Units (HCU's) on the inboard thrust reversers, certificated in all catagories.

Compliance required as indicated in the body of this AD, unless previously accomplished:

A. Replace P/N C24466000 HCU's on both inboard (#2 & #3) engine thrust reversers with P/N C24466000–/–2, P/N C24466001–2, or other FAA approved units, within 30 days after the effective date of this AD. The AFM limitations required by AD 82–19–51 RI, Amendment 39–4714 may be removed after HCU's are replaced on all aircraft in each operator's fleet.

Note.—P/N C24466000 HCU's can be modified to P/N C24466000–/–2 in accordance with CFMI Service Bulletin (CFM–56–2) 78–057, dated March 30, 1982, or later FAA approved revisions.

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

C. Special Flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplanes to a base to comply with the requirements of this AD.

This supersedes Amendment 39–4714 (48 FR 40212), AD 82–19–51.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective June 1, 1984.

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

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model DC–8–70 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington on April 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–11509 Filed 4–27–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 82–NM–49–AD; Amdt. No. 39–4854]

Airworthiness Directives; British Aerospace Model DH/BH 125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing airworthiness directive (AD) applicable to British Aerospace Model DH/BH 125 airplanes by adding a calendar time compliance limit for modifications to the front pressure bulkhead and windshield posts. The original AD specified only a cycle compliance time; the calendar time compliance limit was omitted. It was later found that a calendar limit is also necessary to prevent the possibility of corrosion induced structural failures.

EFFECTIVE DATE: June 1, 1984.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM–150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 446–2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The FAA issued amendment 39–2934 (42 FR 31768), AD 77–13–09, which requires modifications to the front pressure bulkhead and windshield posts of the DH/BH 125 airplanes to prevent structural failure. The compliance time specified was within 25 landings after the effective date of the AD or prior to accumulating 6600 total landings. Hawker Siddeley Aviation, Ltd., Service Bulletin 53–46–(2402) not only prescribes a maximum of 6600 total landings but also a ten-year compliance time limit from date of manufacture. Since the unsafe conditions could result from either cyclic induced damage or corrosion damage, a cyclic compliance limit and a calendar compliance limit are both required.

A proposal to amend amendment 39–2934 to also include the calendar compliance limit was published in the **Federal Register** on October 11, 1983 (48 FR 46070). The comment period closed November 14, 1983, and interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received. It stated no objection to the proposal.

It is estimated that 276 airplanes may be affected by this amendment, that it will take approximately 180 manhours per airplane to accomplish the required actions, and that the average labor cost will be $30 per manhour. Repair parts are estimated at $2,400 per airplane. Based on these figures, the total cost impact of this AD is estimated to be $2,152,800 if none of the airplanes have been modified. It is believed that most operators have complied with AD 77–13–09 because most airplanes will have accumulated more than 6,600 landings.

For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected.

Therefore, the FAA has determined that air safety and the public interest require the amendment of an existing rule as proposed.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising Amendment 39–2934 (42 FR 31768), AD 77–13–09, to read as follows:

"Hawker Siddeley Aviation, Ltd.: Applies to Model DH/BH 125 airplanes series 1A up to and including series 600A certificated in all categories.

A. Prior to the accumulation of 6600 total landings or upon reaching 10 years after the date of manufacture of the airplane, whichever occurs first, if not already accomplished, incorporate Hawker Siddeley modifications 25–2404 and 25–2207 in accordance with Section 2, Accomplishment Instructions, of Hawker Siddeley Aviation, Ltd., Service Bulletin 53–46–(2402), Revision 2, dated February 16, 1976. Airplanes which have already exceeded 6500 landings or are over 9½ years from date of manufacture must be modified within the next 100 landings or 6 months after the effective date of this amendment, whichever occurs first.

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

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

This amendment becomes effective June 1, 1984.

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

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, small entities operate the Model DH/BH 125 airplanes. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on April 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–11510 Filed 4–27–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 22093 and 84–NM–26–AD; Amdt. 39–4853]

Airworthiness Directives; Airbus Industrie Model A300 B2 and B4 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Airbus Industrie Model A300 B2 and B4 series airplanes which requires replacement of all clamps and most of the support brackets for fuel and hydraulic system lines in the engine pylons. This is prompted by reports of fuel and hydraulic line attaching clamps breaking in service. This could result in line breakage and a consequent fire hazard.

EFFECTIVE DATE: June 1, 1984.

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

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

SUPPLEMENTARY INFORMATION: The Direction Generale de l'Aviation Civile (DGAC), the French civil aviation authority, has issued an AD which mandates compliance with Airbus Industrie Service Bulletin A300–54–007.

There have been reports of fuel and hydraulic systems line attaching clamps in the engine pylons breaking in service. The service bulletin prescribes replacement of all the clamps in the engine pylons with reinforced teflon-lined clamps, and replacement of most of the support brackets with reinforced brackets.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of attaching clamps and brackets in the engine pylons was published in the Federal Register on August 20, 1981 (46 FR 42279). The comment period closed October 19, 1981. Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received. The commenter stated that the world fleet of A300 airplanes has accomplished the requirements of the AD and, therefore, there is no reason for issuing a final rule. The FAA disagrees. The FAA has received no verification that the world fleet of A300 airplanes has accomplished the AD requirements. While the U.S. fleet of A300 airplanes has accomplished these requirements, the AD is issued to cover the import of A300 airplanes that may not have accomplished the modification.

This amendment will have no economic impact on the current U.S. fleet since the sole U.S. operator has accomplished the AD requirements. The cost estimate for unmodified imports will be $6500 per airplane. For these reasons, this rule is not considered to be a major rule under the criteria of Executive Order 12291. No small entities within the meaning of the Regulatory Flexibility Act will be affected.

Accordingly, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Airbus Industrie: Applies to Model A300 B2 and B4 series airplanes, certificated in all categories. Compliance is required within the next 750 hours time in service after the effective date of this AD, unless already accomplished.

To prevent breakage of the fuel and hydraulic line attaching clamps in the engine pylons, which could result in line breakage and a consequent fire hazard, accomplish the following:

A. Remove the existing fuel and hydraulic line attaching clamps and brackets, and install new reinforced teflon-lined clamps and redesigned brackets in accordance with paragraph 2, "Accomplishment Instructions", of Airbus Industrie Service Bulletin A300–54–007, Revision 5, dated December 22, 1978.

B. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle

Aircraft Certification Office, FAA, Northwest Mountain Region.

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

This amendment becomes effective June 1, 1984.

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

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

Issued in Seattle, Washington on April 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-11511 Filed 4-27-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-NM-03-AD; Amdt. 39-4852]

Airworthiness Directive; Boeing Model 727-100 Airplanes Modified in Accordance With STC SA1602NM Dated April 16, 1982

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to certain Boeing Model 727 airplanes which have been modified by installation of a performance data computer in accordance with Supplemental Type Certificate (STC) SA1602NM. Subsequent to approval of this STC, it was discovered that certain regulatory requirements relating to pitot-static system redundancy were not met. This AD requires changes to the installation and is necessary to assure proper functioning of instruments which utilize the pitot-static system.

EFFECTIVE DATE: May 7, 1984.

ADDRESS: The applicable service information may be obtained from: Federal Express, P.O. Box 727, Memphis, Tennessee 38194. This information may also be examined at the address listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Alvin Habbestad, Systems & Equipment Branch, ANM-130S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2942. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: This action is necessary because modifications made to install a Performance Data Computer under STC SA1602NM removed the first pilot's required instruments from the left side pitot probe and static system and connected those instruments plus the air data computer and the autopilot air data sensor to the auxiliary pitot probe and the auxiliary static system. The change deactivated the left side pitot probe and connected the first pilot's pressure instruments to the lower right hand probe. The two probes are located 9 inches apart on the right side of the airplane. Also, the first pilot's static instruments, except the vertical speed indicator, were connected to the auxiliary system. Loss of all airspeed information could result from a single bird strike. The first pilot's required instruments could be lost as a result of failure of the other equipment connected to the same pitot or static source. This configuration does not comply with Civil Air Regulation (CAR) 4b.612.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires reconfiguring the airplanes's pitot-static system.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of Amendment

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

Boeing: Applies to Boeing Model 727-100 airplanes modified to install a Performance Data Computer under (STC) SA1602NM. To eliminate unsafe conditions related to the pitot-static system, accomplish the following within the next 90 days after the effective date of this AD unless already accomplished:

(A) Connect the first and second pilots' flight instruments to the appropriate pitot-static systems to conform with Civil Air Regulations (CAR) 4b.612 using a means approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

(B) Perform a leak check of the pitot-static system in accordance with Federal Aviation Regulations (FAR) Part 91.170.

(C) Perform a functional test of the air data system.

(D) Perform a functional check of the pitot heat system.

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

This amendment becomes effective May 7, 1984.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on April 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-11512 Filed 4-27-84; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

Space Transportation System

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: NASA is amending 14 CFR Part 1214 Subpart 1214.6, "Mementos Aboard Space Shuttle Flights," to clarify policy on carrying mementos aboard Space Shuttle flights and use of both official flight kits and personal preference kits. The provisions for both the official flight kit and the personal preference kit have been modified so that they are more nearly parallel, where appropriate. This revision streamlines procedures and establishes civil penalties for violations.

EFFECTIVE DATE: April 30, 1984.

ADDRESS: Management Support Division, Office of External Relations, Code LB, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Nathaniel B. Cohen, 202–453–8335.

SUPPLEMENTARY INFORMATION: On February 1, 1984, NASA published a proposed rule in the **Federal Register** (49 FR 4006) inviting public comments, by March 2, 1984, on amendments to "Mementos Aboard Space Shuttle Flights." This revised rule authorizes mementos, carried only in official flight kits or personal preference kits, to be flown aboard the Space Shuttle. Official flight kits carry mementos of specific flights for distribution by NASA. Personal preference kits are assigned to individuals accompanying Space Shuttle flights and carry mementos for their personal disposition. The items carried in both kits are restricted as to their kind, number, weight, and post-flight disposition. The commercialization of items flown in either kit is prohibited. These restrictions apply to all organizations and persons whose mementos are flown aboard the Space Shuttle.

No comments on the proposed amendments were received. On the basis of additional review, NASA has decided to modify further the language of section 1214.607, media and public inquiries, for clarification, with no significant change in content. The regulation is adopted with this change and just a few technical changes.

The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, since it will not exert a significant economic impact on a substantial number of small entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1214

Payload specialist, Mission manager, NASA-related payload, Mission specialist, Investigator working group, Government employees, Government procurement, Security measures, Space transportation and exploration, SSUS procurement, Small self-contained payloads, Reimbursement for shuttle services, Authority of space transportation systems (STS) commander, Articles authorized to be carried on space transportation system flights, Space transportation system personnel reliability program.

PART 1214—SPACE TRANSPORTATION SYSTEM

For reasons set out in the Preamble, 14 CFR Part 1214 is amended by revising Subpart 1214.6 to read as follows:

Subpart 1214.6—Mementos Aboard Space Shuttle Flights

Sec.

1214.600 Scope.
1214.601 Definitions.
1214.602 Policy.
1214.603 Official flight kit.
1214.604 Personal preference kit.
1214.605 Preflight packing and storing.
1214.606 Postflight disposition.
1214.607 Media and public inquiries.
1214.608 Safety requirements.
1214.609 Loss or theft.
1214.610 Violations.

Authority: Pub. L. 85–568, 72 Stat. 426, 42 U.S.C. 2473(c).

Subpart 1214.6—Mementos Aboard Space Shuttle Flights

§ 1214.600 Scope.

This subpart establishes policy, procedures, and responsibilities for selecting, approving, packing, storing, and disposing of mementos carried on Space Shuttle flights.

§ 1214.601 Definitions.

(a) *Mementos.* Flags, patches, insignia, medallions, minor graphics, and similar items of little commercial value, especially suited for display by the individuals or groups to whom they have been presented.

(b) *Official flight kit (OFK).* A container reserved for carrying official mementos of NASA and other organizations aboard Space Shuttle flights. No personal items will be carried in the OFK.

(c) *Personal preference kit (PPK).* A container separately assigned to each person accompanying a Space Shuttle flight for carrying personal mementos during the flight.

§ 1214.602 Policy.

(a) *Premise.* Mementos are welcome aboard Space Shuttle flights. However, they are flown as a courtesy—not as an entitlement. The Administrator is free to make exceptions to this accommodation without explanation. Moreover, mementos are ballast not payload. They can be reduced or eliminated by the Manager, National Space Transportation Systems Program, Johnson Space Center, for weight, volume, or other technical reasons without reference to higher authority.

(b) *Constraints.* Mementos to be carried on Space Shuttle flights must be approved by the Administrator and stowed only in an OFK or a PPK. Mementos will not be carried within payload containers, including get-away specials.

(c) *Economic gain.* Items carried in an OFK or a PPK will not be sold, transferred for sale, used or transferred for personal gain, or used or transferred for any commercial or fund-raising purpose. Items will not be approved for flight that have a known or suspected commercial value, such as philatelic covers and coins, or that by their nature lend themselves to exploitation by the recipients, or create problems with respect to good taste.

§ 1214.603 Official flight kit.

(a) *Purpose.* The OFK enables NASA and other organizations (representing launch service customers, researchers, and schools) to utilize mementos as awards and commendations, or to preserve them in musuems or archives. "Other organizations," as used in this paragraph, includes the aerospace industry, the academic community, and the counterpart institutions of friendly foreign countries.

(b) *Limitations.* U.S. national flags will not be flown as mementos except for U.S. Government sponsors.

(c) *Approval of Contents.* At least 60 days before the launch of a Space Shuttle flight, a representative of each organization desiring mementos to be carried on the flight must submit an Official Flight Kit and Personal Preference Kit Request, NASA Form 1614, through the cognizant NASA Headquarters Program or Staff Office (e.g., foreign requests through the International Affairs Division, military requests through the DOD Affairs Division, payload requests through the NASA sponsor, and commercial launch service customer requests through the Associate Administrator for Space Flight) to the Associate Director, Johnson Space Center. The Director, Johnson Space Center, will compile the requests and forward them to the Associate Administrator for Space Flight with advice as to whether they can be accommodated within the weight and volume limitations of the specific

mission. The Associate Administrator for Space Flight will recommend to the Administrator a final list of items to be included in the OFK.

§ 1214.604 Personal preference kit.

(a) *Purpose.* The PPK enables persons accompanying Space Shuttle flights to carry personal items for use as mementos. Only those individuals actually accompanying such flights may request authorization to carry personal items. These items must be carried in individually assigned PPK's.

(b) *Limitations.* The contents of a PPK must be limited to 20 separate items weighing a combined total of 1.5 pounds (680 grams). No more than one article may be given to any one individual. Increases in these limitations will be authorized only by the Administrator.

(c) *Approval of Contents.* At least 60 days before the scheduled launch of a Space Shuttle flight, each person assigned to the flight who desires to carry items in a PPK must submit an Official Flight Kit and Personal Preference Kit Request, NASA Form 1614, to the Associate Director, Johnson Space Center. The Associate Director, Johnson Space Center, will review the requests for compliance with this subpart and submit them with weight data through supervisory channels to the Associate Administrator for Space Flight who will similarly review the requests and forward them with recommendations to the Administrator for final approval. In conducting this review, the Associate Administrator for Space Flight will staff the requests of payload specialists with the Program Associate Administrators responsible for payload management during the mission, and the requests of passengers (everyone who is not a commander, pilot, mission specialist, or payload specialist) with the Associate Administrator for External Relations. Upon receipt of the Administrator's action, the Associate Administrator for Space Flight will provide a copy of each approved request to the requester, the General Counsel, and the Director, Johnson Space Center.

§ 1214.605 Preflight packing and storing.

(a) Items intended for inclusion in OFK's or PPK's must arrive at the Johnson Space Center at least 30 days prior to the flights on which they are scheduled in order for them to be listed on the cargo manifest, packaged, weighed, and stowed aboard the orbiter. Items which do not arrive within the 30-day limit will not be carried on the flight; therefore, they must arrive at the Johnson Space Center even if the Administrator's approval is still pending. Items which do not receive the Administrator's approval will be returned to the persons who submitted them.

(b) The Associate Director, Johnson Space Center, will:

(1) Pack, seal, and weigh the OFK's and PPK's according to the requests approved by the Administrator.

(2) Secure the kits while awaiting the launches on which they are manifested.

§ 1214.606 Postflight disposition.

The Associate Director, Johnson Space Center, will:

(a) Remove and safeguard all the kits following flight;

(b) Return the contents of the PPK's to the persons who submitted them; and

(c) Forward the contents of the OFK to the Administrator through supervisory channels for disposition.

§ 1214.607 Media and public inquiries.

(a) *Official flight kit.* Information on the contents of OFK's will be routinely released to the media and public upon their request, but only after the contents have been approved by the Administrator.

(b) *Personal preference kit.* Information on the contents of PPK's will be routinely released to the media and to the public upon their request immediately following postflight inventory.

(c) *Responsibility for release of information.* The Director of Public Affairs, Johnson Space Center, is responsible for the prompt release of information on OFK and PPK contents.

§ 1214.608 Safety requirements.

The contents of OFK's and PPK's must meet the requirements set forth in NASA Handbook 1700.7, "Safety Policy and Requirements for Payloads Using the Space Transportation System (STS)."

§ 1214.609 Loss or theft.

(a) *Responsibility.* The National Aeronautics and Space Administration will not be responsible for the loss or theft of, or damage to, items carried in OFK's or PPK's.

(b) *Report of loss or theft.* Any person who learns that an item contained in an OFK or a PPK is missing shall immediately report the loss to the Johnson Space Center Security Officer and the NASA Inspector General.

§ 1214.610 Violations.

Any item carried in violation of the requirements of this subpart shall become the property of the U.S. Government, subject to applicable Federal laws and regulations, and the violator may be subject to disciplinary action which could include being permanently prohibited from flying aboard the Space Shuttle or any other manned spacecraft of the National Aeronautics and Space Administration.

James M. Beggs,

Administrator.

[FR Doc. 84-11421 Filed 4-27-84; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 373 and 399

[Docket No. 30578-4055]

Exports of Spectrum Analyzers; No Special Licensing Procedures Available

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Supplement No. 1 to Part 373 of the Export Administration Regulations lists those commodities that are not eligible for special export licensing procedures for reasons of national security, nuclear non-proliferation, or foreign policy. This rule adds certain real-time FFT spectrum analyzers to Supplement No. 1 to Part 373 to exclude them from special licensing procedures.

Supplement No. 1 to section 399.1 (the Commodity Control List) includes all commodities subject to Department of Commerce export controls. This rule amends the entry of the Commodity Control List controlling the export of spectrum analyzers by listing the characteristics of those spectrum analyzers excluded from special licensing procedures.

EFFECTIVE DATE: April 25, 1984.

FOR FURTHER INFORMATION CONTACT: Vincent Greenwald, Exporter Services Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-3856).

SUPPLEMENTARY INFORMATION: On June 6, 1983, the Office of Export Administration (OEA) issued a rule that removed spectrum analyzers from special licensing procedures (48 FR 21574). The effective date of this rule has been consecutively extended to April 25, 1984 in order to permit exporters to adjust to the transition from using special (multiple) export licenses to shipping under individual validated licenses and to give OEA time to evaluate the public comments on this

rule (48 FR 30097; 48 FR 38811; 49 FR 6884). This rule takes into account the comments received. It narrows the type of spectrum analyzers that are excluded from the special procedures to those that have significant applications. The former rule covered a broader range of analyzers.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Since this regulation involves a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553 requiring notice of proposed rulemaking, the opportunity for public participation and a delay in effective date are inapplicable.

2. This rule contains a collection of information requirement under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The collection of this information has been approved by the Office of Management and Budget (OMB control number 0625–0052). It relieves a restriction contained in the rule issued June 6, 1983 by narrowing the types of spectrum analyzers excluded from special licensing procedures.

3. This rule was determined to be not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, under the rule issued June 6, 1983.

4. This rule is exempt from the requirements of Executive Order No. 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Parts 373 and 399

Exports.

PARTS 373 AND 399—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

1. Supplement No. 1 to Part 373, "Commodities Excluded from Certain Special License Procedures," is amended by adding an entry 1529 between entries 1522 and 4530, reading as follows:

Supplement No. 1

Commodities Excluded from Certain Special License Procedures

Export Control Commodity Number and	*Commodity Description*
*	*
*	*
*	*
*	*
*	*

1529 sub-entry (b)(4) only: Spectrum analyzers employing time compression of the input signal or FFT (Fast Fourier Transform) techniques having the characteristics defined in the *Special Licenses Available* paragraph of ECCN 1529A.

* * * * *

2. Supplement No. 1 to section 399.1 (the Commodity Control List) is amended by revising the *Special Licenses Available* paragraph for ECCN 1529A (in Commodity Group 5, Electronics and Precision Instruments) to read as follows:

1529A Electronic measuring, calibrating, counting, testing and/or time interval measuring equipment, whether or not incorporating frequency standards.

Controls for ECCN 1529A:

* * * * *

Special Licenses Available: See Part 373 for special licenses available for commodities other than those defined in paragraph (b)(4) of the LIST below that have either of the following characteristics:

1. The time required to process 1024 time domain samples and update a 512-line PSD display or some part thereof is less than 50 ms and the measurement can be made with 0.1 Hz or better resolution with the maximum frequency range set at 500 Hz or below, *or*

2. The time required to process 1024 time domain samples and transfer an updated 512-line PSD data block is less than 50 ms and the measurement can be made with 0.1 Hz or better resolution with the maximum frequency range set at 500 Hz or below.

* * * * *

Authority: Secs. 203, 206, Pub. L. 95–223, Title II, 91 Stat. 1626, 1628 (50 U.S.C. 1702, 1704) Executive Order No. 12470 of March 30, 1984 (49 FR 13099, April 3, 1984).

Dated: April 26, 1984.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 84–11722 Filed 4–26–84; 4:33 pm]

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C–3132]

General Motors Corp. and Toyota Motor Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: On April 11, 1984, the Federal Trade Commission accepted a consent agreement with General Motors Corporation and Toyota Motor Corporation, limiting the automakers' Joint Venture to the manufacture and sale of no more than 250,000 subcompact cars per year. The agreement limits the Joint Venture to a twelve year period, ending no later than Dec. 31, 1997. While GM, Toyota and the Joint Venture are permitted to exchange information necessary to produce the Sprinter-derived vehicles, the Commission modified and strengthened the proposed order's provision concerning exchanges of competitively sensitive information. The Decision and Order prohibits the transfer or communication of any information concerning current or future prices of new automobiles or component parts produced by either automaker; sales or production forecasts or plans for any product not produced by the Joint Venture; marketing plans for any product, including products produced by the Joint Venture; and development and engineering activities relating to the product of the Joint Venture.

DATE: Complaint and Order issued April 11, 1984.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CDI, Edward F. Glynn, Washington, D.C. 20580, (202) 634–6608.

SUPPLEMENTARY INFORMATION: On Wednesday, Dec. 28, 1983, there was published in the **Federal Register**, 48 FR 57246, *correction*, 48 FR 57314 (Dec. 29, 1983), a proposed consent agreement with analysis In the Matter of General Motors Corporation, a corporation, and Toyota Motor Corporation, a corporation, for the purpose of soliciting public comments. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its modified Decision and Order, as set forth below, in disposition of this proceeding.

The prohibited trade practices, and affirmative corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records.

List of Subjects in 16 CFR Part 13

Automobiles, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

[1] The Complaint in this matter was published with the Proposed Consent Agreement, 48 FR 57246.

In the matter of General Motors Corporation, a corporation, and Toyota Motor Corporation, a corporation; Docket No. C-3132; Decision and order.

The Federal Trade Commission having initiated an investigation of the proposed acquisition of shares in a Joint Venture corporation by the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of the complaint which the Bureau of Competition proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Clayton Act and the Federal Trade Commission Act; and

The respondents, their attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having considered the matter and having determined that it had reason to believe that the respondents have violated the said Acts, and that the complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, and having duly considered the comments filed thereafter by interested persons pursuant to § 2.34 of its Rules, now in further conformity with the procedure prescribed in § 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent General Motors Corporation is a Delaware corporation with headquarters at 3044 West Grand Boulevard, Detroit, Michigan.

2. Respondent Toyota Motor Corporation is a Japanese corporation with headquarters at 1, Toyota Cho, Toyota City, Aichi Prefecture 471, Japan.

3. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

Order

I

It is ordered, That for the purposes of this Order the following definitions shall apply:

1. "GM" means General Motors Corporation, a corporation organized, existing and doing business under the laws of Delaware, with its principal offices at 3044 West Grand Boulevard, Detroit, Michigan, as well as its officers, employees, agents, its parents, divisions, subsidiaries, successors, assigns, and the officers, employees or agents of GM's parents, divisions, subsidiaries, successors and assigns.

2. "Toyota" means Toyota Motor Corporation, a corporation organized, existing and doing business under the laws of Japan, with its principal offices at 1, Toyota Cho, Toyota City, Aichi Prefecture 471, Japan, as well as its officers, employees, agents, its parents, divisions, subsidiaries, successors, assigns, and the officers, employees or agents of Toyota's parents, divisions, subsidiaries, successors and assigns.

3. The term "New Automobiles" means new passenger automobiles manufactured or sold in or shipped to the United States or Canada, and includes light trucks and vans.

4. The term "Module" means an integrated manufacturing facility, comprising, at a minimum, body, paint and final assembly functions, capable of producing not more than approximately 250,000 New Automobiles per year.

5. The term "Joint Venture" means any corporation, partnership or other entity jointly owned, controlled, managed or directed by GM and Toyota, or by both GM and Toyota and any other entity or entities, that engages in the manufacture or sale of New Automobiles. The term "Joint Venture" includes the successors and assigns of a Joint Venture, and any entity formed subsequent to a Joint Venture, for purposes similar to the purposes of a Joint Venture.

6. Information is presumptively "public" if it is reported in a publication other than one authorized by GM or Toyota.

II

It is further ordered, That respondents shall not, without the prior approval of the Commission, form any Joint Venture except a single Joint Venture that is limited to the manufacture for or sale to GM of New Automobiles derived from the Toyota Sprinter and produced by a single Module. Nothing in this paragraph is intended to or is to be construed to prohibit this single Joint Venture from manufacturing or selling additional products to Toyota.

III

It is further ordered, That respondents shall not form any Joint Venture that is not limited in duration to a maximum of twelve years after the start of production or that continues in operation beyond the earlier of twelve years after the start of production or December 31, 1997; provided, however, that nothing in this paragraph prohibits respondents from continuing any entity beyond twelve years for the limited purposes of winding up the affairs of the Joint Venture (which shall not include manufacturing New Automobiles), disposing of its assets, and providing for continuing warranty or product or service responsibilities for Joint Venture products.

IV

It is further ordered, That respondents shall not exchange or discuss between themselves, or with any Joint Venture, non-public information in connection with New Automobiles relating to current or future:

1. Prices of GM or Toyota New Automobiles or component parts of New Automobiles, except pursuant to a supplier-customer relationship entered into in the ordinary course of business;

2. Costs of GM or Toyota products, except as provided in Paragraph V of this order;

3. Sales or production forecasts or plans for any product other than the product of the Joint Venture; or

4. Marketing plans for any product.

V

It is further ordered, That respondents shall not, except as may be necessary to accomplish, and solely in connection with, the legitimate purposes or functioning of any Joint Venture, exchange or discuss between themselves, or with any Joint Venture, non-public information in connection with New Automobiles relating to current or future:

1. Model changes, design changes, product designs, or development or engineering activities relating to the product of the Joint Venture;

2. Sales or production forecasts or plans as they relate to the product of the Joint Venture; or

3. Costs of GM or Toyota products supplied to the Joint Venture.

VI

It is further ordered, That each respondent shall, and respondents shall cause any Joint Venture to:

1. Maintain complete files and records of all correspondence and other communications, whether in the United States or elsewhere, between and among GM, Toyota and the Joint Venture concerning information described in Paragraph V;

2. Maintain logs of all meetings and nonwritten communications, whether in the United States or elsewhere, between and among GM, Toyota, and the Joint Venture concerning information described in Paragraph V, including in such logs the names and corporate positions of all participants, the dates and locations of the meetings or other communications and a summary or description of such information:

3. For a period of six years, retain and make available to the Federal Trade Commission on request the complete files, records and logs required by subparagraphs 1 and 2; and

4. Annually, on the anniversary date of this Order, furnish a copy of this Order to each management employee of the Joint Venture and each management employee of GM and Toyota with responsibilities for the Joint Venture, and furnish to the Federal Trade Commission a signed statement provided by each such employee affirming that he or she has read a copy of this Order, understands it, and intends to comply fully with its provisions.

VII

It is further ordered, That each respondent shall, within sixty days from the date of issuance of this Order, and annually thereafter, submit in writing to the Commission a report setting forth in detail the manner and form in which it intends to comply, is complying and has complied with the terms of this Order, and such additional information relating thereto as may from time to time reasonably be required.

VIII

It is further ordered, That each respondent shall notify the Commission at least thirty days prior to any change in itself or in any Joint Venture that affects compliance with the obligations arising out of this Order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporations or Joint Venture.

IX

It is further ordered, That the prohibitions of this Order shall terminate five years after the termination of manufacturing of sales of New Automobiles by all Joint Ventures.

By the Commission. Commissioners Pertschuk and Bailey voted in the negative.

Issued: April 11, 1984.

Emily H. Rock,

Secretary.

Statement of James C. Miller III, Chairman, Federal Trade Commission, Concerning GM/Toyota Joint Venture

April 11, 1984.

On December 22, 1983, the Federal Trade Commission provisionally accepted for public comment a consent agreement concerning the proposed joint venture between General Motors Corporation and Toyota Motor Corporation ("the venture"). Under that consent agreement, which was accepted after one of the most thorough and intensive antitrust reviews in Commission history, GM and Toyota may only undertake the joint venture subject to safeguards limiting the venture's scope and preventing the exchange of competitively sensitive information not required to achieve the legitimate objectives of the venture.

Over one hundred comments were received concerning the proposed consent agreement. None of these comments raised any significant new facts or substantive arguments beyond those already considered by the Commission. Because I believe the consent agreement, as modified today by the Commission, permits the venture's procompetitive benefits while minimizing anticompetitive concerns, I have voted to give final acceptance to it.

In analyzing the joint venture, it is important to separate reality from rhetoric. The Fremont venture is a limited production joint venture, not a merger of GM and Toyota. The extent of continuing competition between the companies dwarfs the limited area of cooperation represented by the venture. The FTC's approval of the joint venture, subject to the safeguards of the consent order, does not, as some have charged, ignore the antitrust laws, nor does it turn them upside down. Rather, it represents a careful application of antitrust principles to the specific facts at hand. The goal of the Commission's antitrust review has been to protect competition, and hence consumers. We've also been very sensitive to the substantial gains to competition and consumers projected by the venture under the safeguards incorporated in the consent agreement.

In evaluating the proposed consent agreement, the Commission weighed a number of possible competitive concerns. These included the effect of the joint venture pricing formula, the possibility of tacit or explicit collusion resulting from the venture, and the venture's effect on Toyota's incentives to enter into production in the United States. Nothing in the comments received alters my preliminary assessment that with the safeguards incorporated in the consent these possibilities do not represent significant antitrust dangers. Let me explain.

Without the restraints incorporated in the consent agreement, the Fremont venture does raise two potentially troubling issues: the venture's effect on GM's incentives to continue alternative production of small cars, and the possibility of anticompetitive information exchanges that are unnecessary to achieve the legitimate purposes of the joint venture. To address these concerns, the Commission has incorporated certain safeguards in the consent agreement. The joint venture's production at the Fremont plant has been restricted to ensure that GM would retain incentives to fill the remainder of its small car needs from other sources. Expansion of the venture would be permitted only if approved in advance by the Commission.

To ensure that the joint venture were not used to facilitate the exchange of competitively sensitive information unnecessary to its operation, the exchange of certain information was prohibited, and record-keeping and reporting requirements concerning exchanges of other information were imposed to ensure continued, close monitoring of the venture's future operations.

As a result of the public comments received and our further analysis, the Commission has determined to broaden slightly both the scope of prohibited information exchanges and the record-keeping requirements by adding product development and engineering activities to the other categories of restricted information. Although this modification may result in some additional burden to the venture and its parent firms, the additional relief appears warranted to ensure that the Fremont venture is in fact confined to its efficiency-enhancing effects. The combined effect of the consent agreement provisions will permit the Commission to monitor the venture's conduct and to detect possible antitrust problems in sufficient time to prevent any (potential) anticompetitive effects.

Against these concerns, it is important to weigh the three major procompetitive benefits that are likely to result from the joint venture. First, the Fremont venture will increase the total number of small cars available in America, thus allowing consumers a greater choice at lower prices, despite present restrictions on Japanese imports. Second, the joint

venture car will cost less to produce than if GM were forced to rely immediately on some other production source. Finally, the joint venture offers a valuable opportunity for GM to complete its learning of more efficient Japanese manufacturing and management techniques. Moreover, to the extent the Fremont venture demonstrates the Japanese system can be successfully adapted to the United States, the venture should lead to the development of a more efficient and competitive U.S. industry. Evidence obtained during the Commission's investigation persuasively establishes that a successful experiment at Fremont could serve as a predicate for other domestic auto makers and their unionized employees to work out similar flexibility in work rules and practices.

As indicated by the staff memoranda and consultants' reports that were placed on the public record, the Commission's review of the Fremont venture has been thorough and painstaking. The attorneys and economists who investigated the joint venture should be commended both for the quality of their analysis and the professionalism that they have shown in carrying out their duties despite intense public interest in this matter and grossly distorted criticism from some quarters. The public comments received concerning provisional acceptance of the consent agreement contain no new information or analyses to alter the Commission's preliminary determination that, with the safeguards incorporated in the modified consent agreement, the Fremont venture offers substantial benefits to competition and U.S. consumers without incurring significant anticompetitive risks. To ensure these benefits are realized by American industry and American consumers, I have voted to give final acceptance to the consent agreement as modified.

Dissenting Statement of Commissioner Pertschuk Concerning Final Acceptance of the GM/Toyota Joint Venture Consent Agreement

April 11, 1984.

The Commission's final acceptance of this consent agreement is a gift from the American public to GM and Toyota's shareholders and Toyota's workers. Based on highly speculative "learning efficiencies," which—if they exist to any degree—are obtainable in less anticompetitive ways, the Commission has approved an arrangement whereby GM and Toyota will cooperate in setting price levels as well as sharing information about the most sensitive commercial subjects. Aside from setting a new antitrust standard—one which allows virtually any automobile production joint venture imaginable—the most likely result is upward pressure on GM and Toyota automobile prices, with other manufacturers' prices following along.

I agree with the majority on one point: the comments received did no raise questions about any of the fundamental factual assumptions which led three Commissioners to hail the joint venture as a boon to productivity and two Commissioners to protest it as likely to reduce competition. In my view, the conclusion that GM can accomplish any legitimate objectives of the joint venture through less harmful ways is as sound as ever. The question—why Toyota rather than a smaller Japanese partner?—remains unanswered. The Bureau of Economics provides speculative estimates of the marginal gain from GM's joining hands with Toyota, as opposed to Isuzu or others, but these estimates deserve the healthiest of skepticism. They are based on the highly unrealistic assumption that Toyota's lower cost structure can be transferred intact to U.S. assembly.

A key to the frailty of the assumption that a Toyota partnership is unique is illustrated by Ford and Chrysler's argument that, if Toyota's technology were really so special, the acquisition of this essential knowledge by the leading American firm might be anticompetitive in itself. Staff's answer is that: "There are other very practical ways for [Ford and Chrysler] to learn Japanese methods * * * for example, a joint venture with Mitsubishi." (BC staff memo at 15) In other words, our staff would like to have it both ways: Toyota's technology is so unique that GM should be allowed to choose it as a partner in spite of competitive risks, but it is *not* so special that Ford and Chrysler can't learn essentially the same technology in other ways.

The key role of the import quotas is also reconfirmed in staff's latest analysis. The voluntary restraint agreement prevents other Japanese manufacturers from offsetting price increases which stem from any price coordination between GM and Toyota and helps protect the American oligopoly from more vigorous price competition. This buffer against competition is a major reason Toyota dealers are able to charge a premium of $2,000 to $4,000 above list price. Further, staff predicts that import restraints are unlikely to disappear quickly: "As long as the Japanese cost advantage remains substantial, Japanese automobile exports seem likely to be limited in some fashion, *i.e.* an extended VRA, a legislated import quota, or domestic content requirements." (BC staff memo at 11).

But, aside from the fact that the VRA increases the anticompetitive potential of the joint venture, what is its relevance to antitrust analysis? The staff continues to justify the joint venture, in part, because it *evades* the VRA: "* * * the joint venture *does* increase the mix of small cars available to the American public by circumventing existing, and probable future, import limitations." (BC staff memo at 11) I cannot accept this line of reasoning, which amounts to elevating the evasion of national policy to an antitrust defense.

The staff's analysis contains other speculative assertions to support the notion that there were no reasonable alternatives to GM's joining hands with Toyota. For example, staff argues that a joint venture with Isuzu would not produce the same "labor demonstration effects" as a GM-Toyota venture because, since GM owns a substantial share of Isuzu, the "UAW would likely perceive Isuzu as GM's 'alter ego' under the labor laws, and be unwilling to grant significant concessions." (BC staff memo at 17) The staff does not provide evidence for this theorizing about the fundamentally different reactions of the UAW to a GM-Toyota rather than GM-Isuzu joint venture, and I suspect the argument is principally speculation.

The Modification

The prospective futility of the consent agreement is highlighted by the modification to the order. All the Commissioners, I believe, agree that the risks to competition from the joint venture stem primarily from information exchanges, involving price, output decisions, product innovation, marketing plans, etc. In recognition of the fact that sensitive information is *inherent* in the venture, the consent agreement does not—and logically cannot if the venture is allowed to proceed—prevent this type of information exchange. Consequently, the agreement requires GM and Toyota to keep records of communications about model changes, design changes, product designs, sales or production forecasts or plans, and costs of GM or Toyota products supplied to the joint venture. (See paragraph V and VI of the order)

The modification approved by the Commission adds "development or engineering activities" to this list of types of communications for which records must be kept. The fact is, however, we could ask GM and Toyota to keep records on *all* communications

about *any* subject and the result would be file cabinets of documentation of information exchange that is likely to reduce competition between the two companies but which will not be prohibited under the order because they are part and parcel of the joint venture. Moreover, the record of information exchanges is certain to reflect a carefully condensed version of information transfers, one that will not necessarily indicate fully the subject and scope of the exchange. Further, we can assume some information exchanges will be informal and casual and, despite good faith of the companies' compliance officers, never be memorialized in the required records. I do not question the sincerity of the Commission staff in making this modification, but it should provide little comfort to the public.

Early Termination

A troubling aspect of the Commission's procedure in this case is the granting of "early termination," that is, the Commission's decision to terminate the waiting period provided in the Hart-Scott-Rodino Act so that GM and Toyota could consummate their transaction even though the waiting period had not expired. Except for a cryptic reference in the **Federal Register** of March 3, which even reporters following this matter closely missed, the decision to grant early termination was never announced by the Commission or the companies. Despite the arguments of the Chairman and the Bureau Director, I believe the Commission's affirmatively allowing GM and Toyota to consummate the venture weeks before final acceptance of the agreement, and in fact before the end of the comment period, effectively foreclosed our ability to obtain a preliminary injuction if the Commission had decided to reject the agreement. Even though that issue is now moot, since the agreement has become final, the issue of when the Commission grants early termination will arise again and deserves close examination by staff within the Commission and by outside observers.

Conclusion

In summary, the basic issues are the same. Everyone recognizes significant antitrust risks. Otherwise there would be no need for the consent agreement. However, the majority of the Commission insists that the benefits of GM learning Toyota's production techniques—and the marginal benefit of learning from Toyota rather than another partner—outweighs these risks. I continue to believe that the Commission has underestimated the likelihood of price coordination and risks to competition and, further, that any learning through joint production can be accomplished in less harmful ways. The principal incentives driving this joint venture are: (1) The ability of GM to obtain, at lower cost than building on its own, a popular and high quality car, built principally in Japan, to carry the GM nameplate; and (2) the ability of Toyota to achieve profits from sales of components and cars in the U.S. despite the voluntary restraint agreement. These are perfectly understandable objectives, but the antitrust laws exist to redirect business behavior when what is good for individual companies is not good for everyone else.

Dissenting Statement of Commissioner Patricia P. Bailey; GM/Toyota Joint Venture, File No. 821–0159

April 11, 1984.

The Commission received a great number of public comments on this matter, but I agree that they produced no significant new information or analysis. That being so, I see no reason to modify my original conclusion that this combination of two powerful and direct competitors cannot be sanctioned under the antitrust laws. The management "efficiencies" which supposedly justify it are not the sort of cost savings which merit the discretionary consideration of antitrust enforcers, and the value ascribed to them is more a product of friendly quesswork than verifiable calculation. The consent order does not prevent information exchanges on numerous competitively sensitive subjects, and it embodies a formula for establishing the wholesale price for the joint venture car which is very likely to reduce retail price competition between GM and Toyota.

Thus, the concerns which led me to dissent from the initial acceptance of the consent agreement in this matter remain valid, and I attach here a copy of the statement I issued at that time.

Statement of Commissioner George W. Douglas Regarding GM-Toyota Joint Venture File No. 821–0159

April 11, 1984.

The Federal Trade Commission has always viewed with utmost seriousness its commitment to consider the public's comments prior to issuing consent orders. The Commission's concern is particularly relevant in matters such as this, where many believe that the Commission's decision will have ramifications that transcend by far the immediate interests of the directly affected parties.

Although the Commission received in excess of a hundred individual comments following the announcement of its preliminary decision, it is significant that none of the comments raised any new facts or concerns that had not already been discussed and analyzed at length by both the Commission and its staff. Given the diversity of public opinion and the heterogeneity of interests in this matter, the fact that no new issues have been raised by the public comments is testimony, I believe, to the thoroughness and objectivity of our staff's analyses.

Prior to coming to its decision, the Commission reviewed and analyzed an extensive collection of documentary evidence, outside submissions, and exhaustive staff analyses. Because of the unique circumstances surrounding this case, edited versions of that material has been made available to the public. In its review of this material the Commission was confronted—perhaps to a degree never previously encountered—with a host of intriguing and thorny concerns touching upon such issues on international trade policy, labor relations, and local employment conditions, among others—many of which went far beyond the customary bounds of traditional antitrust concerns.

Wisely, I believe, the Commission eschewed entanglement in these side issues and focused on the factual evidence relating to the joint venture's potential effects on competition. With this as a reference standard, the Commission, following its review of the evidence, was unwilling to approve the joint venture unless General Motors and Toyota agreed to institute several important anticompetitive safeguards limiting information exchanges and the number of automobiles that would be made available to General Motors. It is significant that only after these safeguards were agreed to by the two partners would the Commission give its tentative approval to the joint venture.

The Commission's action today promises substantial benefits for American consumers, for American labor, and for the American manufacturing sector in general.

The American car-buying public stands to benefit because the joint venture serves to increase both the total number of small cars available to the public and domestic small car manufacturing capacity. This increase in domestic productive capacity and productive efficiency will enhance competition in the sale of small cars and

strengthen the competitive posture of American automobile manufacturers.

While the majority of the Commission remains convinced that the procompetitive effects of this joint venture overwhelm any of the possible anticompetitive concerns that have been raised in this matter, I should caution against the drawing of any undue inferences from today's decision. Each case that comes before the Commission is analyzed and decided upon based on its own merits, and it should go without saying that the circumstances in this case are sufficiently unique as to augur against making any inferences as to how the Commission might view other production joint ventures.

Statement of Terry Calvani, Commissioner, Federal Trade Commission of the GM/Toyota Joint Venture

April 11, 1984.

On December 22, 1983, I voted in favor of provisionally accepting a consent agreement to permit General Motors Corporation and Toyota Motor Corporation to engage in a limited manufacturing joint venture in Fremont, California. At that time, I indicated that I looked forward to receiving and reviewing public comments on the joint venture under the Hart-Scott-Rodino Act procedures and Commission rules. The Commission has received over one hundred comments on the provisionally accepted consent order. After carefully reviewing those comments, several things are apparent. First, the Staff has done an exhaustive job analyzing the competitive aspects of the joint venture. The major concerns raised in the comments had already been identified by the Staff in their investigation, and the resulting consent order addressed virtually all of these concerns. Second, to the extent anyone feared the proposed consent will not prevent collusion between General Motors and Toyota, the modification adopted today should allay those fears. Limiting information exchanges between the two companies in product development and engineering to communications necessary for producing the joint venture vehicle closes the only potential channel for collusion not covered by the proposed consent. Moreover, the record keeping requirements associated with this change provide an effective method for monitoring compliance.

Although the joint venture presents some potential antitrust problems, the modified consent order addresses the major antitrust concerns that arise from the joint venture. The modified consent prevents collusion between the companies in long term strategic planning as well as in the short term, without unduly interfering with the substantial procompetitive benefits that I believe will result from the joint venture.

[FR Doc. 84-11540 Filed 4-27-84; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, V, and VI

29 CFR Subtitle A and Chapters XVII and XXV

Display of Office of Management and Budget Control Numbers Assigned to Collections of Information Contained in Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Technical amendments.

SUMMARY: This document amends certain Department of Labor regulations to include a control number assigned by the Director of the Office of Management and Budget (OMB). The Paperwork Reduction Act requires display of an OMB control number on all information collection provisions.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Paul Larson, Director, Office of Information Management, Directorate of Management Policy and Systems, Room S-5526, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210, Telephone (202) 523-6331.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control numbers contained in the listing.

Guide to Agency Abbreviation Code

ESA—Employment Standards Administration.

ETA—Employment and Training Administration.

OSHA—Occupational Safety and Health Administration.

PWBP—Office of Pension and Welfare Benefit Programs.

Text of Amendment

Following the text of each paragraph cited in the third column of the table, add parenthetically the corresponding OMB number listed in the fourth column:

Agency	Title of regulation	Regulatory citation	OMB No.
ESA	Claims for compensation under the Federal Employee's Compensation Act	20 CFR 10.106(b), 10.122, 10.209(c), 10.402(a)	1215-0103
	Fair Labor Standards Act and Related Statutes		
	Employment of homeworkers in certain industries	29 CFR 530.3	1215-0005
	Computations and reports under the Fair Labor Standards Act	29 CFR 516.8	1215-0006
	Certificates of age (child labor)	29 CFR 570.6(a)	1215-0009
	Employment of minors between 14 and 16 years of age	29 CFR 570.35a(b)(4)	1215-0121
	Application for certificate to employ learners at subminimum wages	29 CFR 522.3(b)	1215-0012
	Homework handbook	29 CFR 516.31(c)	1215-0013
	Longshoremen's and Harbor Workers' Compensation Act and Related Statutes		
	Application for authority to become a self-insurer	20 CFR 703.302	1215-0016
	Employer's controversion of the right to compensation	20 CFR 702.251	1215-0023
	Report by employer of final payment of compensation	20 CFR 702.235	1215-0024
	Employer's report of injury or occupational illness	20 CFR 702.202	1215-0031
	Reports required of self-insurers	20 CFR 703.310	1215-0033
	Filing of agreement and undertaking	20 CFR 703.304	1215-0034
	Vocational rehabilitation; action by deputy commissioners	20 CFR 702.502	1215-0051
	Report by carrier of issuance of policy or endorsement	20 CFR 726.208 through 726.213	1215-0059
	Notice of employee's injury or death	20 CFR 702.202	1215-0063
	Use of special fund—under section 10	20 CFR 702.145(a)	1215-0065
	Action by employer upon acquiring knowledge or being given notice of injury	20 CFR 702.419	1215-0066
	Use of special fund—under section 8(f)	20 CFR 702.145(b)	1215-0073

Agency	Title of regulation	Regulatory citation	OMB No.
	Computation of payments	20 CFR 702.141(a), 702.141(b)	1215-0076
	Adjudication procedures—preparation and transfer of the case for hearing	20 CFR 702.317	1215-0085
	Federal Coal Mine Health and Safety Act		
	Enforcement of liability; reports	20 CFR 725.621	1215-0064
	Persons entitled to benefits, conditions, and duration of entitlement	20 CFR 725.212 through 725.223	1215-0087
	Criteria for the development of medical evidence	20 CFR 718.102, 718.103(b), 718.104, and 718.105	1215-0090
	Collection and compromise of claims for overpayment	20 CFR 725.544	1215-0144
ETA	Approval and findings with respect to State unemployment compensation laws and plans of operation.	20 CFR 601.2, 601.3	1205-0222
	Grants for administration of unemployment insurance and employment service	20 CFR 601.6	1205-0132
	Certification of temporary foreign labor for occupations other than agriculture or logging.	20 CFR 621.2	1205-0015
	Disaster unemployment assistance	20 CFR 625.8, 625.9, 625.19	1205-0051
	Standard for benefit payment promptness—unemployment compensation	20 CFR 640.7	1205-0132
	Standard for appeals promptness—unemployment assistance	20 CFR 650.5	1205-0132
	Labor certification process for temporary agricultural and logging employment	20 CFR 655.200, 655.201, 55.202, 655.211	1205-0015
	Labor certification process for permanent employment in the United States	20 CFR 656.20 through 656.23	1205-0015
	Labor Standards for the registration of apprenticeship programs	29 CFR 29.3, 29.5, 29.6, 29.7, 29.12, 29.13	1205-0223
	Equal Employment opportunity in apprenticeship and training	29 CFR 30.3, 30.4, 30.5, 30.6, 30.8, 30.11, 30.15, 30.19	1205-0224
	WIN administration provisions	29 CFR 56.10(c), 56.17	1205-0155
	WIN appraisal and certification	29 CFR 56.22	1205-0156
	Annual state WIN plans	29 CFR 56.10(f), (g), 56.11	1205-0214
	Petition for adjustment assistance	29 CFR 90.11	1205-0192
	Investigation of eligibility for adjustment assistance (Business confidential data request).	29 CFR 90.12	1205-0197
	Investigation of eligibility for adjustment assistance (customer survey data request)	29 CFR 90.12	1205-0190
	Investigation of eligibility for adjustment assistance (producers/purchasers survey data request).	29 CFR 90.12	1205-0191
	Study of workers in industry which is the subject of an investigation for industry import relief.	29 CFR 90.21(a)	1205-0194
OSHA	Ionizing radiation	29 CFR 1910.96	1218-0103
	Respiratory protection	29 CFR 1910.134	1218-0099
	Temporary labor camps	29 CFR 1910.142	1218-0096
	Fire brigades	29 CFR 1910.156	1218-0075
	Mechanical power presses	29 CFR 1910.217(g)	1218-0070
	Commercial diving operations	29 CFR 1910.420(b), 1910.423(d), (e), 1910.430(a)(2)	1218-0069
	Asbestos	29 CFR 1910.1001	1218-0010
	4-Nitrobiphenyl	29 CFR 1910.1003	1218-0085
	alpha-Naphthylamine	29 CFR 1910.1004	1218-0084
	Methyl chloromethyl ether	29 CFR 1910.1006	1218-0086
	3,3'-Dichlorobenzidine	29 CFR 1910.1007	1218-0083
	bis-Chloromethyl ether	29 CFR 1910.1008	1218-0087
	beta-Naphthylamine	29 CFR 1910.1009	1218-0089
	Benzidine	29 CFR 1910.1010	1218-0082
	4-Aminodiphenyl	29 CFR 1910.1011	1218-0090
	Ethyleneimine	29 CFR 1910.1012	1218-0080
	beta-Propiolactone	29 CFR 1910.1013	1218-0079
	2-Acetylaminofluorine	29 CFR 1910.1014	1218-0088
	N-Nitrosodimethylamine	29 CFR 1910.1016	1218-0081
	Lead	29 CFR 1910.1025	1218-0092
	1,2-Dibromo-3-chloropropane	29 CFR 1910.1044	1218-0101
	Material Safety Data Sheet	29 CFR 1915.97	1218-0074
	Construction posting and labeling requirements	29 CFR 1926.50(f), 1926.250(a)(2)	1218-0093
	Concrete and Masonry Construction	29 CFR 1926.701	1218-0095
	Tunnels and Shafts	29 CFR 1926.800(c)	1218-0067
PWBP	Suspension of pension benefits upon employment of retirees	29 CFR 2530.203-3	1210-0048
	Loans to employee stock ownership plans	29 CFR 2550.408b-3	1210-0046
	Claims procedure (ERISA)	29 CFR 2560.503-1	1210-0053

Signed at Washington, D.C. this 23rd day of April, 1984.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 84-11413 Filed 4-27-84; 8:45 am]

BILLING CODE 4510-23-M

OVERSEAS PRIVATE INVESTMENT CORPORATION

22 CFR Part 710

Administrative Enforcement Procedures of Post-Employment Restrictions

AGENCY: Overseas Private Investment Corporation.

ACTION: Final rule; correction.

SUMMARY: This document corrects a citation contained in the introductory text of final regulations codified at 22 CFR 710.13 implementing administrative enforcement procedures of post-employment restrictions.

FOR FURTHER INFORMATION CONTACT: Elizabeth Burton, Corporate Secretary, Overseas Private Investment Corporation, (202) 653-2949.

Accordingly, Overseas Private Investment Corporation is correcting the introductory text of 22 CFR 710.13, appearing in the **Federal Register** of January 24, 1980 (45 FR 5686), to read as follows:

§ 710.13 Appropriate action.

Appropriate action includes:

* * * * *

Dated: April 18, 1984.

Elizabeth Burton,

Corporate Secretary.

[FR Doc. 84-11506 Filed 4-27-84; 8:45 am]

BILLING CODE 3210-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

Extension of Deadline for Submission of Program Amendments to the Colorado Permanent 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 Colorado to (1) promulgate rules governing the training, examination and certification of blasters and (2) to develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation. On February 6, 1984, Colorado requested a six month extension of time for the development of a blaster certification program. All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) are required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause. In accordance with the State's request, the Director is granting the State a six-month extension of time to submit a proposed blaster certification program.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hagen, Director, Albuquerque Field Office, Office of Surface Mining, 219 Central Avenue NW., Albuquerque, New Mexico 87102; Telephone: (505) 766–1486.

SUPPLEMENTARY INFORMATION:

On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of Colorado's program, the applicable date is 12 months after publication date of OSM's rule, or March 4, 1984.

On February 6, 1984, Colorado advised OSM that it would be unable to meet the March 4, 1984 deadline and requested an additional six months to develop and adopt a blaster certification program.

The Director of the Colorado Department of Natural Resources, Mined Land Reclamation Division, the regulatory authority for Colorado's program, advised OSM that the State would require the additional time in order to work out an agreement with another State agency that would administer the blaster certification program. He also stated that Colorado would like to promulgate regulations governing a blaster training program concurrently with the promulgation of other modifications to the program which the State intends to make as a result of modifications in the Federal regulations under SMCRA.

In the March 6, 1984 **Federal Register** (49 FR 8261), OSM proposed a six month extension for Colorado to submit to OSM a proposed blaster training program. Public comment on this proposal was sought for 30 days ending April 5, 1984. No comments were submitted to OSM during the comment period.

Secretary's Determination

In accordance with the State's request, the Secretary has decided to extend the deadline for Colorado to submit a proposed blaster training program until September 4, 1984. This extension will allow the Colorado Department of Natural Resources, Mined Land Reclamation Division, to work out an agreement with another State agency to administer the blaster training and certification program and to coordinate the development of the program with the development of other proposed regulatory modifications to the Colorado program which are necessary as a result of changes to the Federal regulations.

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 906

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: April 24, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

PART 906—COLORADO

30 CFR Part 906 is amended by adding a new § 906.16 to read as follows:

§ 906.16 Required program amendments.

Pursuant to 30 CFR 732.17, Colorado is required to submit for OSM's approval the following proposed program amendments by the dates specified.

(a) By Sept. 4, 1984, Colorado shall submit for OSM's approval

(1) Rules governing the training, examination and certification of blasters and

(2) A program to examine and certify all persons who are directly responsible for the use of explosives in surface coal mining operations.

[FR Doc. 84–11584 Filed 4–27–84; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 916

Consideration of Material Submitted Relating to the Status of the Kansas Permanent Regulatory Program

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

ACTION: Reopening of public comment period.

SUMMARY: On May 31, 1983, the Director, OSM, announced that he had reason to believe that Kansas may not be implementing, administering, maintaining or enforcing its approved program to regulate surface coal mining and reclamation operations (48 FR 24073). Following a June 16, 1983 informal conference between OSM and the Kansas Corporation Commission, Mined Land Conservation and Reclamation Board (MLCRB), the Director on November 17, 1983, gave notice that he still had reason to believe that Kansas is not adequately implementing, administering, maintaining or enforcing its approved program. By that notice, the Director scheduled a public hearing and public comment period to provide an opportunity for interested persons to express their concerns on the implementation of the Kansas program in accordance with the provisions of 30 CFR 733.12(d). The public hearing was held on December 16, 1983, in Topeka, Kansas and the public comment period ended December 30, 1983.

Because of additional material concerning the status of the Kansas program submitted to OSM since the close of the public comment period and the importance of the decisions that must be made affecting the Kansas program, the Director has decided to provide the public additional time to submit comments on the information provided to OSM since December 30, 1983.

DATE: Public comments not received on or before 4:00 p.m. on May 15, 1984 will not necessarily be considered in the Director's findings on the status of the Kansas permanent regulatory program.

ADDRESSES: Written comments should be sent to: Kansas City Field Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

Copies of Administrative Record documents referenced in this notice are available for public inspection and copying during normal business hours at:

Office of Surface Mining, Room 5124, 1100 L Street, NW., Washington, D.C. 20240; Telephone: (202) 343–4855

Office of Surface Mining, Kansas City Field Office, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri; Telephone: (816) 374–5527

Kansas Mined Land Conservation and Reclamation Board, 107 W. 11th Street, P.O. Box 1418, Pittsburg, Kansas 66762.

FOR FURTHER INFORMATION CONTACT:

Carl C. Close, Special Assistant to the Assistant Director, Program Operations and Inspection, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone: (202) 343–4225;
or

Richard Rieke, Director, Kansas City Field Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64102; Telephone: (816) 374–5527.

SUPPLEMENTARY INFORMATION: On March 11, 1983, Director, OSM, notified the Governor of Kansas that he had reason to believe that the State may not be implementing, administering, maintaining or enforcing its approved program to regulate surface coal mining and reclamation operations (See Administrative Record No. KS–247). The Director cited problems in Kansas' program implementation in several areas, including permitting, inspection and enforcement, administrative procedures and records, civil penalty assessment and bond release. A more detailed account of the Director's concerns over the status of Kansas' implementation of its program can be found in the May 31, 1983 **Federal Register** at 48 FR 24073.

On April 14, 1983, the Governor responded to the Director's March 11, 1983 letter by offering assurances of Kansas' intent to administer and enforce its regulatory program. (KS–258). On May 6, 1983, the Kansas Corporation Commission (KCC) requested an informal conference with OSM under the provisions of 30 CFR 733.12(c). (KS–250). The Director agreed to Kansas' request and subsequently held an informal conference with Kansas officials on June 16, 1983 in Pittsburg. On May 31, 1983, the Director notified the public of the informal conference (48 FR 24073). A transcript of the informal conference has been placed in the Administrative Record (KS–254).

At the informal conference, OSM requested the KCC to provide additional information on many of OSM's concerns. The KCC submitted additional information on July 30, August 30 and September 30, 1983 (KS–255, 257 and 259). A meeting was held between OSM and the State on November 10, 1983, to discuss OSM's concerns and the State's progress in resolving problems.

On November 10, 1983, the Director notified the Governor of Kansas that he still had reason to believe that the State was continuing to have problems in administering its program and that for these reasons OSM would hold a public hearing and public comment period in accordance with the procedures contained in 30 CFR 733.12(d). See KS–261. The Director's letter was followed by a **Federal Register** notice published on November 17, 1983 (48 FR 52297) and a letter from OSM to the Kansas Corporation Commission detailing the remaining areas of concern and the topics to be discussed at the public hearing. See KS–262 and KS–282.

OSM held a public hearing on December 16, 1983, in Topeka, Kansas and provided the public an opportunity to comment through December 30, 1983, on the status of Kansas' program implementation.

Since December 30, 1983, OSM has received additional material addressing the status of the Kansas permanent regulatory program. This material consists of information submitted by the State, meeting notes, telephone conversation records and several documents generated by OSM. The documents available for review and comment begin with document KS–267. Therefore, OSM is reopening the comment period for an additional 15 days to allow the public sufficient time to review and comment on the above documents.

OSM's November 17, 1983 **Federal Register** notice stated that subsequent to the public hearing and the review of all available information including the hearing transcript and written comments, the Director would publish his findings on the status of the Kansas program, in accordance with the provisions of 30 CFR 733.12(e).

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

(Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*)

Dated: April 25, 1984.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 84–11581 Filed 4–27–84; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 78–151]

Inland Waterways Navigation Regulations; Connecting Waters From Lake Huron to Lake Erie

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the existing inland waterways navigation regulations for the connecting waters from Lake Huron to Lake Erie. The purpose of this action is to modernize and simplify the requirements, and to make them compatible with the requirements of the Canadian Coast Guard in the Canadian portion of the waterway.

DATES: Final rule effective April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Edward J. LaRue, Jr., (202) 426–4958.

Drafting Information

The principal persons involved in drafting this rule are Edward J. LaRue Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant David Shippert, Project Attorney, Office of the Chief Counsel.

SUPPLEMENTARY INFORMATION: On June 6, 1983, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) regarding these regulations (48 FR 25231). A 90 day comment period was provided and interested persons were invited to submit comments during that period.

One letter, from the Lakes Pilots Association, Inc., requested a public hearing on the proposed rule. In response to the request, the Coast Guard published a notice in the **Federal Register** (48 FR 45798; October 7, 1983) announcing a public hearing which was held in Detroit, Michigan on November 15, 1983. In addition, the Coast Guard extended the comment period beyond the date of the hearing (to November 30, 1983) in order to allow persons unable to attend the hearing a comparable opportunity to comment.

Eighteen letters were received from individuals, businesses, and professional organizations. At the public hearing, a total of twenty oral presentations were made by persons representing the aforementioned groups.

Discussion of Comments

Many of the comments received are of a general nature. These will be discussed first. Specific comments and objections will be discussed in detail with the section to which they apply.

The vast majority of comments generally supported the proposed regulations. Seven comments expressed approval of the effort to make the U.S. and Canadian regulations compatible.

Ten comments endorsed a compulsory traffic information service in lieu of the proposed security calls. This would mean that those vessels required to participate would report their positions to a traffic center rather than make security calls in the blind. The center would monitor traffic in the system and broadcast traffic information at the mariner's request. Seven comments urged the United States and Canada to agree to a single system in the waterway such as the U.S. operated Vessel Traffic Service (VTS) in the St. Marys River. These comments also stated that the system should not include shoreside direction of traffic except, perhaps, in emergency situations. Several comments stated that since SARNIA TRAFFIC was presently in use as a voluntary traffic information system, it could be used for the mandatory system. One comment stated that SARNIA TRAFFIC should remain voluntary and suggested that the cost to the taxpayers of a mandatory system could approach $100,000. Two comments stated that since the system has no locks and is an open river waterway, traffic control other than compliance with the rules of the road is not necessary. One comment stated that the one-way zone in the St. Clair River has the same effect on traffic as a lock and that a traffic information system would be desirable.

In response to the above comments and the navigation situation in general, the U.S. and Canadian Coast Guards have determined that a compulsory traffic information service is a more appropriate method of enhancing communications and traffic flow than the proposed security calls. The Canadian Coast Guard has agreed to operate SARNIA TRAFFIC as the traffic center for the information service. The center will monitor traffic in the waterway and provide information when requested. The center will not control the movement of traffic, except that in an emergency, it may be the communication link used by the U.S. Captain of the Port or the appropriate Canadian entity to exert existing authority to control vessel movement for the purposes of safe navigation and/or pollution prevention. The Coast Guard feels that a mandatory system is inherently safer than a voluntary system because it would eliminate any potential surprises by vessels which are not participating. Since the Canadian government is supporting the traffic center, there is no discernible cost to the U.S. taxpayer. Finally, the Coast Guard believes that the one-way zone in the St. Clair River adds a dimension to navigation in the waterway that the rules of the road alone do not address. The information service in conjunction with the pertinent traffic rules in §162.134 should provide the means for save transit of the one-way zone.

One comment concerning § 162.130(b) stated that it appeared that the U.S. regulations applied only to U.S. vessels while the Canadian regulations applied to all vessels regardless of their flag. The U.S. regulations do apply to vessels regardless of flag. Since the wording of § 162.130(b) appears to have caused some confusion, it has been changed to more clearly state the intended applicability.

One comment concerning § 162.130(b) expressed concern that, considering the low cost of radiotelephone equipment, every conceivable type of craft may wish to participate in the communication system. The radio frequencies designated for the communications rules ("security calling and reporting rules" in the NPRM) have been restricted to "commercial" and "port operations" uses by the Federal Communications Commission (FCC). They are not available for general communications and therefore, should not be subject to congestion. The radiotelephone frequencies will be discussed more fully under § 162.132.

Eleven comments concerning § 162.132 stated that VHF–FM Channel 16 is so overcrowded, particularly in the summer months, that it is not dependable for conveying traffic information. Ten comments concerning § 162.132 recommended that traffic information be passed on VHF–FM Channel 11 in the St. Clair River and Channel 12 in the Detroit River as is presently being done in the voluntary SARNIA TRAFFIC system. The Coast Guard agrees with these comments and the wording of § 162.132 has been changed to reflect this. The change also means that the radio frequencies are the same as those designated in the Joint United States Coast Guard-Canadian Coast Guard Contingency Plan for Emergency Vessel Traffic Management on the Detroit and St. Clair Rivers.

Six comments concerning § 162.132 recommended that Channels 11 and 12 should also be used for bridge-to-bridge communications. As previously discussed under § 162.130, these frequencies are restricted to "commercial" and "port operations" uses by the FCC. Communications between vessels regarding the operational handling, movement, and piloting of vessels, for example, are legitimate uses of the frequencies within the stated restrictions.

Two comments concerning § 162.132 suggested that a security calling system on a dedicated commercial frequency would be sufficient for broadcasting traffic information. The Coast Guard believes that a traffic information

system as previously described is more reliable than a system based on blind security calls. In addition, the number of comments supporting the information system indicates that it is perceived as a benefit to the mariner. For these reasons, the Coast Guard does not intend to implement the proposed security calling rules.

Two comments concerning § 162.132 requested that for reasons of brevity, the regulations state that masters need not include their call signs in radiotelephone transmissions. The Telecommunications regulations administered by the Federal Communications Commission (FCC) (specifically 47 CFR 83.364(a)) allow that in a system such as SARNIA TRAFFIC, vessels may be relieved of the requirement to broadcast their call signs. Because of this, masters need only identify their vessels by name when making radiotelephone reports required in these regulations.

Six comments concerning § 162.132 suggested that vessels participating in the information system should be relieved of the requirement to guard Channel 16. The FCC allows this type of relief for vessels required to monitor two frequencies in addition to Channel 16. In this case, with vessels monitoring one additional frequency, the relief would not be granted.

One comment concerning § 162.132 stated that it is too restrictive to require only the master to make radiotelephone reports. The Coast Guard agrees. In order to make the regulations less cumbersome, "master" was defined at the beginning of the regulations (§ 162.130). The definition allows that a master's designee may be considered the master for the purpose of these regulations. Thereafter, throughout the regulations, the term "master" is used by itself because the meaning has been established.

One comment concerning § 162.132 proposed that an estimated time of arrival (ETA) for a given point need only be given if a vessel is proceeding at less than the 12 mph speed limit. The Coast Guard believes that it is more appropriate for all vessels using the system to give ETA's rather than only those which are out of the "normal" time sequence associated with the 12 mph speed limit. The ETA's allow mariners to follow the progress of other vessels in the vicinity and allow SARNIA TRAFFIC to monitor vessels throughout the system. For these reasons, in § 162.132(d) vessels using the system are required to report their ETA for each subsequent reporting point.

One comment concerning § 162.132 stated that there should be a requirement for vessels to indicate in their radiotelephone reports when they are embarking or debarking a pilot. The Coast Guard feels that this information is not so critical that it needs to be required of each vessel participating in the system. This does not mean that a master cannot broadcast this information if the master feels it is appropriate.

Five comments regarding § 162.132 suggested various changes to the location of reporting points. The U.S. and Canadian Coast Guards, following the decision to operate a compulsory traffic information system, reassessed the list of permanent reporting points. A compromise was reached between the proposed security calling points and the reporting points of the voluntary SARNIA TRAFFIC system. The points were chosen to: (1) Identify vessels entering and leaving the system, (2) help vessels to coordinate their approach and transit of three critical areas (Blue Water Bridge, Light 13, and Rouge River), and (3) establish a point where vessels change radio frequencies. These changes resulted in positive responses to the five comments. The list of permanent reporting points has been redesignated § 162.132(e). One additional comment stated that the list of reporting points should be revised with assistance from a committee of U.S. and Canadian masters and pilots. The Coast Guard felt that this would cause an undue delay in issuing the final rule. Once the rules are in place, the Coast Guard will be willing to consider changes to the reporting points if operational experience shows a need for such changes.

Two comments concerning § 162.132 suggested that vessels in the Rouge River be included in the SARNIA TRAFFIC system. Two additional comments recommended retaining the existing security calling rules for the Rouge River. SARNIA TRAFFIC will include vessels in the Rouge River in the system. In the proposed rules, the Coast Guard relaxed the security calling requirements for the Rouge River. Based on the comments and the inclusion of Rouge River traffic in the SARNIA TRAFFIC system, the Coast Guard is retaining the existing reports for vessels entering and leaving the Rouge River. Proposed § 162.132(c) has been reworded to reflect this change and is redesignated § 162.132(f).

One comment concerning § 162.132 suggested that vessels, such as towboats, working steadily in a limited area, would be required to make so many radiotelephone reports when leaving a mooring or anchorage that the reports would become meaningless for navigation safety purposes. For the purposes of these regulations, the Coast Guard interprets "departing a mooring or anchorage" to be getting underway and transiting some portion of the channels or steering courses. For example, a towboat pushing a barge from a mooring across the Detroit River would be required to make a report, a towboat arranging barges between a mooring and an anchorage directly at hand would not be required to make a report. The Coast Guard believes that this distinction should minimize unnecessary reports. In view of the above, the wording of proposed § 162.132(b)(2) has not been changed. It has, however, been redesignated § 162.132(f)(1).

One comment concerning proposed § 162.132(e)(2) objected to a reference to vessel traffic management. The commentor apparently felt that this reference indicated that there would be some amount of shoreside control of vessels. The provision refers to the type of control that would be exerted under the Contingency Plan in an emergency. Since the Coast Guard is implementing a traffic information system rather than a security calling system, and since the information system and the Contingency Plan utilize the same radio frequencies, § 162.132(e)(2) no longer applies. Proposed § 162.132(e)(2) has been deleted from the regulations.

A number of comments concerning radiotelephone communications indicated a desire to have VHF–FM Channel 13 available for bridge-to-bridge communications on the Detroit and St. Clair Rivers and the Great Lakes generally. Although action on these comments is beyond the scope of this rulemaking, the Coast Guard continues to explore ways of developing a consistent bridge-to-bridge radiotelephone policy for the entire Great Lakes system.

Seven comments concerning proposed § 162.134(d) objected to restricting vessels to only overtaking towing vessels in the Detroit River near Belle Isle. Four comments stated that this area had previously been considered wide and safe enough for overtaking. This area is almost entirely Canadian waters and the rule was proposed by the Canadian Coast Guard. Although the area may be wide enough for safe overtaking, the Canadian Coast Guard believes that a great deal of unnecessary damage to the shoreline is caused by the superimposed wakes of vessels overtaking in the area. For this reason, the overtaking restriction is issued as a final rule. The wording of the provision has been changed slightly in order to more accurately describe the

area and has been redesignated § 162.134(a)(4).

Twelve comments concerning proposed § 162.136(b) objected to directions from the Captain of the Port (COTP) or SARNIA TRAFFIC regulating vessel departures from anchorage. One comment acknowledged that authority existed for the Coast Guard to control the movement of vessels but that it should only be exercised in emergency situations. Proposed § 162.136(b) is a rewording of existing § 162.135(f) (5) and (6). The Coast Guard did not intend to impose additional controls on vessels departing anchorage, merely simplify the wording of existing requirements. Since proposed § 162.136(b) has caused unanimous concern among commentors, and because the COTP has authority to control vessel movements if the situation dictates, the Coast Guard feels this requirement is redundant. Proposed § 162.136(b) has been deleted from the final rule.

One comment concerning § 162.136 stated that there should be at least one authorized anchorage in both the Detroit and St. Clair Rivers. Authority to establish anchorages is delegated to the respective U.S. Coast Guard District Commanders. A petition to have an anchorage established in this area should be addressed to: Commander(m), Ninth Coast Guard District, 1240 East 9th St., Cleveland, OH 44199.

Twelve comments concerning § 162.138 preferred the proposed uniform 12 mph speed limit over the existing requirements. Nine of these comments, however, objected to the proposed limit being extended to Lake St. Clair which presently has no limit. One of the twelve comments stated that the 12 mph limit across Lake St. Clair was acceptable. In view of the comments, the Coast Guard feels that a 12 mph speed limit on Lake St. Clair would be overly restrictive. In addition, removing the limit on the lake should mitigate much of the burden imposed on vessels by not allowing them to overtake in the vicinity of Belle Isle. For the reasons stated above, the requirements for a 12 mph speed limit between Peach Island Light and St. Clair Flats Canal Light 2 have been deleted from the final rule.

One comment concerning § 162.138, from a local property owner, opposed any increase in the speed limit for the St. Clair River, citing recurring wash damage. Implementing the proposed speed limit in the St. Clair River would not increase the speed limit within at least 4 miles of the property in question.

One comment concerning § 162.138 opposed any increase of speed limits on the St. Clair River but gave no reason for this position.

One comment recommended elimination of all speed limits on the waterway and reliance on the pilot or master to keep a vessel's wake under control. Even with a speed limit, vessels are responsible for the wake they create. Experience indicates that 12 mph is the maximum speed that most vessels can maintain in the river areas without creating a potentially damaging wake. For this reason, and in order to set a standard which is reasonably easy to comply with and enforce, the Coast Guard proposed the 12 mph speed limit.

On comment concerning § 162.138 stated that uniform speed does not take into account differences in geography and that more study is needed. The Coast Guard agrees that geography influences the effects of a vessel's wake at a given speed. The Coast Guard has taken this into account by issuing traffic rules (§ 162.134) which restrict meeting and overtaking in certain areas. The traffic rules in conjunction with the speed rules are intended to minimize wake damage while allowing traffic to flow smoothly. These requirements have been tailored for the waterway so it does not appear that further study of speed versus wake would have immediate local application. In view of the comments and for the reasons stated above, the Coast Guard believes that a speed limit of 12 mph on the Detroit and St. Clair Rivers is a simple and realistic requirement which will enhance navigation and will not adversely affect riparian landowners.

One comment concerning § 162.138 stated that pleasure craft also can create large wakes. The Coast Guard took this into account in the NPRM and proposed that the speed rules apply to all vessels 20 meters or more in length. The existing speed rules apply to commercial vessels 65 feet and over. For the reasons stated above, the applicability of the speed rules (§ 162.130(b)(2)) is issued as proposed.

Five comments concerning § 162.140 objected to the provision which prohibited vessels from exchanging pilots between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy. The comments stated that in severe weather conditions, the safety of the pilot may require that an exchange be made in the relative protection of the above described area. The Coast Guard agrees that the safety of individuals is of primary concern. In view of this, § 162.140 is reworded to allow pilot exchanges in the area below Buoy 1 when weather conditions make the maneuver unsafe in the customary pilot area.

Two comments concerning § 162.140 questioned the provision requiring towing vessels to drop or anchor tows only in authorized anchorage areas when none apparently exist in U.S. waters. Section 162.136 allows that vessels may anchor in the Detroit and St. Clair Rivers provided they do not swing into the channel or across steering courses. Towing vessels may drop or anchor their tows in accordance with the same restrictions. In order to avoid confusion, § 162.140 has been reworded in the final rule to state this more clearly.

Additional Information

In order to bring this final rule into effect simultaneously with the Canadian regulations for the waterway, and in order to have them in effect before the height of the shipping season on the Great Lakes, this final rule is being made effective less than 30 days after publication. It has been determined that good cause exists, under 5 U.S.C. 553, for making this rule effective in less than thirty days after publication.

Regulatory Analysis

This final rule is considered to be non-major under Executive Order 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that futher evaluation is unnecessary. These regulations amend existing regulations, are operational in nature, and require minimal changes in vessel equipment.

The regulations only require a radiotelephone on one additional category of vessel, noncommercial vessels 20 meters or more in length. The most recent figures available (1978 and 1979) indicate that there should be approximately 50 of these vessels documented in Great Lakes ports today. Considering the complex navigation equipment normally found aboard vessels of this size, it is unlikely that any of the vessels would not carry a radiotelephone. However, assuming all the vessels were to be fitted with this equipment ($500 per unit) the total cost would be $25,000.

The one way zone will occasionally require vessels to lose some time while another vessel passes through the zone. However, this expense is minor compared to the losses involved if a collision were to again close the waterway for an extended period of time. The uniform speed limit in the Detroit and St. Clair Rivers actually reduces transit time. The Canadian Coast Guard determined that a round trip through the system at 12 mph would take approximately 14 minutes less than

the same transit at the existing speed limits. This assumes a speed of 13 mph on Lake St. Clair.

Since the impact of this final rule is expected to be minimal, the Coast Guard certifies that it will have a significant economic impact on a substantial number of small entities.

Environmental Impact

This action has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation, in accordance with Section 2.B.3.(g) of Commandant Instruction (COMDINST) M16475.1A.

List of Subjects in 33 CFR Part 162

Coast Guard, Navigation (water), Waterways.

In consideration of the foregoing Part 162 of Title 33 of Code of Federal Regulations is amended as follows:

1. The authority citation for Part 162 reads as follows:

Authority: (33 U.S.C. 1208, 33 U.S.C. 1221, 33 U.S.C. 1223, 33 U.S.C. 1231; 33 CFR 26.09(b), 49 CFR 1.46)

§ 162.135 [Removed]

2. By removing § 162.135.

3. By adding new §§ 162.130, 162.132, 162.134, 162.136, and 162.138 to read as follows:

§ 162.130 Connecting waters from Lake Huron to Lake Erie; general rules.

(a) *Purpose.* The regulations in sections 162.130 through 162.140 prescribe rules for vessel operation in U.S. waters connecting Lake Huron to Lake Erie (including the Rouge River) to prevent collisions and groundings, to protect waterway improvements, and to protect these waters from environmental harm resulting from collisions and groundings.

Note.—The Canadian Government has issued similar regulations which apply in the Canadian portion of the waterway. Provisions which apply only in Canadian waters are noted throughout the text.

(b) *Applicability.* (1) Unless otherwise specified, the rules in sections 162.130 through 162.140 apply to all U.S. vessels and all other vessels in U.S. waters.

(2) The speed rules in § 162.138 apply to vessels 20 meters or more in length.

(3) The communications rules in § 162.132, the traffic rules in § 162.134, and the anchorage rules in § 162.136 apply to the following vessels:

(i) Vessels of 20 meters or more in length;

(ii) Commercial vessels more than 8 meters in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(iii) Each dredge and floating plant.

(c) *Definitions.* As used in §§ 162.130 through 162.140—

"Captain of the Port" means the United States Coast Guard Captain of the Port of Detroit, Michigan.

"Detroit River" means the connecting waters from Windmill Point Light to the lakeward limits of the improved navigation channels at the head of Lake Erie.

"Harbor Master" means the harbor master appointed to the Windsor Harbor Commission.

"Lake St. Clair" means the waters from St. Clair Flats Canal Light 2 to Windmill Point Light at the head of the Detroit River.

"Master" means the licensed master or operator, the person designated by the master or operator to navigate the vessel, or, on a vessel not requiring licensed personnel, the person in command of the vessel.

"Regional Director General" means the Regional Director General for the Central Region, Canadian Coast Guard, Department of Transport.

"Rouge River" means the waters of the Short Cut Canal and the Rouge River from Detroit Edison Cell Light 1 to the head of navigation.

"St. Clair River" means the connecting waters from the lakeward limit of the improved navigation channel at the lower end of Lake Huron to St. Clair Flats Canal Light 2.

"SARNIA TRAFFIC" means the Canadian Coast Guard traffic center at Sarnia Ontario.

(d) *Laws and regulations not affected.* The regulations in §§ 162.130 through 162.140 do not relieve the owners or operators of vessels from complying with any other laws or regulations relating to navigation on the Great Lakes and their connecting or tributary waters.

(e) *Local arrangements.* The District Commander or the Captain of the Port may make local arrangements with appropriate Canadian officials, in the interest of safety of operations, to facilitate traffic movement and anchorage, to avoid disputes as to jurisdiction and to take necessary action to render assistance in emergencies.

§ 162.132 Connecting waters from Lake Huron to Lake Erie; communications rules.

(a) *Radio Listening watch.* The master of each vessel required to comply with this section shall continuously monitor—

(1) Channel 11 (156.55 mhz) between Lake Huron Cut Lighted Buoy 11 and Lake St. Clair Light; and

(2) Channel 12 (156.60 mhz) between Lake St. Clair Light and Detroit River Light.

(b) *Radiotelephone equipment.* Reports required by this section shall be made by the master using a radiotelephone capable of operation on a vessel's navigation bridge, or in the case of a dredge, from its main control station.

(c) *English language.* Reports required by this section shall be made in the English language.

(d) *Traffic reports.* (1) Reports required by this section shall be made to SARNIA TRAFFIC on the frequency designated for the radio listening watch in paragraph (a) of this section.

(2) Reports shall include the name of the vessel, location, intended course of action, and ETA at next reporting point.

(e) *Permanent reporting points.* Reports shall be made as indicated at the following points:

Down-bound vessels	Reporting points	Upbound vessels
Report	Lake Huron Cut Lighted Horn Buoy 11.	
Report	Lake Huron Cut Lighted Buoy 7	
Report	Lake Huron Cut Lighted Buoy 1	Report.
Report	Port Huron Traffic Buoy	Report.
	Stag Island Upper Light	Report.
Report	Marine City Salt Dock Light	
Report	Grand Pointe Light 23	Report.
Report	St. Clair Flats Canal Light 2	Report.
Report	Lake St. Clair Light	Report.
Report	Belle Isle Light	Report.
Report	Fighting Island Channel North Light.	Report.
Report	Detroit River Light	Report.

(f) *Additional reports.* (1) A report shall be made when departing any mooring or anchorage which is:

(i) In the St. Clair River between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy; or

(ii) In the Detroit River between Belle Isle Light and Fighting Island Channel North Light.

(2) A report shall be made before maneuvering to come about.

(3) A report shall be made—

(i) 20 minutes before entering the Rouge River or Short Cut Canal;

(ii) 20 minutes before departing any mooring in the Rouge River or Short Cut Canal; and

(iii) Immediately before entering or leaving the Rouge River or Short Cut Canal.

(g) *Report of impairment or other hazard.* The master of a vessel shall report to SARNIA TRAFFIC as soon as possible:

(1) Any condition on the vessel that may impair its navigation, including but not limited to: fire, defective steering

equipment, or defective propulsion machinery.

(2) Any tow that the towing vessel is unable to control, or can control only with difficulty.

(h) *Exemptions.* Compliance with this section is not required when a vessel's radiotelphone equipment has failed.

§ 162.134 Connecting waters from Lake Huron to Lake Erie, traffic rules.

(a) *Detroit River.* The following traffic rules apply in the Detroit River:

(1) The West Outer Channel is restricted to downbound vessels.

(2) The Livingston Channel, west of Bois Blanc Island, is restricted to downbound vessels.

Note.—The Amherstburg Channel, in Canadian waters east of Bois Blanc Island, is normally restricted to upbound vessels. No vessel may proceed downbound in the Amherstburg Channel without authorization from the Regional Director General.

(3) Between Fighting Island South Light and Bar Point Pier Light 29D, no vessels shall meet or overtake in such a manner that more than two vessels would be abreast at any time.

(4) Between the west end of Belle Isle and Peach Island Light, vessels may only overtake vessels engaged in towing.

(b) *Rouge River.* In the Rouge River, no vessel shall overtake another vessel.

(c) *St. Clair River.* The following traffic rules apply in the St. Clair River:

(1) Between St. Clair Flats Canal Light 2 and Russell Island Light 33, vessels may only overtake vessels engaged in towing.

(2) Between Lake Huron Cut Light Buoy 1 and Port Huron Traffic Buoy there is a zone of alternating one way traffic. Masters shall coordinate their movements in accordance with the following rules;

(i) Vessels shall not overtake.

(ii) Vessels shall not come about.

(iii) Vessels shall not meet.

(iv) Downbound vessels which have passed Lake Huron Cut Lighted Buoy 7 have the right of way over upbound vessels which have not reached the Port Huron Traffic Buoy. Upbound vessels awaiting transit of downbound vessels will maintain position south of the Port Huron Traffic Buoy.

(v) Vessels transiting the zone shall coordinate passage by using communication procedures in § 162.132.

(vi) Transiting vessels shall have the right of way over moored vessels getting underway within the zone.

(d) In the waters described in § 162.130(a), the District Commander or Captain of the Port may establish temporary traffic rules for reasons which include but are not limited to: channel obstructions, winter navigation, unusual weather conditions, or unusual water levels.

(e) The requirements of this section do not apply to public vessels of the U.S. or Canada engaged in icebreaking or servicing aids to navigation or to vessels engaged in river and harbor improvement work.

§ 162.136 Connecting waters from Lake Huron to Lake Erie; anchorage grounds.

(a) In the Detroit River, vessels shall be anchored so as not to swing into the channel or across steering courses.

Note.—There is an authorized anchorage in Canadian waters just above Fighting Island.

(b) In the St. Clair River, vessels shall be anchored so as not to swing into the channel or across steering courses.

§ 162.138 Connecting waters from Lake Huron to Lake Erie; speed rules.

(a) *Maximum speed limit.* Except when required for the safety of the vessel or any other vessel, vessels of 20 meters or more in length shall proceed at a speed not greater than—

(1) 12 statute miles per hour (10.4 knots) between Fort Gratiot Light and St. Clair Flats Canal Light 2;

(2) 12 statute miles per hour (10.4 knots) between Peach Island Light and Detroit River Light; and

(3) 4 statute miles per hour (3.5 knots) in the Rouge River.

Note.—The maximum speed limit is 5.8 statute miles per hour (5 knots) in the navigable channel south of Peach Island.

(b) *Temporary speed limits.* The District Commander may temporarily establish speed limits or temporarily amend existing speed limit regulations on the waters described in § 162.130(a).

4. By revising § 162.140 to read as follows:

§ 162.140 Connecting waters from Lake Huron to Lake Erie; miscellaneous rules.

(a) *Rules for towing vessels.* (1) A towing vessel may drop or anchor its tows only in accordance with the provisions of § 162.138.

(2) A towing vessel engaged in arranging its tow shall not obstruct the navigation of other vessels.

(b) *Pilots.* In the St. Clair River between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy, vessels shall not take on, discharge, or exchange pilots unless weather conditions would make the maneuver unsafe in the customary pilot area.

Dated: April 25, 1984.

R. L. Brown,

Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 84-11815 Filed 4-27-84; 8:45 am]

BILLING CODE 4910-14-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Dockets RM 83-3 and RM 80-2]

Compulsory License for Cable System; Statement of Account Forms

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of public meeting.

SUMMARY: The Copyright Office of the Library of Congress is preparing revised Statement of Account forms for use by cable systems pursuant to section 111 of the Copyright Act. The revised forms will reflect the policies and rules published at 49 FR 13029 (April 2, 1984) and 49 FR 14944 (April 16, 1984). The Office is preparing a general revision of the Statement of Account forms for accounting period 84-1 and subsequent periods, and supplementary forms for 1983. A public meeting will be held on May 8, 1984 to allow public comment on the content of the proposed forms and their consistency with the published rules. Public comment on the policies and rules themselves is not invited at this meeting; written comments will be considered as noticed in 49 FR 13029 and 49 FR 14944.

DATE: The public meeting will be held on May 8, 1984 at 10:00 am.

ADDRESS: The public meeting will be held in Dining Room A, LM-619 (yellow quadrant), James Madison Building, First and Independence Avenue, SE., Washington, D.C.

Copies of the draft forms will be available upon request on or about May 3, 1984 from the Licensing Division of the Copyright Office, Room LM-458, James Madison Building.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287-8380, with respect to the public meeting, and George Lanier, Public Affairs Specialist, (202) 287-8150, with respect to requests for copies of the draft forms.

Dated: April 24, 1984.

Dorothy Schrader,

Associate Register of Copyrights for Legal Affairs (General Counsel).

[FR Doc. 84-11563 Filed 4-27-84; 8:45 am]

BILLING CODE 1410-03-M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual, Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for Issue 13 of the Domestic Mail Manual (DMM), which is incorporated by reference in the **Federal Register**, 39 CFR 111.1.

Most of the revisions are minor, editorial or clarifying. Substantive changes, such as the discounts for mail bearing Zip + 4 codes, have previously been published in the **Federal Register**.

EFFECTIVE DATE: December 29, 1983.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245-4638.

SUPPLEMENTARY INFORMATION: The Domestic Mail Manual, which is incorporated by reference in the **Federal Register** (see 39 CFR 111.1) has been amended by the publication of a transmittal letter for issue 13, dated December 29, 1983. The text of all published changes is filed with the Director of the Federal Register. Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the transmittal letter for issue 13 covers the minor changes not previously described in interim or final rules published in the **Federal Register**.

Note.—Issue 13 is a complete revision. It contains all DMM revisions published between June 9, 1983, and December 29, 1983 (Postal Bulletin 21407 through 21438).

SUMMARY OF CHANGES

Major Revisions

1. *First-Class Mail Postage.* Sections 136.312, 136.321, and 381.3 are revised to reflect that the postage for First-Class Mail is now determined solely by the weight of the mail piece that is presented for mailing (PB 21412, 7-14-83, and PB 21431, 11-10-83).

2. * * *

3. * * *

4. * * *

5. *Sacks and Tray Label Preparation for Bulk Rate Mail.* Subchapters 450 and 460 have been revised to clarify second-class packaging and sacking requirements. Section 122.63 and Exhibits 122.63 *a* through *l* clarify labeling requirements. Delete Exhibits 122.632 and 122.63. In 367.24, change Exhibit 367.24 to Exhibit 122.63*e* and delete Exhibit 367.24 (PB 21424, 9-30-83).

6. * * *

Other Revisions

1. The following sections of the DMM are revised to allow more flexibility in using the exceptional form of addressing sections 122.42, 153.11*h*, 392.12, 447.21*e*, 464.3, 492.2, 693, and 793 (PB 21417, 8-18-83, and PB 21419, 9-1-83).

2. * * *

3. Section 123.44 is revised to reflect new statutory provisions making certain private identification documents nonmailable (PB 21426, 10-13-83).

4. Sections 124.21 and 124.37 are revised to reflect the Department of Transportation's current rules for the transportation of radioactive materials (PB 21410, 6-30-83).

5. Section 125.165 and Exhibit 125.2 are changed to show revisions in the restrictions applied to mail addressed to military post offices overseas (PB 21420, 9-8-83).

6. Sections 129.3*g* and 917.52*b*(3)(g) are revised to clarify the regulations concerning what may appear in the window of a business reply envelope (PB 12421, 9-15-83).

7. In section 132, the Western Region is changed to reflect that the Honolulu Mail Classification Center has assumed responsibility for the Alaska District (PB 21431, 11-10-83).

8. Section 134.2 provides for free mailing privileges to members of the Armed Forces serving in Lebanon and Grenada and to those members who, as a result of disease or injury incurred as a result of their tour of duty in Lebanon or Grenada, are receiving care in medical facilities (PB 21436, 12-15-83).

9. Sections 141.2 and 147.2 have been changed to reflect that printed stamped envelopes must now be ordered directly from the Stamped Envelope Agency (PB 21435, 12-8-83).

10. Section 142.1 is amended to permit the sale of single stamps from the $9.95 Special Issue Stamps Booklet (PB 21429, 10-27-83).

11. Section 146.122 is amended to emphasize that the proper fee for metered reply mail processed without a meter stamp is 18 cents (PB 21416, 8-11-83).

12. Section 147.221 updates references for refunds on Express Mail; section 223.12 is revised to extend Express Mail Custom Designed Service to all locations in the United States; and section 295 includes procedures and a description of the supporting documentation necessary to apply for a refund of postage for Express Mail shipments (PB 21414, 7-28-83).

13. Section 149.25 is revised to clarify the extent of insurance coverage available on registered, insured, and COD mail (PB 21408, 6-16-83).

14. Part 158 has been added to explain procedures to be followed by post offices using the Mail Claim Check System (PB 21428, 10-20-83).

15. Sections 159.321 and 159.521 are changed to expedite the return of undeliverable articles to the mailer. The use of Form 3858, *Notice of Undeliverable or Abandoned Mail*, has been discontinued (PB 21409, 11-17-83).

16. The headings of sections 223.3, 224.4, and subchapter 230 have been revised to clarify policy for refunding postage by subclasses of Express Mail (PB 21429, 10-27-83).

17. Cross references are changed as follows; in section 294.4*a*, change 294.34 to 294.33; in section 294.4*b*, change 294.34 to 294.33; in section 294.4*c*, change 294.25*c* to 294.24*c*; in section 681.21*b*, change 681.2*a* to 681.21*a*; and in the Index under Registered Mail: Postage Due, change 146.45 to 146.42

18. Sections 367.313*b*, 467.112*b* and 667.311*b* are revised to reflect the change in the authorized abbreviation for the descriptive prefix *post office box section* from *LS* to *B*. In addition, these sections are modified to require three-digit post office box numbers. These changes are effective February 1, 1984, although mailers may prepare carrier route mailings in accordance with these regulations before that time (PB 21415, 8-4-83).

19. Section 411.222*b* is amended to include that only publications which meet the requirements of 723.1 may be charged postage at the bound printed matter rate (PB 21412, 7-14-83).

20. * * *

21. In sections 441.32, 443.422, 482.1, and 482.25, references to controlled circulation publications have been eliminated in the titles of Form 3503, *Record of Deposits Made While Second-Class Application Is Pending*, and Form 3541-A, *Statement of Mailing—Second-Class (Requester) Publications.*

22. Part 468 is revised to eliminate the requirement that a bank line must be left between the Address Block and the Optional Endorsement Line (PB 21425, 10-6-83).

23. Section 491.21 has been corrected to show that the transient rate of

postage is the proper rate to apply to forwarded second-class publications (PB 21417, 8–18–83).

24. Section 642.3 is amended to reflect that the General Manager, Domestic Mail Classification, may now notify an appellant directly of the final agency bulk third-class rates (PB 21414, 7–28–83).

25. Section 661.31 reflects that the regulations concerning use of detached labels for third-class flats have been changed to allow mailers to not only mail to 75% of all customers on a route but also to 90% of the residential customers, whichever is less (PB 21423, 9–29–83).

26. * * *

27. Exhibit 711.2 is revised to include a footnote clarifying postage charges for mailers of fourth-class bound printed matter at bulk zone rates (PB 21411, 7–7–83).

28. In section 941.132, the correct imprinter date setting is 790421.

29. Section 941.134 has been changed to reflect the procedures for processing the new check-size money orders (PB 21435, 12–8–83).

30. Section 941.36c has been revised to instruct postal employees to examine money orders before cashing to ensure that they do not bear any alterations or erasures (PB 21417, 8–18–83).

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

In consideration of the foregoing, 39 CFR 111.3 is amended by adding at the end thereof the following:

§ 111.3 Amendments to the Domestic Mail Manual.

* * * * *

Transmittal letter for issue	Dated	"Federal Register" Publication
13	Dec. 29, 1983	49 FR (page number and date of publication)

(5 U.S.C. 552(a); 39 U.S.C. 401, 407, 408, 3001–3011, 3201–3218; 3403–3405, 3601, 3621; 42 U.S.C. 1973 cc–13, 1973 cc–14)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84–11521 Filed 4–27–84; 8:45 am]

BILLING CODE 7710–12–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6598]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 287–0222, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the Federal Register.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain

management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.4 List of Eligible Communities.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain federal assistance no longer available in special flood hazard areas
Region II					
New Jersey:					
Ocean	Barnegat Light, borough of	345280B	June 5, 1970, emergency, Apr. 2, 1971, regular, May 1, 1984, suspended.	June 5, 1970, July 1, 1974, and May 14, 1976.	May 1, 1984.
Do	Beach Haven, borough of	345282D	June 19, 1970, emergency, Apr. 2, 1971, regular, May 1, 1984, suspended.	June 17, 1970, July 1, 1974, Sept. 26, 1975, and Mar. 18, 1977.	Do.
Do	Harvey Cedars, borough of	345296B	May 29, 1970, emergency, Apr. 2, 1971, regular, May 1, 1984, suspended.	Apr. 2, 1971, July 1, 1974, and Feb. 13, 1976.	Do.
Do	Long Beach, township of	345301B	May 5, 1970, emergency, Mar. 26, 1971, regular, May 1, 1984, suspended.	May 26, 1970, July 1, 1974, and Mar. 5, 1976.	Do.
Middlesex	Perth Amboy, city of	340272C	June 25, 1975, emergency, Dec. 18, 1979, regular, May 1, 1984, suspended.	June 21, 1974, June 4, 1976, and Dec. 18, 1979.	Do.
Ocean	Ship Bottom, borough of	345320B	May 29, 1970, emergency, Apr. 2, 1971, regular, May 1, 1984, suspended.	May 26, 1970, July 1, 1974, and Aug. 29, 1975.	Do.
Hudson	Weehawkin, township of	340228B	Aug 6, 1975, emergency, May 1, 1984, regular, May 1, 1984, suspended.	Aug. 2, 1974 and Mar. 5, 1976.	Do.
Hudson	West New York, town of	340229B	July 2, 1975, emergency, May 1, 1984, regular, May 1, 1984, suspended.	May 31, 1974, and Aug. 20, 1976.	Do.
Mercer	West Windsor, township of	340256C	Oct. 17, 1974, emergency, May 1, 1984, regular, May 1, 1984, suspended.	July 19, 1974, Sept. 24, 1976, and Nov. 14, 1980.	Do.
New York: Warren	Lake Luzerne, town of	360878B	June 20, 1975, emergency, May 1, 1984, regular, May 1, 1984, suspended.	Jan. 7, 1977	Do.
Region III					
West Virginia: Monongalia	Unincorporated areas	540139B	Oct. 31, 1975, emergency, May 1, 1984, regular, May 1, 1984, suspended.	July 18, 1975, and Oct. 9, 1981.	Do.
Region IV					
Alabama: Chilton	Clanton, city of	010031B	Aug. 7, 1975, emergency, May 1, 1984, regular, May 1, 1984, suspendedemergency, regular, suspended.	June 28, 1974, and Dec. 19, 1975.	Do.
Region V					
Michigan: Ionia	Portland, city of	260574B	Sept. 5, 1975, emergency, May 1, 1984, regular, May 1, 1984, suspended.	Oct. 10, 1975, and Jan. 30, 1976.	Do.
Ohio: Franklin	Grove City, city of	390173B	Oct. 15, 1974, emergency, May 1, 1984, regular, May 1, 1984, suspended.	May 17, 1974, and Mar. 26, 1976.	Do.
Region VIII					
North Dakota: Cass	Reed, township of	380257B	Dec. 27, 1977, emergency, May 1, 1984, regular, May 1, 1984, suspended.	Oct. 15, 1980	Do.
Region IX					
California: Marin	San Rafael, city of	065058B	Dec. 31, 1970, emergency, May 1, 1984, regular, May 1, 1984, suspended.	July 31, 1971, June 28, 1974, and Sept. 17, 1976.	Do.
Nevada: Mineral	Unincorporated areas	320017A	Aug. 16, 1978, emergency, May 1, 1984, regular, May 1, 1984, suspended.	....do	Do.

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

Issued: April 24, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-11541 Filed 4-27-84; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Editorial Amendment of Part 0 of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action creates a new rule section which lists the Office of Management and Budget ("OMB") control number for each section or part in the Commission's Rules containing an information collection requirement.

This new rule section intended to comply with the requirement of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget for each agency information collection requirement.

This section will inform the public which information collection requirements in the Commission's Rules have OMB approval.

EFFECTIVE DATE: April 30, 1984.

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

FOR FURTHER INFORMATION CONTACT: Jerry Cowden, Office of Managing Director, (202) 632–7513.

List of Subjects in 47 CFR Part 0

Collection of information, Organization and functions (Government agencies).

Order

In the Matter of editorial amendment of Part 0 of the Commission's Rules.

Adopted: April 20, 1984.
Released: April 25, 1984.

1. Section 3507(f) of the Paperwork Reduction Act of 1980 requires agencies to display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement.

2. The Commission is creating a new rule section to comply with this requirement. Section 0.408 will list the OMB control number for each Commission rule section or part which contains an information collection requirement.

3. Authority for this action is contained in Section 4(i) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's Rules. Since this amendment is editorial in nature, the public notice, procedure, and effective date provisions of 5 U.S.C. 553 do not apply.

4. Accordingly, it is ordered, that Part 0 of the rules is amended in accordance with the attached appendix, effective on the date of publication in the Federal Register.

5. Persons having questions on this matter should contact Jerry Cowden at (202) 632–7513.

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

Appendix

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new § 0.408 to read as follows:

§ 0.408 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection requirements of the Commission by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96–511. The Commission intends that this section comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement.

(b) *Display.*

47 CFR part or section where identified and described	Current OMB control No.
1.1311	3060–0004
21.201	3060–0206
21.203	3060–0206
21.204	3060–0206
21.207	3060–0206
21.208	3060–0206
21.300	3060–0206
21.307	3060–0206
21.406	3060–0206
21.708	3060–0206
21.808	3060–0206
22.201	3060–0150
22.203	3060–0150
22.204	3060–0150
22.207	3060–0150
22.208	3060–0150
22.300	3060–0150
22.307	3060–0150
22.406	3060–0150
22.501(1)(10)(ii)	3060–0094
22.512	3060–0150
25.390	3060–0164
31.01–2(d)(1)–(3)	3060–0235
31.01–9	3060–0235
31.02–80(a)	3060–0235
31.02–83	3060–0235
31.1–16	3060–0235
31.100:3(a)	3060–0235
31.100:4(1)	3060–0235
31.100:4(3)	3060–0235
31.138(c)	3060–0235
31.2–21(e)	3060–0235
31.2–26	3060–0235
31.3–32(c)	3060–0235
31.231(b)	3060–0235
31.326 (b) and (c)	3060–0235
31.327 (c) and (d)	3060–0235
31.6–64	3060–0235
31.609	3060–0235
31.611	3060–0235
31.614	3060–0235
31.672(d)	3060–0235
41.31	3060–0165
42.7	3060–0166
42.9	3060–0166
43.42	3060–0167
43.43	3060–0168
43.51	3060–0169
43.52	3060–0169
43.53	3060–0169
43.54	3060–0169
43.74	3060–0169
Part 61	3060–0298
63.01–63.63	3060–0149
63.65	3060–0149
63.66	3060–0149
63.71–63.601	3060–0149
64.804	3060–0147
Part 67	3060–0233
68.106	3060–0253
68.108	3060–0253
68.110	3060–0253
Part 69	3060–0292
73.45	3060–0146
73.61	3060–0161
73.66	3060–0158
73.99	3060–0157
73.157	3060–0154
73.158	3060–0160
73.274	3060–0155
73.295	3060–0159
73.546	3060–0145
73.574	3060–0156
73.642	3060–0153
73.677	3060–0152
73.961	3060–0207
73.1030	3060–0170
73.1125	3060–0171
73.1207	3060–0173
73.1212	3060–0174
73.1250	3060–0175
73.1510	3060–0176
73.1515	3060–0177
73.1560	3060–0178
73.1590	3060–0179
73.1610	3060–0180
73.1615	3060–0181
73.1620	3060–0182
73.1740	3060–0184
73.1810 [1]	3060–0013
73.1810 [1]	3060–0060
73.1820	3060–0126
73.1830	3060–0125
73.1840	3060–0183
73.1850	3060–0163
73.1870	3060–0208
73.1920	3060–0209
73.1930	3060–0210
73.1940	3060–0211
73.2080	3060–0212
73.3525	3060–0213
73.3526	3060–0214
73.3527	3060–0215
73.3538	3060–0216
73.3542	3060–0217
73.3544	3060–0190
73.3548	3060–0189
73.3550	3060–0188
73.3594	3060–0187
73.3598	3060–0186
73.3613	3060–0185
73.4020	3060–0131
73.4025	3060–0196
74.21	3060–0194
74.433	3060–0254
74.452	3060–0246
74.537	3060–0245
74.551	3060–0243
74.603	3060–0244
74.604	3060–0242
74.633	3060–0241
74.651	3060–0240
74.703	3060–0236
74.751	3060–0248
74.781	3060–0249
74.784	3060–0250
74.833	3060–0251

47 CFR part or section where identified and described	Current OMB control No.
74.1281	3060-0309
76.12	3060-0310
76.29	3060-0024
76.54	3060-0311
76.205	3060-0313
76.209	3060-0314
76.221	3060-0315
76.305	3060-0316
76.311	3060-0271
76.601	3060-0289
78.33	3060-0288
78.69	3060-0287
78.75	3060-0279
81.36(d)	3060-0317
81.74	3060-0286
81.76	3060-0294
81.115	3060-0306
81.193	3060-0276
81.223	3060-0277
81.224	3060-0278
81.313	3060-0296
81.314	3060-0265
81.352	3060-0297
81.704	3060-0268
83.42(b)	3060-0231
83.48	3060-0230
83.72	3060-0228
83.115	3060-0252
83.184 [2]	3060-0255
83.184 [2]	3060-0256
83.339	3060-0257
83.340	3060-0255
83.367	3060-0267
83.368	3060-0256
83.485	3060-0266
83.501	3060-0265
83.819	3060-0264
87.35(e)	3060-0197
87.95	3060-0192
87.97	3060-0198
87.127	3060-0201
87.153	3060-0202
90.36(b)	3060-0204
90.41(b)	3060-0218
90.49(b)	3060-0219
90.129(b)	3060-0223
90.131(b)	3060-0225
90.135(c)(1)	3060-0226
90.145	3060-0119
90.151	3060-0224
90.155(a)	3060-0220
90.155(b)	3060-0221
90.176	3060-0258
90.177	3060-0263
90.179	3060-0262
90.215	3060-0261
90.239(d)	3060-0260
90.263	3060-0259
90.356	3060-0237
90.382	3060-0238
90.437	3060-0269
90.443	3060-0270
90.477(b)	3060-0291
90.505	3060-0308
90.517	3060-0290
90.607 (b)(1) and (c)(1)	3060-0295
90.629(a)	3060-0307
90.633 (f) and (g)	3060-0280
90.651	3060-0281
94.17(d)	3060-0282
94.17(e)	3060-0283
94.25	3060-0284
94.27(b)	3060-0312
94.31	3060-0272
94.43	3060-0273
94.45	3060-0274
94.51	3060-0299
94.107	3060-0300
94.113	3060-0301
97.82	3060-0302
97.83	3060-0303
97.88	3060-0222
97.90	3060-0203

[1] Section 73.1810 has two OMB control numbers to distinguish between the two types of respondents (commercial or noncommercial stations) affected by this information collection requirement.

[2] Section 83.184 has two OMB control numbers to distinguish between the two types of respondents (vessels equipped with radiotelegraph stations or vessels equipped with radiotelephone stations) affected by this information collection requirement.

[FR Doc. 84-11520 Filed 4-27-84; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 49, No. 84
Monday, April 30, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

Glass Enamel and Glass Enamel Frit Containing Small Amounts of Uranium

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering amending its regulations to delete an exemption from licensing requirements applicable to the possession and use of glass enamel and glass enamel frit containing small amounts of source material. These materials are used to produce brightly colored surfaces on consumer products such as cloisonne jewelry. The proposed amendment is intended to prevent unnecessary radiation exposure that may be received by artists who use these materials or by consumers who use the products containing these materials. The proposed rule would accomplish this by prohibiting the future domestic manufacturing and importation of glass enamel or glass enamel frit containing uranium unless specifically authorized by the NRC. On July 25, 1983, the NRC suspended the subject exemption until this rulemaking action is completed.

DATE: Submit comments by June 29, 1984. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit written commnets to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received on the proposed amendment may be examined at the NRC Public Document Room, 1717 H Street NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony N. Tse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 443–7902.

SUPPLEMENTARY INFORMATION: On November 17, 1964, the NRC's predecessor, the Atomic Energy Commission (AEC), published a final rule (29 FR 15363) that exempted from licensing requirments the receipt, possession, use, transfer or import of source material contained in glass enamel and glass enamel frit containing not more than 10 percent by weight of source material. In promulgating that rule, the AEC recognized the long-standing use of uranium to produce colors in glass enamel and stated that "By reason of the low amount of radiation from glass enamel and glass enamel frit and the short period of time a person would use or be near such material, resultant external radiation exposure to the user would be only a small fraction of the limits recommended by the Federal Radiation Council or the International Commission on Radiological Protection."

Following identification of some pieces of cloisonne jewelry containing uranium being distributed throughout the United States, the NRC conducted a radiological assessment on the use of cloisonne jewelry by consumers. The results of the assessment indicated that: (1) the uranium content in the glass enamel was in the range of 3 to 7% by weight; (2) about 10% of the cloisonne jewelry measured was radioactive; (3) the radiation level at contact with the surface of the jewelry ranged from 3 to 7 millirems per hour (primarily beta radiation) but the dose rate decreases rapidly with distance from the surface of the jewelry; and (4) the risk to individuals wearing the jewelry is within acceptable boundaries. A piece of cloisonne jewelry worn with the radioactive enamalled surface in contact with the skin for 520 hours per year would deliver a dose of about 2000 to 4000 millirems to a small area of skin in a year. This corresponds to a skin cancer incidence risk of 2 to 4 in a million. The risk of death from these skin cancers is much lower than the incidence of skin cancer.

Although the use of cloisonne jewelry containing uranium does not constitute an immediate or significant health hazard, the NRC believes the use of the jewelry could constitute an unnecessary exposure to radiation. Therefore, the NRC decided to reevaluate the exemption that permits the unrestricted use of the glass enamel and the glass enamel frit containing uranium.

On July 25, 1983, the NRC published a final rule (48 FR 33697) suspending portions of its regulations that provide an exemption from licensing requirements for the possession and use of source material contained in glass enamel and glass enamel frit. Since available information indicated that all the cloisonne jewelry found to contain uranium has been imported, the suspension has had the effect of prohibiting further importation of the jewelry.

The NRC has now completed its reevaluation of the exemption. In conducting this reevaluation, the NRC considered the Federal Radiation Council (FRC) radiation safety guidelines the degree of benefit to the public, and the economic impact to society that would result if the exemption were removed. It also reviewed the recommendations of the National Council on Radiation Protection and Measurements (NCRP) and the International Commission on Radiological Protection (ICRP). For the following reasons, the NRC proposes to delete the exemption from the licensing requirements of source material contained in glass enamel and glass enamel frit that are provided in 10 CFR 40.13(c)(2)(iii).

The FRC (Report No. 1, May 13, 1960) guidelines stated, among other things, that there should not be any man-made radiation exposure without the expectation of benefit resulting from the exposure. Similarly, the NCRP (Report No. 39, January 15, 1971) and ICRP (Publication 26, January 17, 1977) recommended that radiation exposure should be justified by its benefit in relation to the benefit and risk of any available alternative. Because nonradioactive alternatives to produce the desired colors have been developed since the exemption was granted in 1964, the radiation exposure cannot be justified. Therefore, the deletion of the exemption is consistent with FRC guidelines and with NCRP and ICRP recommendations.

Furthermore, the NRC and AEC policy on the "Use of Byproduct Material and Source Material—Products Intended for Use by General Public" (30 FR 3462, March 16, 1965) considers that the use of

radioactive material in toys, novelties, and adornments may be of marginal benefit. On April 24, 1969, the AEC denied a petition for rulemaking requesting that cufflinks made from depleted uranium be exempt from licensing requirements (34 FR 6870). The deletion of the exemption for possession and use of source material contained in glass enamel and glass enamel frit is consistent with the action taken by the AEC in denying the use of depleted uranium in cufflinks.

The proposed amendment would prohibit receipt, possession, use, transfer and domestic manufacturing and importation of glass enamel or glass enamel frit containing uranium unless specifically authorized by the NRC. However, the amendment would continue to allow persons to receive, use, or transfer, without a license, glass enamel and glass enamel frit, or products containing these materials, imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983, the date of the suspension of this exemption.

The NRC's jurisdiction extends only to the source material contained in glass enamel or glass enamel frit. Glass enamel of glass enamel frit which does not contain uranium may be imported, manufactured, and distributed in the normal course of business without a NRC license.

The effects of the proposed amendment on the industry and the public, if adopted, would be very small. Because of the continuing exemption of the glass enamel or glass enamel frit containing uranium already manufactured or imported, and the fact that there are now no manufacturers of these materials in the U.S., the economic impacts, including the impact on small entities, would be negligible. Because nonradioactive alternatives to the use of uranium in producing the desired colors exist, the economic impacts of this proposed rule for importers would also be very small.

Interested persons are encouraged to comment on the proposed amendment, and the impact it may have on the public and the industry.

Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

The NRC has prepared a draft regulatory analysis on this proposed amendment. The analysis examines the alternatives considered by the NRC. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Dr. Anthony N. Tse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301–443–7902). The Commission requests public comment on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the "ADDRESS" heading.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact upon a substantial number of small entities. This proposed rule would prohibit the future domestic manufacturing or importation of glass enamel or glass enamel frit containing uranium. Currently, no domestic manufacturer is producing glass enamel or glass enamel frit containing uranium. Furthermore, nonradioactive alternatives exist and are available to importers. As a result, the NRC believes that the economic impact of the proposed regulation on small entities or any other affected party will be negligible.

Any small entity subject to this amendment which determines that, because of its size, it is likely to bear a disproportionate adverse economic impact should notify the Commission of this in a comment that indicates the following:

(a) The small company's size in terms of annual income or revenue, and number of employees;

(b) How the proposed rule would result in a significant economic burden upon the small company compared to that on a larger company;

(c) How the proposed rule could be modified to take into account the company's differing needs or capabilities.

List of Subjects in 10 CFR Part 40

Government contracts, Hazardous materials transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

Under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing the following amendment to 10 CFR Part 40.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

The authority citation for Part 40 continues to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended; secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039; sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); secs. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 40.3, 40.25(d)(1)–(3), 40.35 (a)–(d), 40.41 (b) and (c), 40.46, 40.51 (a) and (c), and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 40.25 (c) and (d) (3) and (4), 40.26(c)(2), 40.35(e), 40.42, 40.61, 40.62, 40.64 and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

1. In § 40.13, footnote 1 to paragraph (c)(2)(iii) is removed, paragraph (c)(2)(iii) is revised, and paragraph (c)(2)(iv) is added to read as follows:

§ 40.13 Unimportant quantities of source material.

* * * * *

(c) * * *

(2) * * *

(iii) glassware containing not more than 10 percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction;

(iv) glass enamel or glass enamel frit containing not more than 10 percent by weight source material imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983.[1]

* * * * *

Dated at Bethesda, Maryland, this 28th day of March, 1984.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 84-11825 Filed 4-27-84; 8:45 am]

BILLING CODE 7590-01-M

[1] On July 25, 1983, the exemption of glass enamel or glass enamel frit was suspended. The exemption was eliminated on [the effective date of this rule].

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-NM-10-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes a new airworthiness directive (AD) applicable to certain Boeing Model 747 series airplanes which would require inspection of the frame to tension tie joints at body station 760 (Group I and II airplanes) or body station 780 (Group III airplanes) for cracks. The proposed AD is prompted by a crack which was reported during fatigue testing. An undetected crack could result in loss of cabin pressurization and extensive structural damage.

DATES: Comments must be received on or before June 15, 1984.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 84-NM-10-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 84-NM-10-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Boeing Company has conducted a structural reassessment of the Boeing Model 747 airplane as a part of their program to develop a Supplemental Structural Inspection Document (SSID) for the airplane. In conducting this reassessment, Boeing used advanced analysis techniques which were not available during the original design and certification of the Model 747 and used as guidelines the requirements of Federal Aviation Regulation (FAR) 25.571 Amendment 25-45. The reassessment included structural details that have a history of cracking. The analysis has revealed that certain of these details should receive increased emphasis in the maintenance program of operators to maintain the structural integrity of the airplane. The frame to tension tie joint is one such detail.

One incident of cracking in the tension tie has been reported. The crack was caused by bending due to cabin pressurization loads.

If the cracks are not detected and allowed to grow, the cracking of the tension tie could eventually result in sudden in-flight depressurization of the airplane and extensive structural damage.

Boeing has issued Service Bulletin 747-53-2088, Revision 2, which defines the specific inspection procedures to be used to inspect for cracks in the fuselage tension tie structure on certain delivered Model 747 airplanes.

A modification is described in the service bulletin and consists of installing doublers on Group I and Group II airplanes on the tension tie at B.S. 760, and on Group III airplanes on the tension tie at B.S. 780. Inspections will continue after modification.

Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require inspection and, if necessary, repair or modification of certain Boeing Model 747 series airplanes.

It is estimated that 72 airplanes of U.S. operators would be affected by this AD, that it would take approximately 32 manhours per airplane to accomplish the required actions, and that the average labor cost would be $35 per manhour. Repair parts are estimated at $675 per airplane. Based on these figures, the total cost impact of the AD is estimated to be $130,000. For these reasons the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. No small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

Boeing: Applies to Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747-53-2088, Revision 2, or later FAA approved revisions. To prevent failure of the frame to tension tie joint structure, accomplish the following, unless already accomplished:

A. For airplanes that have not been modified in accordance with Service Bulletin 747-53-2088, Revision 2, or later FAA approved revisions, within the next 500 landings after the effective date of this AD or prior to the accumulation of 8,000 landings, whichever is later, perform a close visual inspection of the tension tie at B.S. 760 on Group I and Group II airplanes, and at B.S. 780 on Group III airplanes, for cracks in the areas identified in Service Bulletin 747-53-2088, Revision 2, or later FAA approved revisions. Repeat inspections at intervals not to exceed 3000 landings.

If cracks are found, repair and modify in accordance with Service Bulletin 747-53-2088, Revision 2, or later FAA approved revisions, prior to further pressurized flight.

B. For airplanes that have been modified in accordance with Service Bulletin 747-53-2088, Revision 2, or later FAA approved revisions, within the next 1000 landings after the effective date of this AD or prior to the accumulation of 10,000 landings after modification, whichever is later, perform a close visual inspection of the tension tie at B.S. 760 on Group I and Group II airplanes, and at B.S. 780 on Group III airplanes, for cracks in the areas identified for inspection in

Service Bulletin 747-53-2088, Revision 2, or later FAA approved revisions. Repeat inspections at intervals not to exceed 8000 landings. If cracks are found, repair in accordance with an FAA approved procedure prior to further flight.

C. Alternate means of compliance with this AD which provides an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

D. For purposes of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's time in service by the operator's fleet average from takeoff to landing for the airplane type.

E. Aircraft may be ferried to a base for maintenance in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations.

F. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of an operator, if the request contains substantiating data to justify the adjustment period.

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

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

Issued in Seattle, Washington on April 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-11513 Filed 4-27-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-NM-19-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9 and C-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an amendment to an existing airworthiness directive (AD) applicable to certain McDonnell Douglas Model DC-9-10 through -40 and (Military) C-9 series airplanes that requires inspection, and replacement if necessary, of the main landing gear (MLG) attach fittings. This is prompted by additional reports of MLG fitting cracks, the failure of which could result in significant damage to the wing MLG supporting/fitting structures and possible collapse of the landing gear. This amendment would require additional repetitive inspections, and treatment of the MLG attach fittings for stress corrosion cracks, and also provide a permanent repair option.

DATES: Comments must be received on or before June 15, 1984.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Michael N. Asahara, Sr., Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, (213) 548-2824.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 84-NM-19-AD, 17900 Pacific Highway South, C68966, Seattle, Washington 98168.

Discussion

Twenty-eight operators have reported 186 cases of cracked main landing gear (MLG) attach fittings. The cracks were attributed to stress corrosion. In all cases, the cracks were found in MLG attach fittings made from 7079-T6 forging alloy. Airworthiness Directive AD 80-06-04, Amendment 39-3716, applicable to McDonnell Douglas Model DC-9 and C-9 series airplanes, required inspection and/or replacement of the 7079-T6 MLG attach fitting with 7075-T73 forging alloy fittings. After issuance of Amendment 39-3716, McDonnell Douglas issued DC-9 Service Bulletin 57-125, Revisions 3 and 4, dated January 29, 1982, and June 21, 1983, respectively, due to reports of cracks in a new location on the 7079-T6 fittings, and reports of cracks in the 7075-T73 fittings installed on four aircraft. The cracks in the 7075-T73 fittings were attributed to fatigue. McDonnell Douglas DC-9 Service Bulletin 57-125, Revisions 3 and 4, added inspections for cracks in the new location on existing 7079-T6 fittings, and incorporated revisions to ensure that 7075-T73 material MLG attach fittings installed as future replacement of existing 7079-T6 fittings will be modified to prevent the fatigue cracks. Installation of 7075-T73 material MLG attach fittings in accordance with Option 1 of McDonnell Douglas DC-9 Service Bulletin 57-125 (original issue or subsequent revisions) constitutes terminating action for this AD.

In consideration of the hazardous consequence of significant damage to the wing MLG supporting/fitting structures and possible collapse of the landing gear, the proposed amendment is considered to be necessary.

The estimated costs associated with this proposed amendment are as follows:

One hundred and fifty nine domestic and public airplanes are affected. It would require 47 manhours per airplane to accomplish the additional repetitive inspections. Average labor charge would be $35.00 per manhour. Based on these figures, the total cost impact of this amendment would be approximately $261,555. Replacement cost is not considered. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities withir the meaning of

the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending AD 80-06-04, Amendment 39-3716 (45 FR 17944), dated April 24, 1980, as follows:

A. Revise applicability statement to read:

"**McDonnell Douglas:** Applies to DC-9-10 through -40 and (Military) C-9 series aircraft, certificated in all categories, which correspond to the factory serial numbers listed in McDonnell Douglas DC-9 Service Bulletin 57-125, Revision 4, dated June 21, 1983, (hereinafter referred to as SB 57-125, R4), later revisions approved by the Manager, Los Angeles Aircraft Certification Office, except those airplanes previously modified per Option I of McDonnell Douglas DC-9 Service Bulletin 57-125, original issue, or subsequent revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region."

B. Throughout the AD, change "SB 57-125, Revision 2" to read "SB 57-125, R4".

C. Revise 3rd paragraph of AD to read as follows:

"To detect cracks and prevent failure of the main landing gear attach fittings, made from 7079-T6 materials identified with basic part numbers (P/Ns) 5911258, 5919289, and 5924841, accomplish the following:"

D. Revise NOTE (1) by deleting "and (c)," and adding "(c), and (d)."

E. Reidentify paragraphs (d) through (m) as (e) through (n). Add a new paragraph (d) to read as follows:

"(d) Prior to September 1, 1985, inspect the area of the MLG attach fitting under the lower inboard flange ends of the lower auxiliary spar cap end fitting (reference crack location 20) per SB 57-125, R4. Perform rework as outlined in SB 57-125, R4, (Option II: Phase I, II, or III) and repetitively inspect at intervals specified in SB 57-125, R4, Page 15, until terminating action is accomplished per paragraph (j) below."

F. Revise reidentified paragraphs (e) through (h) by replacing "paragraphs (a), (b) or (c)" with "paragraphs (a), (b), (c), or (d)."

G. Revise reidentified paragraph (j) to read as follows:

"(j) Terminating Action: The repetitive requirements of this AD may be discontinued upon replacement of the existing 7079-T6 fitting with a new 7075-T73 fitting per Option I of SB-125, original issue, or subsequent revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region."

H. Change the FAA office listed in reidentified paragraphs (m) and (n) from "Chief, Aircraft Engineering Division, FAA Western Region" to "Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region."

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

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

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291, and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model DC-9 series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on April 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-11515 Filed 4-27-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-NM-23-AD]

Airworthiness Directives; British Aerospace (BAe) Viscount Model 700 Series and 800 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD) which would require inspection, replacement, and modification of certain components on British Aerospace, Aircraft Group, Viscount airplanes, as necessary, to detect and prevent certain unsafe conditions. These conditions are the subject of mandatory corrective actions required by the United Kingdom Civil Aviation Authority (CAA) and relate to components of the hydraulic system, entry and cargo doors, and the rudder. This action is taken to preclude failure of these components.

DATES: Comments must be received no later than June 19, 1984.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041, or may also be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. James Leeder, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2826. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 84-NM-23-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion: The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of a number of inspections, replacements, and modifications which they have imposed on Viscount Model 700 and 800 series airplanes operated under registry of the United Kingdom to correct certain unsafe conditions which may exist.

The requirements presented in this proposed AD are based on the

notifications from the CAA in accordance with the bilateral agreement and are related to the following unsafe conditions:

A. Loss of hydraulic system fluid due to premature failure of bolts on hydraulic system micron filter which could result in loss of brakes. (Reference Preliminary Technical Leaflet (PTL) No. 177, Issue 1, for all Model 800 series; and PTL No. 308, Issue 1, for all Model 700 series airplanes.)

B. Possible loss of, or damage to entrance doors and rear freight door which could result in depressurization. (Reference BAe modification No. D.3051, Issue 1 and Issue 2, and PTL No. 235, Issue 3, for all Model 700 Series airplanes.)

C. Possible damage to rudder mechanism due to parts remaining in service beyond their estimated life expectancy of 30,000 hours which could result in a jammed rudder. (Reference PTL No. 311, Issue 1, for all Model 700 series; and PTL No. 180, Issue 1, for all Model 800 series airplanes.)

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspections, replacements, and modifications, as necessary, on Viscount airplanes.

It is estimated that 29 U.S. registered airplanes would be affected by this AD, that it would take approximately 79 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Repair parts are estimated at $1,245 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $127,745. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

British Aerospace Viscount: Applies to Model 700 and 800 series airplanes, certificated in all categories as indicated in each paragraph below. To prevent failure of certain components in the hydraulic system, entry and cargo doors, or rudder mechanism, accomplish the following within the compliance time specified in each paragraph below, unless previously accomplished:

A. For all Model 700 series pre-Modification D.2883 and for all Model 800 series pre-Modification FG.1553 which are equipped with hydraulic system Micronic Filters, part numbers A6301, A6302, or A5641, inspect and replace hydraulic filter attachment bolts in accordance with Preliminary Technical Leaflet (PTL) No. 308 for all Model 700 series and PTL No. 177 for all 800 series airplanes, both dated February 7, 1979, within 1000 hours time in service after the effective date of this AD.

B. Inspect and modify entrance and cargo doors of Model 700 series airplanes in accordance with PTL No. 235, Issue 3, dated December 8, 1968, within 350 hours time in service after the effective date of this AD. Subsequent inspections as denoted in paragraph 4.2 of the PTL shall be accomplished at intervals not to exceed 350 hours from the previous inspection. Modify Model 700 series airplanes in accordance with the instructions in BAe Bulletin for Modification No. D.3051, First Issue, dated April 23, 1962, and Second Issue, dated May 17, 1978, within 350 hours time in service after the effective date of this AD, for all entrance and cargo door bolt sleeves.

C. Replace Rudder Spigot and mounting block on Model 700 series and Model 800 series airplanes in accordance with PTL No. 311, Issue 1, and PTL No. 180, Issue 1, respectively, both dated May 22, 1981, at or before 29,500 hours total time in service or within the next 500 hours after the effective date of this AD, whichever occurs later.

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

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

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

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291, and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Viscount Model 700 and 800 series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**".

Issued in Seattle, Washington on April 20, 1984.

Leroy A. Keith,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-11516 Filed 4-27-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Public Comment and Opportunity for Public Hearing on the Modification to the Pennsylvania Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by the Commonwealth of Pennsylvania as a modification to the Pennsylvania Permanent Regulatory Program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to changes in the State's regulations relating to anthracite coal mining operations.

This notice sets forth the times and locations that the Pennsylvania program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed regarding the public hearing.

DATES: Written comments not received on or before 4:00 p.m., May 30, 1984 will not necessarily be considered.

If requested, public hearing on the proposed modifications will be held on May 25, 1984, beginning at 10:00 a.m. at the location shown below under "**ADDRESSES.**"

ADDRESSES: Written comments should be mailed or hand delivered to: Robert Biggi, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 1701.

If a public hearing is held its location will be at: The Holiday Inn, 5401 Carlisle Pike, Mechanicsburg, Pennsylvania 17055.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Pennsylvania program, the proposed modifications to the program, a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101

Office of Surface Mining, Reclamation and Enforcement, 1100 "L" Street, NW., Room 5124, Washington, D.C. 20240, Telephone (202) 343–8270

Pennsylvania Department of Environmental Resources, Fulton Bank Building, Third and Locust Streets, Harrisburg, Pennsylvania 17120

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than Harrisburg, Pennsylvania, will not necessarily be considered and included in the Administrative Record for this final rulemaking.

Public Hearing

Persons wishing to comment at a public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business May 15, 1984. If no one requests to comment at a public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the OSM office listed in **ADDRESSES** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background on the Pennsylvania State Program

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary disapproved the Pennsylvania program. The State resubmitted its program on January 25, 1982, and subsequently the Secretary approved the program subject to the correction of minor deficiencies. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** notice (47 FR 33050).

III. By a Letter Dated March 30, 1984, Pennsylvania Submitted to OSM Pursuant to 30 CFR 732.17, a Revision to Its Approved Program Pertaining to Standards for Mining Anthracite Coal

In the amendment, Pennsylvania proposes to amend its regulations at Subchapter A, B, C, D and F of Chapter 88. The proposed changes provide (1) permit application and reclamation plan requirements for anthracite coal mining operations and (2) minimum environmental protection performance standards for suface anthracite coal mining operations anthracite bank removal and reclamation operations, anthracite refuse disposal operations and anthracite underground mining operations.

Therefore, the Secretary is seeking public comment whether the proposed program amendment is no less effective than the Federal permanent program requirements. If approved, the amendment will become part of the Pennsylvania program.

IV. Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: April 24, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

[FR Doc. 84–11583 Filed 4–27–84; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 944

Public Comment and Opportunity for Public Hearing on Proposed Modifications of the Utah Permanent Regulatory Program

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

ACTION: Proposed rule: Notice of receipt of permanent program modifications: public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the adequacy of proposed amendments to the Utah Permanent Regulatory Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which were submitted to OSM by Utah for the Director's approval. The amendments pertain to water quality standards and effluent limitations, and inspection and enforcement requirements.

This notice sets forth the times and locations that the Utah program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments from members of the public not received by 4:30 p.m. on May 30, 1984 will not necessarily be considered in the Director's decision on whether the proposed amendments satisfy the criteria for approval.

A public hearing on the proposed amendments has been scheduled for May 25, 1984. Any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Hagen at the address and telephone number listed below by May 14, 1985. If no person has contacted Mr. Hagen by this date to express an interest in participating in this hearing, the hearing will not be held.

ADDRESSES: The public hearing will be held between 1:00 p.m. and 5:00 p.m. at the Conference Room, Room No. 4108, 4241 State Office Building, Salt Lake City, Utah. Written comments and requests for an opportunity to speak at the public hearing should be sent to Mr. Robert Hagen, Field Office Director, Office of Surface Mining Reclamation and Enforcement, New Mexico Field Office, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

Copies of the Utah program, the proposed modifications to the program and all written comments received in response to this notice will be available for public review at the OSM Field Office above and the OSM Headquarters office and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Utah Division of Oil, Gas and Mining, Department of Natural Resources, 4241 State Office Building, Salt Lake City, Utah, Telephone (801) 533–5771

Office of Surface Mining, 1100 "L" Street, NW., Room 5124, Washington, D.C. Telephone (202) 343–8270

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program under SMCRA for the regulation of surface coal mining operations in the State (46 FR 5899–5915).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Utah program can be found in the January 21, 1981, **Federal Register** (46 FR 5899–5915).

On February 6, 1984, the Utah Division of Oil, Gas and Mining (DOGM) submitted proposed program amendments for OSM's approval.

The amendments included proposed changes to the following sections of Utah's program regulations:

UMC 817.42

Hydrologic Balance: Water Quality Standards and Effluent Limitations (Subsection (a)(7) deleted; new subsection (b) added).

UMC 816.42

Hydrologic Balance: Water Quality Standards and Effluent Limitations (Subsection (a)(7) deleted; new subsection (b) adopted).

UMC 840.11

Inspections by State Division of Oil, Gas and Mining (Underground Mines) (revised).

SMC 840.11

Inspections by State Division of Oil, Gas and Mining (Surface Mines) (revised).

SMC/UMC 843.12

Notices of Violation (revised).

SMC/UMC 843.13

Suspension or revocation of permit (revised).

The proposed amendments are available for review, in full text, at the addresses listed above. The Secretary seeks public comment on whether the proposed modifications to the Utah permanent program listed above satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17. If the Secretary determines the proposed modifications meet the criteria, the amendments will be approved, and 30 CFR 944 will be modified accordingly.

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. *Compliance With the Regulatory Flexibility Act:* The Secretary hereby determines that this proposed rule will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance With Executive Order NO. 12291:* On August 28, 1981, the Office of Management and Budget (OMB) granted the Office of Surface Mining exemption from sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve, or conditionally approve, State regulatory program, actions, or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB is not needed for this program amendment.

List of Subjects in 30 CFR Part 944

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

Dated: April 24, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

[FR Doc. 84–11582 Filed 4–27–84; 8:45 am]

BILLING CODE 4310–09–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 26; FRL-2577-5]

Approval and Promulgation of State Implementation Plans; Revision to the Virgin Islands Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces receipt of a request from the United States Virgin Islands to revise its implementation plan. If approved by the Environmental Protection Agency (EPA), this revision will have the effect of allowing Martin Marietta Alumina and Hess Oil Virgin Islands Corporation, located on the Island of Saint Croix, to continue using fuel oil with a maximum sulfur content of 1.5 percent, by weight. The current sulfur content limitation contained in the Virgin Islands' regulations is 0.50 percent, by weight. Under the provisions of the Virgin Islands' submittal, the use of the higher sulfur content fuel oil would continue to be permitted for a maximum period of one year from the date of EPA's final approval.

DATE: Comments must be received on or before May 30, 1984.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Office of the Commissioner, Charlotte Amalie, St. Thomas, Virgin Islands 00801

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On December 1, 1983, the Commissioner of the Virgin Islands Department of Conservation and Cultural Affairs submitted to the Environmental Protection Agency (EPA) a request to revise its implementation plan for attaining and maintaining national ambient air quality standards. This proposed revision was not received by EPA until January 24, 1984. It deals with an administrative order which, if approved by EPA, would allow Martin Marietta Alumina (MMA) and Hess Oil Virgin Islands Corporation (HOVIC) to continue using fuel oil with a sulfur content of 1.5 percent, by weight, at certain of their fuel burning sources.

Both MMA and HOVIC are located in the southern industrial complex on the Island of Saint Croix. Sources in this location currently are required by regulation to burn fuel oil with a maximum sulfur content of 0.50 percent, by weight. However, the regulation provides for a variance to this limit if the applicant can demonstrate that the use of a higher sulfur content fuel oil will not interfere with attainment and maintenance of national ambient air quality standards. Based on applications made in February 1980 and approved by EPA on May 2, 1980 (45 FR 29293), MMA and HOVIC were permitted to burn 1.5 percent sulfur content fuel. A one-year extension of this variance was granted on September 3, 1981 (46 FR 44188) and on March 4, 1983 (48 FR 9257). The proposed revision is intended to continue this variance for one more year.

The submittal by the Virgin Islands consists of a letter transmitting its proposed administrative order allowing the exemption and a notice of a Virgin Islands' public hearing which was held on December 29, 1983. A technical document prepared by MMA which analyzes the air quality impact of the variance had been submitted with the original revision request and is still valid.

EPA has reviewed the technical material submitted by MMA and recent air quality data. EPA has also reviewed an air quality impact analysis of Prevention of Significant Deterioration (PSD) increment consumption submitted by HOVIC. This analysis was required by a condition on a May 2, 1983 PSD permit issued to HOVIC. Based on these reviews, EPA concurs with the Virgin Islands Government that no violations of national ambient air quality standards or PSD increments are expected to occur if the Virgin Islands Implementation Plan revision is approved. However, it should be noted that, as a result of EPA's review of the HOVIC analysis, EPA has discovered that certain emission levels from the facility may not be legally enforceable and that PSD baseline emission calculations may be in error. Both of these potential issues are currently under investigation and could affect EPA's final decision on the Virgin Islands' proposal.

EPA's review of the material submitted by the Virgin Islands indicates that this revision is approvable assuming satisfactory resolution of the PSD issues just described. This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments on this proposal may be submitted on or before May 30, 1984. The Administrator's decision regarding approval or disapproval of this proposed implementation plan revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations at 40 CFR Part 51.

Under 5 U.S.C. Section 605(b), the Regional Administrator has certified that implementation plan approvals do not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981).

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

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: March 8, 1984.

Jacqueline E. Schafer,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 84-11557 Filed 4-27-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[EPA Docket Numbers AM016DE, AM017DE, AM018DE; A-III-FRL-2577-6]

State of Delaware; Proposed Revisions to the Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rules.

SUMMARY: The State of Delaware has submitted Secretarial Orders proposing the addition of Section 2.3 to Regulation Number XIV, Visible Emissions, Section 2.3 to Regulation Number VII, Particulate Emissions From Incineration,

and Section 9.7 and Table I(a) to Regulation Number XXIV, Control of Volatile Organic Compound Emissions, to the Delaware State Implementation Plan (SIP). Section 2.3 of Regulation Number XIV, establishes an alternate opacity limit for existing catalytic cracking units. The emissions from any existing catalytic cracking unit must be in compliance with the applicable mass emission standard in order for the unit to be granted the alternate opacity standard.

Section 2.3 of Regulation Number VII, adds a new subsection which will require a minimum combustion temperature of 1400°F and a temperature indicating device in the secondary chamber of any incinerator used for the destruction of pathological waste. The addition of Section 9, Regulation Number XXIV, specifies emission limits of volatile organic compounds (VOC) in "pounds of VOC per gallon of deposited solids" and adds Table I(a) stating allowable emission rates of VOC for various coating lines.

EPA has reviewed these revisions submitted as Secretarial Orders and has concluded that they meet all of the requirements of the Clean Air Act and 40 CFR 51.

Therefore, EPA proposes to approve the Secretarial Orders as revisions to the Delaware SIP.

DATE: Comments must be submitted on or before May 30, 1984.

ADDRESSES: Copies of the proposed SIP revisions and the accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Gaughan (3AM11).

Department of Natural Resources & Environmental Control, Division of Environmental Control, Air Resources Section, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

All comments on the proposed revisions will be considered and should be submitted to Mr. James E. Sydnor (3AM13) at the EPA Region III address stated above.

FOR FURTHER INFORMATION CONTACT: Deborah Woltjen (3AM22) at the EPA Region III address stated above or telephone (215) 597-1190.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 1983, the State of Delaware submitted Secretarial Orders proposing the adoption of three new sections to the Delaware State Implementation Plan (SIP). The State has also submitted documentation that a public hearing regarding the proposed revisions was held in accordance with 40 CFR 51.4. The hearing was held on June 16, 1983, after adequate public notice had been given.

The following sections are being proposed as additions to the Regulations to which they apply. Section 2.3 will be added to Regulation Number XIV, Visible Emissions, and will establish a new opacity limit for the existing catalytic cracking unit at the Getty Refining and Marketing Company located near Delaware City, Delaware; Regulation Number VII, Particulate Emissions From Incineration, will include an amendment to Section 2 which will require a minimum combustion temperature of 1400°F in the secondary chamber of incinerators used for the destruction of pathological waste and a temperature control device to determine the chamber temperature; Section 9 of Regulation Number XXIV, Control of Volatile Organic Compound Emissions, will be amended to include Table I(a) and a new subsection to specify emission limits in "pounds of volatile organic compounds per gallon of deposited solids."

Regulation Description

The proposed subsection 2.3 to Regulation No. XIV, exempts any existing catalytic cracking unit from the 20% opacity limit as set forth in Section 2.1 of the same Regulation and permits opacities up to 50% provided that the source demonstrates that it meets the applicable mass emission standard. The mass emission standard for catalytic cracking units is contained in Delaware Regulation Number V, Section 5.1. Regulation Number XIV, Section 3, authorizes the Secretary to grant an alternate opacity to a source upon demonstration that the source complies with the applicable mass emission standard.

Section 2.3 will specifically apply to the existing Getty Refining and Marketing Company catalytic cracking unit. Test results from this unit have been submitted and demonstrate that with opacities up to 50%, the source complies with the applicable mass emission standard. Any future units will be subject to the appropriate standards.

Subsection 2.3 has been proposed as an addition to Regulation No. VII, Section 2, Particulate Emissions From Incineration. This subsection requires a minimum combustion temperature of 1400°F in the secondary chamber of incinerators used for pathological waste. This temperature ensures adequate destruction of pathogens, will not cause unsafe operating conditions, and the added fuel cost to preheat and heat the secondary chamber will be minimal when compared to the health risks associated with incomplete combustion. A pyrometer or other temperature indicating device must be installed to aid the operators, enhance proper combustion, and for enforcement purposes.

For Section 9, Regulation No. XXIV, Control of Volatile Organic Compound Emissions, the addition of Table 1(a) to specify emission limits in "pounds of volatile organic compounds per gallon of deposited solids" and an equivalency equation has been proposed. The procedure and equation used in determining the emission limits as found in Table 1(a) are consistent with the guidelines of the U.S. Environmental Protection Agency and will not relax any regulatory standards.

EPA Action

The Regional Administrator's decision to propose approval of these revisions is based on a determination that the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen oxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: 42 U.S.C. 7401-7642.

Dated: March 19, 1984.

Thomas P. Eichler,

Regional Administrator.

[FR Doc. 84-11556 Filed 4-29-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket Nos. 78-72 and 80-286; FCC 84-133]

MTS and WATS Market Structure; and Amendment of the Commission's Rules and Establishment of a Joint Board

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: The Commission requests comments on: (1) End user charges for residential and single line business subscribers; (2) the transition mechanism for implementing end user charges for these subscribers; (3) assistance for low income subscribers: and (4) additional assistance for small telephone companies. The Commission is requesting the Joint Board to prepare recommendations concerning these issues. The Commission has stated that it would study these issues further before implementing end user charges for residential and single line business subscribers. This round of comment and the Joint Board recommendation will provide the Commission with additional information and analysis on which to make its final decision in December 1984. The Commission also asked the Joint Board to prepare recommended changes in separations procedures for central office equipment and interexchange plant costs after preparing its recommendations on the end user charge issues.

DATE: Comments on the end user charge issues must be received on or before May 14, 1984, and reply comments must be received on or before June 18, 1984. A comment schedule for the central office equipment and interexchange plant cost issues will be established by the Joint Board at a later date.

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

FOR FURTHER INFORMATION CONTACT: Claudia Pabo at (202) 632-9342.

Further Notice of Proposed Rulemaking

In the matter of MTS and WATS Market Structure Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board; CC Docket No. 78-72, CC Docket No. 80-286.

Adopted: March 30, 1984.
Released: April 11, 1984.

By the Commission.

I. Introduction

1. The Commission hereby requests comments concerning the following issues: (1) The end user charge for residential and single line business subscribers; (2) the transition mechanism for implementing end user charges for these subscribers; (3) a life-line exemption or other assistance for low income subscribers; and (4) additional assistance for small telephone companies. At the same time, we are asking the Joint Board to prepare recommendations concerning these issues. The Commission is also asking the Joint Board in CC Docket No. 80-286 to undertake a comprehensive review of the existing separations procedures for all Central Office Equipment (COE) and prepare recommended change in these rules. In addition, we are referring issues involving the allocation of interexchange plant costs to this Joint Board.

II. Access Charge Issues

2. Although we are firmly convinced that the current level of interstate toll loading[1] must be reduced to ensure the long term economic viability of the telephone industry, we recognize that this is a major change in the way telephone costs are recovered. In our recent order on reconsideration in the *MTS and WATS Market Structure Inquiry* we deferred end user changes for residential and single line business subscribers unitl June 1985.[2] At that time we stated that we would complete five additional proceedings before we allowed end user access charges for these subscribers to become effective. These proceedings include: (1) A further rulemaking to devise exemptions or target assistance for subscribers who may not be able to afford end user charges; (2) a further inquiry into the effects upon universal service of end user charges as well as federal decisions in general; (3) a further inquiry to compile more detailed data upon the extent and dangers of bypass; (4) a further rulemaking to adopt more effective mechanisms to meet the needs of small telephone companies for additional assistance; and (5) a further rulemaking to examine how best to implement an end user charge for residential and single line business customers.

3. Here we begin the futher proceedings on exemptions or targeted assistance for needy subscribers, more effective mechanisms to meet the needs of small telephone companies, and how best to implement end user charges for residential and single line business customers by seeking comments. We have also concluded that preparation of a recommended decision by the existing Joint Board in CC Docket No. 80-286, *Amendment of Part 67*, concerning these issues would facilitate our decision-making processes.[3] This course of action is clearly sanctioned by Section 410(c) of the Communications Act which states that the Commission "may refer any other matter, relating to common carrier communications of joint Federal State concern" to a Joint Board composed of four State and three Federal Commissioners. We have used this approach occasionally in the past in dealing with matters of Joint Federal State concern that do not involve separations and therefore are not subject to mandatory Joint Board proceedings.[4] In light of the postponement of residential and single line business end user access charges until June 1985, there will be adequate time for preparation of a Joint Board recommendation on these important issues. Although the resolution of all remaining separations questions could consume the energies of this Joint Board for a year or two, action on some of these questions can be deferred without adverse effects.[5]

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[1] Toll loading refers to the recovery of fixed or non-traffic sensitive (NTS) costs through the usage based rates for toll service.

[2] MTS and WATS Market Structure, CC Docket No. 78-72, 49 FR 7810 at paras. 4-30 (March 2, 1984).

[3] We considered seeking a Joint Board recommendation earlier in the MTS and WATS Market Structure Inquiry, 73 FCC 2d 222 at para. 28, but we did not adopt this approach, 77 FCC 2d 224 at paras. 38 and 54 (1980). Although the magnitude of possible developments in this proceeding could have been anticipated by the time we issued the Fourth Supplemental Notice in the MTS and WATS Market Structure Inquiry, we did not reconsider our decision with respect to a Joint Board referral at that time for several reasons. We were anxious to complete the access charge phase of the proceeding by the end of 1982 and compliance with that schedule would not have accommodated preparation and review of a Joint Board recommendation. The Joint Board in CC Docket No. 80-286, Amendment of Part 67, was also fully occupied in resolving some very fundamental and important separations questions relating to the allocation of non-traffic sensitive exchange plant. Amendment of Part 67, CC Docket No. 80-286, 78 FCC 2d 837 (1980). It would have been extremely difficult to staff a second Joint Board at that time to deal with a different set of complex problems.

[4] *See, e.g.*, Proposals for New or Revised Classes of MTS and WATS, Docket No. 19528, (Terminal Equipment Registration Program), 35 FCC 2d 539 (1972). As in the case of the registration program cited above, the Commission is not required to obtain recommendations from a Federal State Joint Board before acting on these end user access charge issues since they do not involve the allocation of costs between the jurisdictions. We are taking this step as a discretionary matter. *See* Section 410(c) of the Communications Act, 47 CFR 410(c). As provided in Section 410(c), the Joint Board's recommendation is subject to Commission review.

[5] The benefit of a Joint Board recommendation with respect to some of the central access charge questions outweighs any harm that may result from delaying the resolution of some of the remaining separations questions. We do not expect the Joint

Continued

4. We believe that it is important to compile as complete a record as possible concerning end user access charges for residential and single line business subscribers. While we have concluded that end user access charges would constitute the best solution to the problems confronting us in the *MTS and WATS Market Structure Inquiry*, more information will become available concerning uneconomic bypass and the effects of end user charges through studies the Commission recently instituted.[6] Based on the substantial record in this proceeding, we are convinced that a significant reduction in the level of toll loading is necessary to ensure the long term viability of the telephone network, and best serve the four basic goals which we have established in this proceeding, namely: (1) The continued assurance of universal service; (2) the elimination of unjust discrimination or unlawful preferential rates; (3) the encouragement of network efficiency; and (4) the prevention of uneconomic bypass. We have already reached a number of basic conclusions. First, bypass and the economic inefficiency inherent in the present system of toll rates represents a serious long term threat to universal service. Second, the emergence of competition in the telecommunications industry requires that charges more fully reflect the cost of service. Third, a nationwide solution to these problems is necessary in the near future to provide the industry with certainty. Fourth, flat fee end user charges are an equitable and economically sound method for recovering a portion of NTS costs, although assistance is needed for low income subscribers and those in high cost areas. In particular, rural telephone companies must be able to continue operations. Fifth, an appropriate transition to the new environment is needed. We seek comments on the residential and single line business end user charges as a means toward these ends. At the same time, we do not intend to preclude interested parties and the Joint Board from considering possible variants which will significantly decrease toll loading and achieve the basic goals listed above.[7] Any comments suggesting alternatives must explain how the approach proposed will decrease toll loading and serve the goals which we have established in this proceeding. Joint Board recommendations based on review of all the available information would be very helpful to the Commission in reaching a final decision this December.

5. In addition to studying the end user access charge plan itself, we are asking parties to submit comments and the Joint Board to prepare recommendations concerning the following issues: (1) Establishing a gradual transition for implementation of end user access charges; (2) devising a comprehensive approach concerning life-line proposals for those who might otherwise be unable to afford service; and (3) examining how best to provide additional assistance to small telephone companies. Comments on the transition should focus on: (1) The appropriate initial charge; (2) the magnitude and timing of increases; and (3) a maximum charge for the period 1990 and beyond (since we will limit charges to $4.00 per month through the end of 1989). With regards to the life-line or other assistance for needy telephone subscribers, commenting parties should: (1) Explain the type of assistance which they believe is needed, for example, an access charge waiver; (2) define the group to receive assistance; and (3) explain how the assistance would be funded. In discussing the idea of additional assistance for small telephone companies, interested parties should focus on measures designed to ensure the continued viability of small telephone companies, for example, those with less than 50,000 loops in a given study area. Options which have been suggested to date include a program of optional end user access charges for these companies or additional separations based high cost assistance.[8]

6. The further reconsideration order in the *MTS and WATS Market Structure Inquiry* described studies that this Commission will be conducting relating to bypass and elasticity of demand, among other things. We expect to make the results of those studies available to the Joint Board for its consideration in the development of proposed recommendations and to consult with the Joint Board in the conduct of these studies. The Commission will continue to issue data requests, invitations for comments, and other procedural notices in connection with these studies.[9]

7. In order to allow Commission action in December of this year on the end user charge issues, we are asking the Joint Board to complete its recommendations no later than November 15, 1984. If the Commission does not receive input from the Joint Board by this date, we will have to proceed to act on these issues on the basis of the comments received without the benefit of the Joint Board's views in order to comply with our previously announced schedule in CC Docket No. 78–72. Interested parties may file comments on these issues with the Commission on or before May 14, 1984 and replies no later than June 18, 1984. The tight schedule under which the Joint Board and the Commission will have to operate in order to complete consideration of these issues in December of this year will not allow additional comments on these issues or comments on the Joint Board's recommendations. The Commission, as a result, will base its decision primarily on the comments and replies to be filed in May and June, as well as the Joint Board's recommendations.[10]

III. Central Office Equipment and Interexchange Plant Costs

8. We instituted the CC Docket No. 80–286 separations proceeding in June 1980, for the purpose of reexamining the procedures for separating local exchange plant costs between the intrastate and interstate jurisdictions.[11]

Board to defer resolution of all remaining separations questions, however. For example, the Joint Board should be able to provide a recommendation for the apportionment of equal access and network reconfiguration costs without delaying the resolution of access charge questions.

[6] Public Notice, "Request for Data, Information, and Studies Pertaining to Bypass of the Public Switched Network," Mimeo No. 3206 released March 28, 1984; Public Notice, "Commission Seeks Further Information on the Effects of Federal Decisions on Local Rates and Services," Mimeo No. 3246, released March 30, 1984.

[7] We recognize that certain possible variants on residential and single line business end user access charges could require related adjustments in the provisions governing multi-line business end user access charges.

[8] The Joint Board will also be requesting comments in a separate order on additional separations based assistance for small companies in conjunction with other issues related to fine tuning the high cost assistance provided for in Part 67 of the Commission's rules, but the filing dates will allow consideration of the pleadings in this context as well. Interested parties may file comments concerning separations based assistance to small companies (the high cost factor) in response to either or both of these requests for comments. In either case, comments concerning assistance for small telephone companies are to be filed in both CC Docket No. 78–72 and No. 80–286.

[9] If the Joint Board needs information beyond that made available, it may issue information requests in these areas as part of its own activities involving monitoring implementation of access charges and separations changes.

[10] The Commission may also consider *ex parte* presentations which satisfy the relevant provisions of our rules in reaching its decision since this is an informal non-restricted rulemaking proceeding. The comments to be filed in response to this Notice will be included in the record of both CC Docket No. 78–72 and 80–286. In order to allow this, all parties must file two originals and two duplicates in addition to the copies normally required by the Commission's rules.

[11] Amendment of Part 67, 78 FCC 2d 837 (1980)

At that time, we specifically asked the Joint Board to review certain matters affecting the allocation of Category 6 COE, including: (1) The Subscriber Plant Factor (SPF) which is used in the allocation of non-traffic sensitive (NTS) Category 6 COE costs as well as other NTS local exchange plant costs, and (2) the Toll Weighting Factors (TWFs) and the Dial Equipment Minutes (DEMs) used in allocating traffic sensitive (TS) Category 6 COE between the jurisdictions. We also asked the Joint Board to review the classification of Category 6 COE as NTS or TS and recommend changes necessary to coordinate separations procedures and access charge rules.[12] Although the Joint Board acted in September 1983, to recommend a new allocation method for most NTS local exchange plant cost,[13] it did not recommend any major changes in the classification of allocation of Category 6 COE plant costs. Instead, the Joint Board recommended that the NTS portion of Category 6 COE costs continue to be allocated on the basis of SPF pending comprehensive review of COE issues.[14] The Commission subsequently adopted these recommendations.[15]

9. There have been major technological and engineering changes in COE since the last in-depth study of separations procedures almost fifteen years ago. As a result, we are asking the Joint Board to undertake a comprehensive review of the separations procedures for all COE to assess the continued validity of these procedures and recommend revisions where necessary. As part of this comprehensive review, we believe that the Joint Board should examine all existing COE plant categories, the procedures for assigning COE costs to the various categories, and the factors for allocating COE costs between the jurisdictions, particularly the factors that are used to apportion costs associated with local dial switches. The Joint Board should also consider the need for consistency between the separations procedures and the access charge rules. In addition, the Joint Board may wish to study expansion of the high cost assistance to cover COE costs.

10. We are also asking the Joint Board to review the procedures for the allocation of interexchange plant costs and to recommend revisions in these procedures. Among other things, the Joint Board should consider the validity of allocating TS interexchange plant costs on the basis of total relative use instead of peak period relative use in light of the fact that TS plant is designed to handle peak period traffic levels.[16] We are also asking the Joint Board to reexamine the validity of the message minute mile factor [17] which weights the relative use of interexchange plant by the length of haul. This allocation factor needs to be reexamined in light of the widespread use of satellite service, the cost of which is distance insensitive, to carry long haul toll traffic.

11. Although we are expanding the Joint Board's mandate concerning COE issues and asking it to undertake study of the allocation procedures for interexchange plant costs at this time, other issues should be resolved before consideration of these matters. In particular, the Joint Board should complete its recommendations on the access charge issues as well as the remaining issues concerning local exchange cost allocations before focusing on the study of COE and interexchange cost allocations. However, it may wish to request preliminary comments on these matters to help delineate the issues requiring further study.[18]

IV. Ordering Clauses

12. Accordingly, it is ordered that the Joint Board shall consider the issues raised in this Notice, and submit recommendations to the Commission for its consideration.

13. It is further ordered, that comments on the end user access charge issues are to be filed no later than May 14, 1984. Replies are to be filed no later than June 18, 1984.[19]

14. It is further ordered, that the Joint Board shall submit its recommendations concerning the end user access charge issues to Commission no later than November 15, 1984.[20]

Federal Communications Commission.

William J. Tricarico,

Secretary.

ATTACHMENT A

Joint Board Members

Chairman Mark S. Fowler, Federal Communications Commission, Room 814, 1919 M Street NW., Washington, D.C. 20554

Commissioner Henry M. Rivera, Federal Communications Commission, Room 822, 1919 M Street NW., Washington, D.C. 20554

Commissioner Mimi Weyforth Dawson, Federal Communications Commission, Room 826, 1919 M Street NW., Washington, D.C. 20554

Commissioner Marvin R. Weatherly, Alaska Public Utilities Commission, Suite 100, 420 L Street, Anchorage, Alaska 99501 (Express Mail or Courier Service)

Chairman Edward F. Burke, Rhode Island Public Utilities Commission, 100 Orange Street, Providence, Rhode Island 02903

Commissioner Edward P. Larkin, New York Public Service Commission, 400 Broome Street, New York, New York 10013

Commissioner Edward B. Hipp, North Carolina Utilities Commission, Box 991, Raleigh, North Carolina 27602

Federal State Joint Board Staff

Kathleen Whiteaker, Chairman, Federal State Joint Board Staff, Alaska Public Utilities Commission, 420 L Street, Suite 100, Anchorage, Alaska 99501 (Express Mail or Courier Service)

Paul Popenoe, Jr., California Public Utilities Commission, 350 McAllister Street, San Francisco, California 94102

Timothy J. Devlin, Deputy Director, Auditing and Financial Analysis Dept., Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301

[12] *Id.* at paras. 12, 13, 17, and 28

[13] Amendment of Part 67, 48 FR 46556 at paras. 54–67 (October 13, 1983)

[14] *Id.* at para. 53 (October 13, 1983).

[15] Amendment of Part 67, 49 FR 7934 at paras. 5 and 8 (March 2, 1983).

[16] The Joint Board earlier decided not to ask AT&T to perform a study comparing total and peak period relative use due to the cost of performing such a study and the fact that it was recommending a non-usage based method of allocating NTS plant costs. 47 Fed. Reg. 54479 at paras. 105–107 (October 13, 1983).

[17] Paragraphs 23.531 and 23.544 of the *Separations Manual*, redesignated § 67.125 (c)(1) and (d)(4) of the Commission's Rules.

[18] Commission proceedings on these matters, including the access charge issues, will be governed by the Commission's *ex parte* rules for non-restricted informal rulemaking proceedings. Ex Parte Communications Rulemaking Proceeding, Gen. Docket No. 78–187, 78 FCC 2d 1384 (1980). Proceedings before the Joint Board will be governed by these *ex parte* rules supplemented by the procedures adopted by the Joint Board in February 1982. CC Docket No. 80–286, FCC 82–106, released March 5, 1982. The procedures for service of filings previously announced by the Joint Board when it established a closed service list in CC Docket No. 80–286 will also continue to apply. Public Notice, "Service List for CC Docket No. 80–286," Mimeo No. 1061, released December 14, 1981. The Parties shown on the closed service list are required to serve all other parties on the list with copies of their filings. Other parties are welcome to participate in this proceeding but they are not required to serve their filings on the other parties, and in turn, will not receive copies of the other filings. Parties not already included on the closed service list may ask to be placed on the list by filing a Notice of Intent to participate with the Secretary, Federal Communications Commission no later than April 20, 1984. All parties are required to serve their filings on the Joint Board members and staff shown in Attachment A. United States Express Mail or express courier service is to be used for service on the Joint Board member and staff chairman in Alaska.

[19] The Commission has found that a regulatory flexibility analysis is not required for the adoption of access charge rules or jurisdictional separations procedures. MTS and WATS Market Structure, CC Docket No. 78–72, 93 FCC 2d 567 at paras. 358–362 (1983); Amendment of Part 67, CC Docket No. 80–286, 49 Fed. Reg. 7934 at para. 76 (March 2, 1984).

[20] This action is taken pursuant to Sections 4(i) & (j), 201, 202, 203, 205, 218, 221(c), 403, and 410 of the Communications Act, 47 U.S.C. 154(i) & (j), 201, 202, 203, 205, 218, 221(c), 403, and 410 as amended.

Elton Calder, Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Georgia 30334
Robert E. Osborn, Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319
Guy E. Twombly, Maine Public Utilities Commission, State House, Station 18, Augusta, Maine
Ronald Choura, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909
Allan Bausback, New York Public Service Commission, Empire State Plaza, Albany, New York 12223
Hugh L. Gerringer, Public Staff—NCUC, Communications Division, Box 991, Raleigh, North Carolina 27602
Jim Lanni, Rhode Island Public Utilities Commission, 100 Orange Street, Providence, Rhode Island 02903
Gary A. Evenson, Director, Communications Bureau, Utility Rates Division, Public Service Commission, P.O. Box 7854, Madison, Wisconsin 53707
Claudia R. Pabo (4 copies), Room 544, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 31

Federal Acquisition Regulation (FAR); Availability and Request for Comment on Draft Proposed Change to FAR 31.205-19, Contract Cost Principles and Procedures, Insurance and Indemnification

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA)..

ACTION: Notice of availability and request for comment on draft proposed rule.

SUMMARY: The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council are considering a change to FAR 31.205-19 concerning allowability of costs for self-insurance liabilities. Cost Accounting Standard 416, Accounting for Insurance Costs, at 416.50(a)(3)(ii), contains a provision which states that the current Treasury rate of interest shall be used to discount liabilities in the absence of a State-prescribed rate. Many State-prescribed rates are set artificially low or with no discounting permitted. In such cases, this results in charges to Government contracts that are unreasonably high. Therefore, a change is being proposed which would disallow costs on Government contracts in excess of the amount calculated by discounting at the Treasury rate of interest.

DATE: Any comments on the proposed revision should be expedited and forwarded to the address below by June 29, 1984, and will be considered in the formulation of the final revision.

ADDRESS: Interested parties may contact the following to obtain copies of the text and further explanation of the proposed change and to submit comments: General Services Administration, Attn: FAR Secretariat, 18th and F Streets, NW., Room 4041, Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Roger M. Schwartz, Director, FAR Secretariat, (202) 523-4782.

List of Subjects in 48 CFR Part 31

Government procurement.

Roger M. Schwartz,
Director, FAR Secretariat.

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BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 84-04; Notice 1]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Safety No. 108 that would allow motor vehicles to be equipped with a new four-lamp rectangular sealed beam headlamp system smaller than that currently allowed. The system, which would be known as Type F, would provide more light on the roadway by modifications to photometrics on both the upper and lower beam. The upper beam photometrics would not utilize the supplementary upper beam from the lower beam headlamp as is the practice in current four-lamp systems, so that maximum performance could be obtained from the lower beam headlamp by optimizing the lens prescription, reflector, and filament placements. However, if a manufacturer would like to provide an enhanced upper beam, it could do so by wiring the Type F lower beam headlamp to be activated simultaneously with the upper beam.

Type F headlamps feature identical aiming and seating planes, with the intention that re-aiming would not be necessary when a correctly aimed Type F headlamp is replaced with another Type F. Each half of the system could be simultaneously aimed if the manufacturer chose (aiming the lower beam headlamp would automatically re-aim the upper beam lamp). However, to minimize the likelihood of technician error, the upper beam headlamp in a co-aimed system would be incapable of independent aim. Type F headlamps, though mechanically aimable, do not incorporate traditional lens-mounted aiming pads, and a special aimer adapter has been designed for the system. Because of the identicality of aiming and seating planes, it is proposed that the minimum amount of required horizontal aim be reduced from plus or minus 4 degrees to plus or minus 2½ degrees.

Type F's weight and volume are about half those of current four-lamp rectangular headlamp systems and offer the prospect of improved fuel economy through lighter vehicle weight and more aerodynamic front end design.

This rulemaking action implements the agency's grant of petitions for rulemaking by General Motors Corporation, which developed the system, and American Motors Corporation.

DATE: Comment closing date for the proposal is May 30, 1984. Effective date of the amendment would be 60 days after publication of the final rule in the **Federal Register.** Any request for an extension of time in which to comment must be received not later than 10 days before the published expiration date of the comment period (49 CFR 553.19).

ADDRESS: Comments should refer to the docket number and notice number of the notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket hours are from 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Richard Van Iderstine, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: General Motors Corporation and American

Motors Corporation have petitioned for rulemaking to amend Standard No. 108 to permit the use of new, smaller, rectangular sealed beam headlamps in a four-lamp system. GM, which developed the system, believes that it offers significant improvements in lower beam photometrics, a slight improvement in upper beam photometric output, and improved aiming characteristics. Because of reduction in weight and volume, the system offers the potential for improved aerodynamics and enhancement of fuel economy.

Characteristics of the GM system. The new four-lamp rectangular headlamp sealed-beam system developed by GM, as more fully discussed subsequently, features headlamps with improved lower beam performance. The supplementary upper beam traditionally found in dual beam headlamps has been reduced to an auxiliary status, and is not necessary for the system to meet photometric requirements for the upper beam.

GM has designated its lamps 1G2 and 2G2. NHTSA, however, believes that this nomenclature is inappropriate, under the rationale for headlamp nomenclature existing in Standard No. 108. First, the latest sealed-beam headlamp in the alphabetic sequence is only Type E. Second, the third character of the current headlighting code designates the SAE requirements appropriate for the lamp and in this instance there are none that have been adopted. Finally, NHTSA is proposing that the lower beam headlamp emit only a single beam, so that the prefix "2" (indicating the number of beams in the lamp) is inaccurate. It seems appropriate, therefore, to simply designate the lamp as Type F with a prefix indicating its function, "UF" for the upper beam Type F, and "LF" for the lower beam Type F.

Each type F headlamp is of a size, 92 mm x 150 mm, such that its overall volume and weight are approximately half those of the current 4½"×6" four-lamp rectangular system (Types 1A1 and 2A1). Thus, there is an inherent potential for more aerodynamic front ends featuring the new lighting system which, together with the lower weight of the system and its mounting hardware, offer the opportunity for improved fuel economy.

Heretofore, new headlighting systems which have been added to Standard No. 108 (i.e., the original four-lamp rectangular, the large and small two-lamp rectangulars, and the replaceable bulb headlamp) have provided lighting performance equivalent to that already required. Type F has been designed with enhanced photometrics.

The lower beam headlamp (Type 2) in existing four-lamp systems contains two filaments, each emitting beams with its own photometric performance requirements. The lens prescription and filament placements therefore must be selected to meet both the complete lower beam photometrics and photometric points on the upper beam. GM refers to this necessity as a "compromise" adversely affecting lower beam performance and preventing it from reaching the level of performance of which it is capable. A further effect is that a greater amount of electric power must be used to obtain the upper beam light from the current four-lamp Type 1 plus Type 2 headlamp system than from the single filament upper beam headlamp system as proposed. GM would design the Type LF lens prescription for lower beam only which, in its view, would allow fuller utilization of current lower beam photometrics. The auxiliary or secondary filament proposed by GM for the Type LF would spread incidental light when the upper beam was activated, but its output would be limited to a maximum of 5,000 candela at Test Point H–V. As an adjunct to the improved lower beam, GM proposes that the current upper beam photometrics of both Type 1 and Type 2 headlamps in four-lamp systems be combined into a new specification. Claimed design improvements for the Type F system that would occur without the necessity of rulemaking on the lower beam lamp would include a more accurate alignment of the filaments, and an orientation of the lower beam filament to allow an increase in intensity without adversely affecting glare. In GM's opinion, the net effect will be to put more seeing light on the road on lower beam.

GM's suggested new photometrics would not exceed the currently allowable maximum intensity of 75,000 candela per side of the vehicle, or 150,000 candela for the entire front lighting system. The Type F system would provide a maximum of 70,000 candela from its upper beam lamp at H–V test point, with a maximum of 5,000 candela as a "fill-in" from the adjacent lower beam lamp's secondary/auxiliary filament at that same test point.

In GM's view, a proper upper beam could be produced without the lower beam lamp's auxiliary beam with no effect on upper beam performance, though consumers might perceive a lessened light because only two of four lamps would be illuminated. The system has been designed to use 110 watts of power, a savings of 10 watts on lower beam over a conventional four-lamp rectangular system. On upper beam, however, the system uses 200 watts, a 20 watt penalty over the conventional system, assuming energization of the auxiliary filament in the lower beam lamp. On upper beam, not energizing this auxiliary filament would use 130 watts, for a savings of 50 watts with a consequent very small beneficial effect on fuel economy. To allow consumers a choice between more light or better fuel economy, GM deems it desirable to offer Type F with a feature allowing its user to turn the auxiliary filament on or off at will when the system is operating on upper beam.

In addition to improved roadway lighting, the Type F system has been designed to improve headlamp aimability. Current headlamps are mounted in the vehicle with reference to the seating plane formed by the lugs on the back of the reflector, but they are aimed with reference to the aiming plane formed by the pads on the lens. These planes are not always parallel. The seating plane and aiming plane are designed to coincide on Type F, so that when an aimed Type F headlamp is replaced, the location of the new headlamp aiming plane will be placed identical to that of the old one. This in turn should result in an increased number of properly aimed headlamps on the road. The Type F system will be able to use the existing mechanical aimers with a newly designed adapter.

GM requests an allowance to aim the upper and lower beam simultaneously, because the seating and aiming planes are now coincident. In conjunction with this, GM is also asking for a reduction in the minimum amount of horizontal aim from the current plus or minus 4 degrees, to plus or minus 2.5 degrees as it is no longer necessary to correct the seating plane to the aiming plane error as required by current headlamp systems.

Because of the reduction in lamp size, GM believes that the glass lens of Type F headlamps will be more resistant to stone damage, as well as presenting a lesser target. GM will insure ready availability of replacement headlamps by stocking dealers, parts warehouses, and parts supply stores at the time of the lamp's introduction, currently intended for certain 1986 GM car lines. There will be positive effects on the environment due to less raw material consumption and greater fuel economy. Costs to the consumer should be the equivalent of today's lamps as manufacturing costs are similar.

NHTSA granted the GM petition on November 17, 1983, and the American Motors petition on February 13, 1984.

NHTSA comments on GM petition. In the months since GM filed its petition,

representatives of the petitioner and the agency have met for discussions and a better understanding of the departure from existing headlighting requirements for which GM has petitioned. From these meetings and NHTSA's own research, NHTSA has tentatively concluded that adoption of the Type F system in its essentials would benefit safety and fuel economy.

One issue that results from this petition is what type light, if any, should be provided by the LF lamp during uppper beam (UF) operation. GM has proposed that an auxiliary filament be included in the LF for the purpose of providing light from the LF during high beam operation. This filament would provide between 1500 candela and 5000 candela at the test point H–V. According to GM, the light from this filament would provide some heat which would help prevent the accumulation of ice and snow on the LF lens during high beam operation. The light from this filament would also mark the edge of the vehicle during upper beam operation. NHTSA is proposing that a manufacturer which wishes to incorporate an auxiliary filament be allowed to do so but that the filament may not be used to produce any part of the upper beam light, for reasons subsequently discussed. Further, NHTSA finds merit in the concept of having additional light during upper beam operation because the additional light could improve safety. Such light is readily available from the lower beam filament in the LF lamp. As with the use of the auxiliary filament, there is an energy penalty, and it is slightly higher than that associated with the auxiliary filament, but still of little consequence over the life of the vehicle.

A corollary question is what type of switching is appropriate in conjunction with the use of light from both lamps during upper beam operation. There are three alternative switching arrangements that can be applied to this situation. One is to have no switching and require both lamps be illuminated for upper beam operation. The second option is to have no switching but to allow manufacturers the choice of using light from the LF lamp during upper beam operation on any vehicles for which they decide it is appropriate. The third option is to provide extra switches so that the driver of the vehicle can decide whether or not to use the light from the lamp during upper beam operation. GM has recommended the third option as part of their petition. Although on the surface this may appear to be a desirable option, closer scrutiny suggests that there may be safety reasons to prohibit it. For example, without new and specific requirements on the switching, and perhaps "telltales," it would be possible to have a lighting system which is less safe than current systems. One such unsafe switching arrangement would require the driver to switch through two steps to return to lower beam operation from upper beam operation. In this arrangement, normal upper beam operation would have both the UF and the LF lamps illuminated, an intermediate mode would use just the UF lamps and lower beam operation would of course use only light from LF lamps. This type of switching could cause an unfamiliar driver to operate the UF lamp when use of the LF lamps was intended. This possible misuse of the switching arrangement, particularly in the absence of telltales, could cause safety problems. NHTSA is not prepared at this time to propose the new requirements on switching and telltales that would be necessary to prevent such misuse, and the petitioner has not provided such specifications either. For this reason, this option is rejected by NHTSA. The choice between the other two options hinges on the level of benefits that would be expected from use of light from the LF lamps during upper beam operation. NHTSA believes that the pattern of light that will be produced by the lower beam filament in the LF lamp will be such that it will enhance the visibility if used as an additional light during upper beam operation. However, it is not possible to quantify the benefits that would accrue to the use of this extra light. For this reason, the agency is not prepared at this time to require that both UF and LF lamps be used during upper beam operation. However, the possibility of increased benefits leads the agency to believe that the manufacturer should have the option of wiring vehicles so that both the UF and the LF lamps are illuminated during upper beam operation if it is determined that such a wiring arrangment is appropriate for their specific vehicles. Thus, the agency proposes that the manufacturer have the option of wiring vehicles to illuminate either the UF lamps only or both the UF and the lower beam of the LF lamps during upper beam operation. Under this proposal, specific use of the auxiliary filament in the Type LF lamp is not specified. However, an auxiliary filament could serve as a daytime running light, a concept under consideration by Canada, and the Type LF will be permitted to incorporate an auxiliary filament so long as it is not operable when Type LF is operating in the headlamp mode.

GM revised the photometrics for the Type F system in a letter dated February 14, 1984, which has been filed in the Docket. The agency views GM's modified Type F as an encouraging step towards implementing NHTSA's goal of improving motor vehicle safety through improved lighting, and consistent with its research results. NHTSA's research was conducted by Olson and Sivak and appears in their "Improved Low Beam Photometrics, Interim Report", February 1981 and "Improved Low Beam Photometrics, Final Report", March 1983.

The principal differences at individual test points between existing requirements, and GM's values, which this notice proposes, are as follows:

.5D–1.5L to L—Currently 2,500 candela, it would be increased to 3,000.

.5D–1.5R—Currently a maximum of 20,000 candela and a minimum of 8,000 candella, GM would increase the minimum to 10,000.

1D–6L and 1.5D–9L&9R—Currently a minimum of 750 candela, GM would increase it to 1,000 for better general illumination.

2D–15L&15R—Currently a minimum of 700, GM would increase it to 850 for better general illumination.

GM would add a test point 1D–V and a minimum value of 5,000 candela to help with electronic aim; it would improve light down the road and reduce sensitivity to horizontal misaim.

Except for 1 of 13 test point values, GM's proposed low beam photometrics are within current standard test point values. The one proposed exception is an increase from 2,500 candela maximum to 3,000 candela maximum at test point 0.5D–1.5L to L. This increase could be of some concern because it is close to the glare zones above horizontal. However, this increase permits more light to be placed at the critical seeing distance test point, permits more uniform left lane lighting, and the Olson and Sivak study indicates this increase can be accommodated without either discomfort or disabling glare.

Because of the safety potential of General Motors' proposed improvements, NHTSA is proposing adoption of the photometrics suggested by GM. NHTSA is confident that it would be a good first step toward significant improvements in the future.

With respect to upper beam photometrics, GM's proposed upper beam values are within all current standard test point values. NHTSA believes that the proposed maximum increase from 60,000 candela to 70,000 candela at H–V is permissible where the upper beam is provided by a single

lamp, and that at this test point 40,000 candela would be a reasonable minimum. GM had suggested a maximum value at test point 4D–V of 7,500, a combination of the maxima for the upper and secondary beams from a Type 1 plus Type 2 system. However, NHTSA believes that the current maximum of 5,000 candela from the Type 2 system should be retained. This position is taken to keep foreground illumination down near the level of today's four-lamp system maximum of 7,500 candela, should the manufacturer decide to use both the UF and LF when switching to upper beam.

NHTSA also concurs in the desirability of simultaneous aiming of the headlamps, a further feature of the Type F system. GM has indicated that it considers this an optional rather than a mandatory feature of the system, and NHTSA further concurs in this assessment. The agency believes that certain constraints are necessary to prevent a safety problem. In existing four-lamp systems, the lower beam is typically re-aimed before the upper one. Should someone, through negligence or inexperience with Type F headlamps, inspect and reaim the upper beam after aiming the lower one; misaim of the lower beam could result, with consequent glare. NHTSA is proposing therefore, if a Type F system is designed to be simultaneously aimed, that the upper beam headlamp assembly be incapable of independent aim. It is further proposed that the entire headlamp assembly (type UF and LF lamps in their mounting hardware) overall will meet both lower and upper beam photometric requirements (tested sequentially), and that the assembly will be capable of meeting these photometric requirements without reaim greater than ±¼ degree, with any replacement lamp of the same type.

If a system is capable of simultaneous aim, GM has suggested that the minimum amount of required horizontal aim be reduced by 1½ degrees. After its consideration of this matter, NHTSA has tentatively concluded that Type F's feature of the common seating/aiming plane should reduce the likelihood of error in aim whether or not the system is simultaneously aimed, and is therefore proposing that the minimum amount of aim for all Type F systems be reduced from plus or minus 4 degrees to plus or minus 2½ degrees. The agency would like specific comments on this proposal.

Further proposed revisions are required by the identicality of seating and aiming planes. These planes are located in the forward face of the flange attaching the lens to the reflector, rather than separate locating lugs and seating pads on the reflector and aiming pads on the lens face as in current mechanically aimed sealed beam headlamps. Thus, a Type F headlamp will have no aiming pads on the lens, and will be mechanically aimed by use of a new adapter. A new definition is proposed for mechanically aimable headlamps, and the pertinent interface dimensions for the aiming pads and mechanical aimer adapter. As with the adapter for the replaceable bulb headlamp systems, NHTSA is proposing that adapters be provided with each car with Type F headamps for a period of time after the system is allowed, in this instance, with vehicles manufactured on or before July 1, 1986.

Additionally, because of the identicality of the aiming and mounting planes, the entire headlamp assembly comprising a Type UF or a LF lamp in its aiming/mounting hardware shall be designed to meet the photometric requirements without reaim greater than ±¼ degree, with any replacement lamp of the same type.

In considering the simultaneous use of the UF and LF beams, a concern arose over the likelihood of exceeding 150,000 candela at any point 25 feet in front of the vehicle. This was a concern in 1978 when the agency raised the maximum upper beam output from 37,500 candela to 75,000 candela. In studying this present concern, the use of isocandela diagram overlay of Type UF and LF showed that the likelihood of exceeding a total vehicle value of 150,000 candela would be very low for the following reasons: Both UF and LF lamps are limited in total output at or near the point of highest intensity, H-V; production practices tend to limit the number of very high output lamps; and the likelihood of four very high output (near maximum) lamps on the same vehicle is very low. Consequently, NHTSA has deemed that this is not a potential safety concern.

A further question considered by NHTSA in its deliberations whether to grant GM's and AMC's petitions was the luminance factor, whether allowing a smaller size lamp which has a high ratio of light intensity to the light emitting area could create discomfort glare. Very little research data exist on which to base a conclusion and GM has stated that it did not find this to be a problem. NHTSA is willing to accept this; however, given that the lens area of Type F is less than that of the 4×6½ inch headlamp, NHTSA would like comment on this issue.

NHTSA has also considered the issue of proliferation, and the wisdom of allowing another sealed beam headlighting system on the market. Because of the improved lighting that the system will provide and the aerodynamic enhancement that it offers, it seems probable that this system will displace the existing larger four-lamp rectangular system as original equipment on new motor vehicles within a few years of its adoption. GM has assured the agency that its supply channels will be fully stocked with the lamp before it is offered to the public on its cars. Further, because of the substantial number of vehicles manufactured with the older four-lamp system from 1975 onwards, a large market demand for replacement headlamps of this type will exist for many years to come. The agency has concluded that the overall effect on availability of replacement lamps should be minimal.

In reviewing the lighting improvements offered by GM such as common aiming/seating planes, reduced sensitivity to horizontal misaim, and improved total light output with little or no increase in glare, the question arises whether such improvements should be required on future headlamp systems. Therefore, NHTSA seeks comment on such improvements not only relative to this petition, but to headlighting in general. In making such comments, segregation of such comments on this petition and on future headlighting would help expedite the review of both.

NHTSA has considered this proposal and has determined that it is not major within the meaning of Executive Order 12291 "Federal Regulation" or significant under Department of Transportation regulatory policies and procedures, and that neither a regulatory impact analysis nor a full regulatory evaluation is required. However, a regulatory evaluation has been prepared and placed in the public docket. Since use of Type F headlamps is optional, the proposal would impose no additional requirements but would permit manufacturers greater flexibility in use of headlighting systems.

NHTSA has analyzed this proposal for the purposes of the National Environmental Policy Act. The proposal may have a small positive effect on the human environment since the weight and quantity of materials used in the manufacture of head lamps would be reduced.

The agency has also considered the impacts of this proposal in relation to the Regulatory Flexibility Act. I certify that this proposal would not have a significant economic impact on a substantial number of small entities.

Accordingly, no initial regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and headlamps, those affected by the proposal, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Finally, small organizations and governmental jurisdictions would not be significantly affected since the price of new vehicles, headlamps, and aimer adjusters will be minimally impacted.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. (49 CFR 553.21) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

The engineer and lawyer primarily responsible for this proposal are Richard Van Iderstine and Taylor Vinson, respectively.

§ 571.108 [Amended]

In consideration of the foregoing, it is proposed that 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, be amended as follows:

1. Paragraph S4.1.1.34 would be revised by changing the word "four" to "five" and adding the following at the end of the chart:

System	Headlamp Type	Number of headlamps
*	* * * * *	
5	Type UF and Type LF	2 lamps.

2. New sections S4.1.1.42, S4.1.1.43, S4.1.1.44, and S4.1.1.45, would be added to read:

* * * * *

S4.1.1.42 Instead of being equipped with a headlighting system specified in Table I or Table III, a passenger car, multipurpose passenger vehicle, truck or bus manufactured on or after [60 days after publication of the final rule] may be equiped with a headlighting system of two Type UF and two Type LF headlamps designed to conform to:

(a) The dimensions specified in Figures 11, 12, 13, and 14.

(b) The photometric requirements of figure 15.

(c) The requirements of SAE Standard J579c *Sealed Beam Headlamp Units for Motor Vehicle*, December 1978, with the following exceptions:

(1) The definitions in sections 2.4 through 2.11 do not apply.

(2) In Section 2.12, the definition of "Mechanically Aimable Sealed Beam Unit" is: "A unit having three pads, defining a mechanical aiming plan, used to adjust and inspect the aim of the unit when installed on the vehicle".

(3) In Section 2.13, the definition of "Aiming Plane" is: "A plane defined by the three aiming pads".

(4) Section 3.4 does not apply.

(5) Tables 1 and 2, and Figures 1 and 2 do not apply.

(6) In Sections 3.5.1 and 3.5.3, references to "Tables 1 and 2" and Figure 3 are replaced by "Figure 15".

(7) Section 3.6 does not apply.

(d) When tested in accordance with section 3.5.2 of SAE Standard J579c, *Sealed Beam Headlamp Units for Motor Vehicles*, December 1978, the mounted assembly (either Type UF or Type LF headlamps, respective mounting ring, aiming ring, and aim adjustment mechanism) shall be designed to conform to meet the requirements of Figure 15 for upper or lower beams respectively with any Type UF or LF installed, whether such lamps are intended as original or replacement equipment, without reaim.

(e) The requirements of SAE Standard J580 August 1979 *Sealed Beam Headlamp Assembly*, with the following exceptions:

(1) Section 2.2 Mounting Ring is changed to read: "The adjustable ring upon which the sealed beam unit is mounted and which forces the sealed beam unit to seat against the aiming ring when assembled into a sealed beam headlamp assembly."

(2) A definition "2.3 Aiming Ring" is added to replace 2.3 Retaining Ring and reads: "The clamping ring that retains the sealed beam unit against the mounting ring, and that provides an interface between the unit's aiming/seating pads and the headlamp aimer locating plate, Figure 16 of Federal Motor Vehicle Safety Standard No. 108."

(3) Section 4 does not apply.

(4) Section 5.1 is changed to read: "Headlamps shall be designed so that they may be inspected and aimed by mechanical aimers as specified in SAE J602 October 1980 as amended by this standard, without the removal of any ornamental trim rings or other parts."

(5) Section 6.1.1 reads: "When the headlamp assembly is tested in the laboratory, a minimum aiming adjustment of ±2.5 deg. shall be provided in the horizontal plane and ±4 deg. in the vertical plane".

(6) Section 6.1.2 is changed to read: ". . . through an angle of ±2.5 deg. and 5±4 deg., respectively.

(7) Section 6.3 is retitled "Retaining Ring/Aiming Ring Tests".

(8) In Section 6.3.2 add the flange thickness

"92 x 150 mm.....0.320 in. (8.13 mm)"

(9) Figures 2, 3, and 4 do not apply, and the reference to them in Section 6.5 is replaced by "Figure 16 of Federal Motor Vehicle Safety Standard No. 108".

S4.1.1.43 The lens of each headlamp designed to conform to paragraph S4.1.1.42 shall be marked with:

(a) The designation "UF" if it provides an upper beam, of "LF" if it provides a lower beam; and

(b) The symbol "DOT" (either horizontally or vertically) which shall constitute a certification that the headlamp conforms to all applicable Federal motor vehicle safety standards.

S4.1.1.44 Each headlamp designed to conform to paragraph S4.1.1.42 shall also be designed to conform to the following specifications:

	Type LF	Type UF
Watts @ 12.8 VDC	60 max.	70 max.
Average Life @ 14.0 VDC	320 hr.	150 hr.

S4.1.1.45 Type F headlamps may be mounted on common or parallel seating and aiming planes to permit simultaneous aiming of both headlamps, provided that:

(a) When tested in accordance with Section 3.5.2 of SAE Standard J597c, *Sealed Beam Headlamp Unites for Motor Vehicles*, December 1978, the mounted assembly (Type UF and Type LF headlamps, mounting rings, aiming rings, and aim adjustment mechanism) shall be designed to conform to the requirements of Figure 15 for both upper and lower beams tested sequentially without reaim greater than that specified in Figure 15, with any Type UF or Type LF headlamp installed, whether such headlamp is intended as original or replacement equipment;

(b) There shall be no adjustment mechanism between the common or parallel aiming and seating plane of each lamp; and

(c) The Type UF headlamp in the assembly shall not be mechanically aimable.

* * * * *

3. A new paragraph S4.5.8 would be added to read:

* * * * *

S4.5.8 On a motor vehicle equipped with a Type F headlighting system, the lower beam headlamps (Type LF) may be wired to remain activated when the upper beam headlamps (Type UF) are activated. Additionally, should an auxiliary filament be istalled in the Type LF headlamp, it shall not be capable of being energized when the LF headlamp is operating in the headlamp mode.

* * * * *

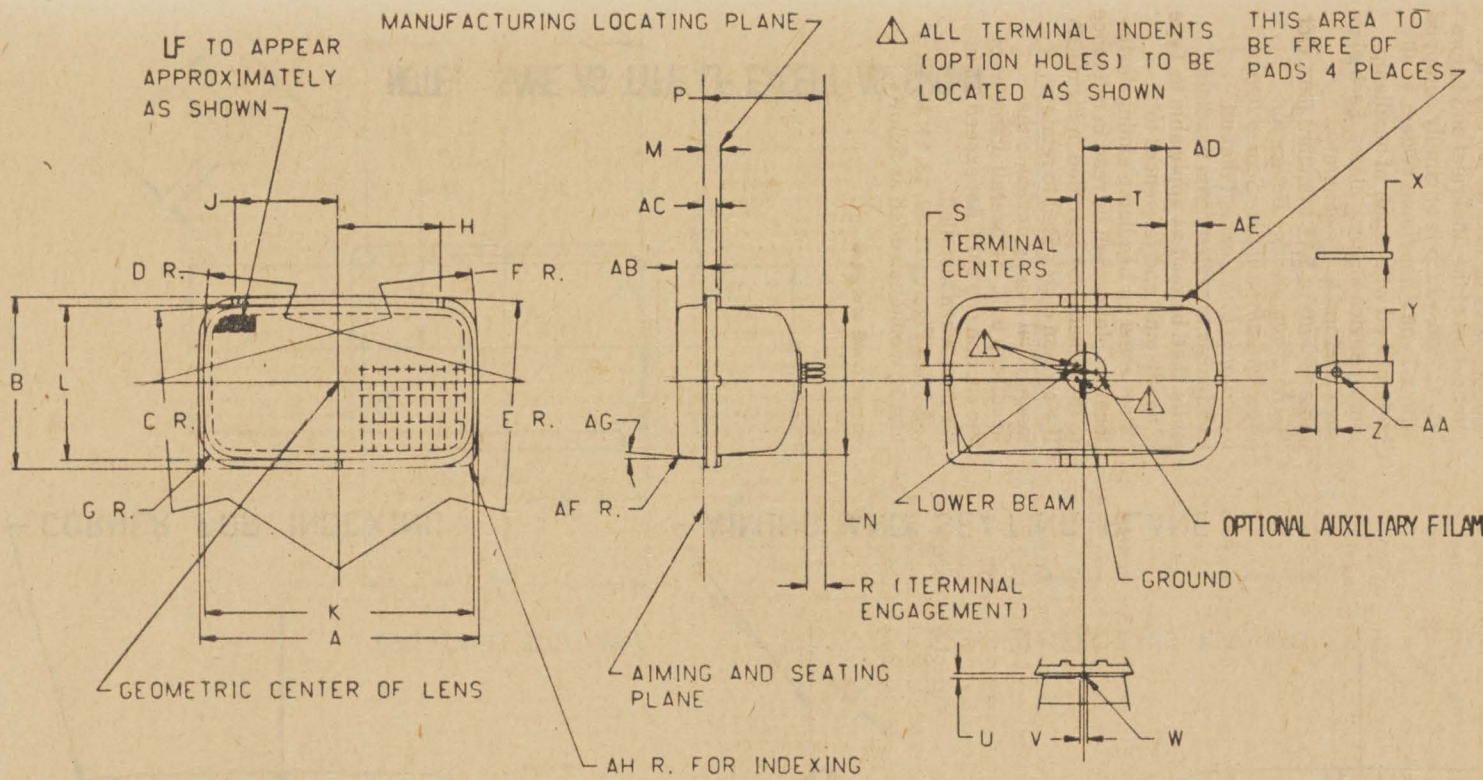
4. A new paragraph S9 would be added to read:

* * * * *

S9 *Aiming Device Locating Plate for Type F Headlamps.* Each motor vehicle manufactured on or after [60 days after publication of the final rule] and before July 1, 1986, which is originally equipped with a Type F headlamp system, shall be furnished with a pair of headlamp aiming device locating plates. Each plate shall conform to the general requirements of SAE Standard J602, Oct 80 *Headlamp Aiming Device for Mechanically Aimable Sealed Beam Headlamp Units*, except that all references to sealed beam headlamp units shall be read as applicable to Type F headlamps, and references to dimensions for headlamp aiming device location plates shall be read in reference to the dimensions specified in Figure 17. If a suction cup is used to retain a mechanical aiming device to the headlamp unit, the overall diameter of the suction cup shall not exceed 2.8 in (71 mm) when installed.

5. New Figures 11, 12, 13, 14, 15, 16, and 17 would be added as follows:

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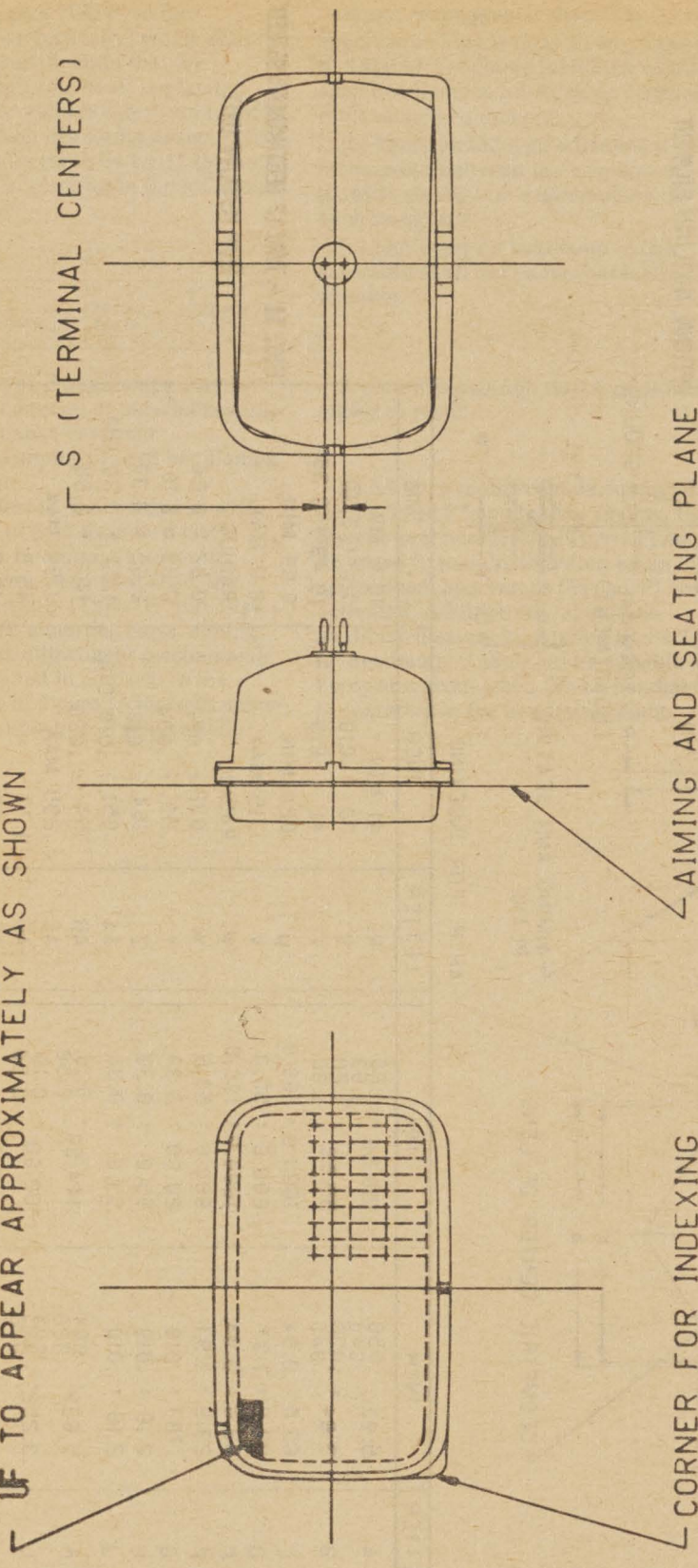


LETTER	INCH	MM
A	5.93 +.050 -.040	150.50 +1.20 -1.00
B	3.64 +.050 -.040	92.50 +1.20 -1.00
C	63.0 ± 3.94	1600.0 ± 100.0
D	23.6 ± 1.97	600.0 ± 50.0
E	63.0 ± 3.94	1600.0 ± 100.0
F	23.8 ± 1.97	600.0 ± 50.0
G	.787 ± .010	20.00 ± 0.30
H	2.16 ± .010	55.0 ± 0.30
J	2.16 ± .010	55.0 ± 0.30
K	5.689 +.004 -.020	144.50 +0.10 -0.50
L	3.252 +.004 -.020	82.60 +0.10 -0.50
M	.46 MAX.	11.7 MAX.
N	3.19 MAX.	81.0 MAX.
P	2.87 MAX.	73.0 MAX.

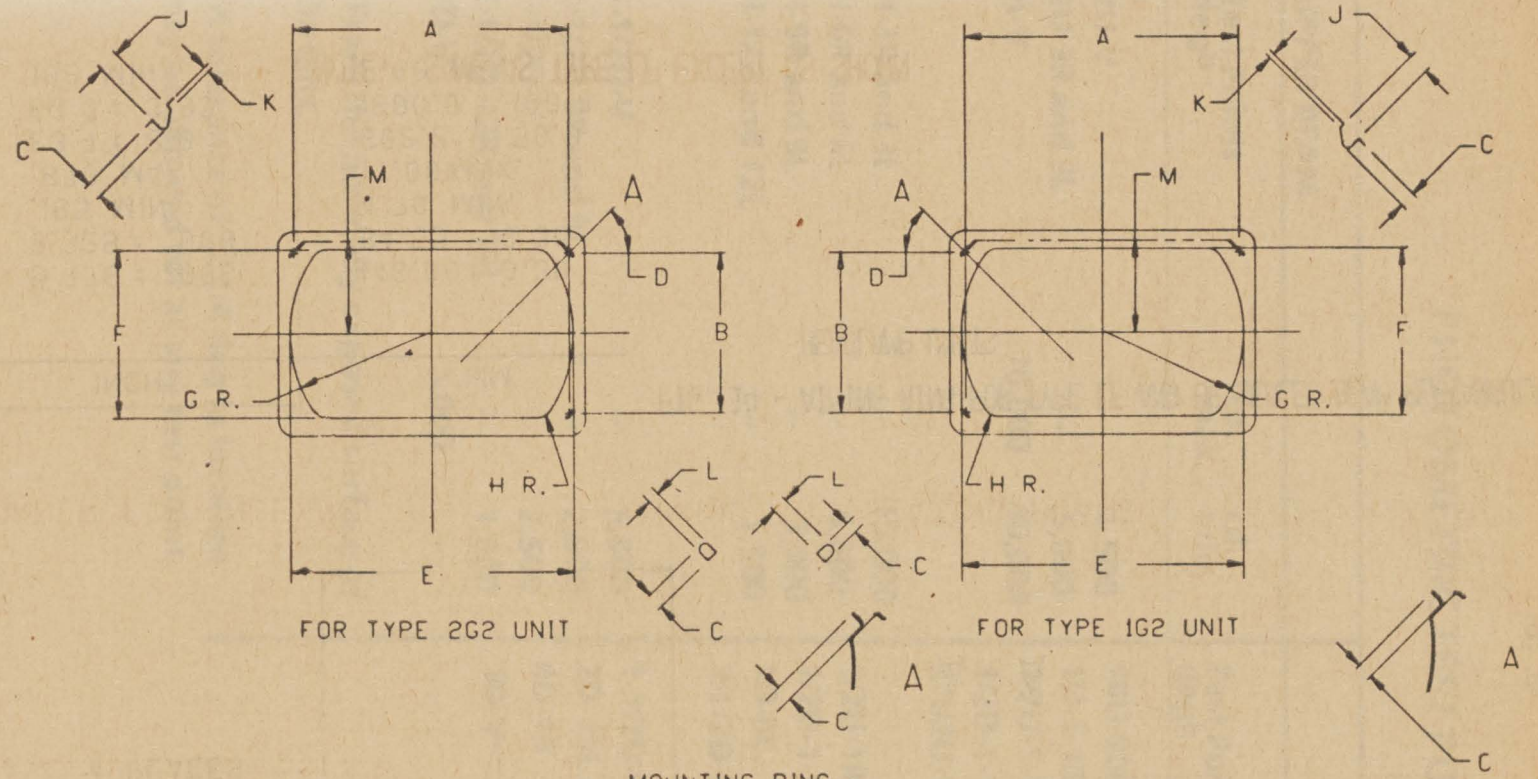
LETTER	INCH	MM
R	.41 MIN.	10.5 MIN.
S	.30 ± .010	7.6 ± 0.30
T	.41 ± .010	10.43 ± 0.30
U	.024 MIN.	0.60 MIN.
V	.315 MAX.	8 0 MAX.
W	RADIUS	RADIUS
X	.032 ± .002	0.82 ± 0.04
Y	.110 ± .004	2.80 ± 0.10
Z	.104 ± .010	2.65 ± 0.30
AA	.051 ± .010 DIA.	1.30 ± 0.30 DIA.
AB	.54 ± .020	14.3 ± 0.50
AC	.295 MAX.	7.50 MAX.
AD	1.77	45.0
AE	.63	16.0
AF	.13 ± .02	3.2 ± 0.5
AG	5° ± 1°	5° ± 1°
AH	.24 ± .02	6.0 ± 0.5

FIG. 11 - TYPE LF RECTANGULAR SEALED BEAM HEADLAMP UNIT

FIG. 12 - TYPE UF RECTANGULAR SEALED BEAM HEADLAMP UNIT

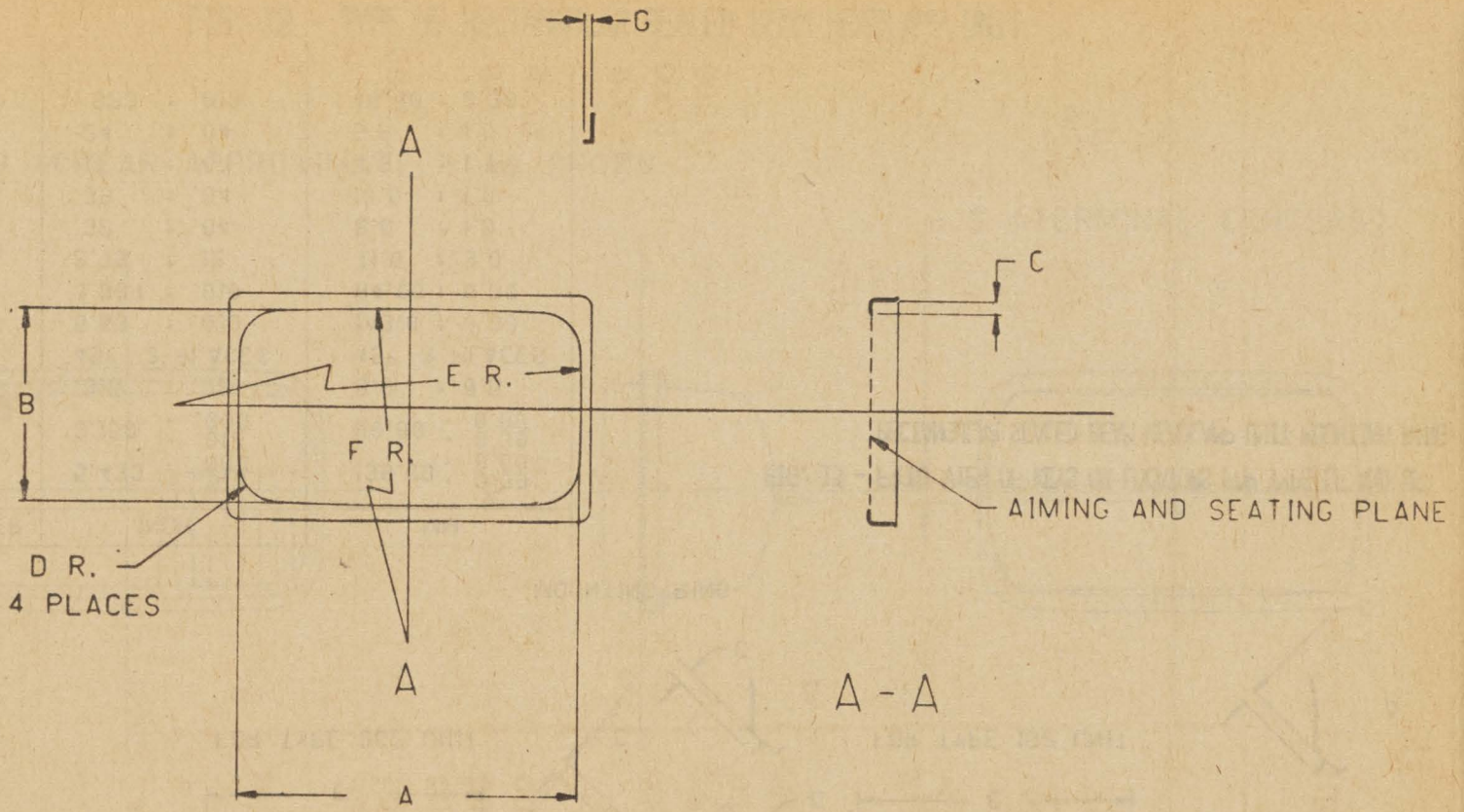


NOTE: SAME AS TYPE LF EXCEPT AS SHOWN



LETTER	INCH	MM
A	5.433 $^{+.012}_{-.000}$	138.00 $^{+0.30}_{-0.00}$
B	3.150 $^{+.012}_{-.000}$	80.00 $^{+0.30}_{-0.00}$
C	.315 ± .02	8.0 ± 0.5
D	45° 3 PLACES	45° 3 PLACES
E	5.63 ± .010	143.0 ± 0.30
F	3.307 ± .010	84.00 ± 0.30
G	2.79 ± .12	71.0 ± 3.0
H	.32 ± .04	8.0 ± 1.0
J	.39 ± .04	10.0 ± 1.0
K	.17 ± .07	4.3 ± 1.7
L	.24 ± .04	6.0 ± 1.0
M	1.823 ± .013	46.30 ± 0.30

FIG. 13 - FRONT VIEW OF KEYS OR LOCATORS FOR TYPE LF AND UF RECTANGULAR SEALED BEAM HEADLAMP UNIT MOUNTING RING



LETTER	INCH	MM
A	5.776 ± .006	146.00 ± 0.30
B	3.329 ± .006	84.55 ± 0.30
C	.185 MIN.	4.70 MIN.
D	.670 MAX.	17.00 MAX.
E	23.7 ± 2.0	602.2 ± 50.0
F	63.0 ± 3.93	1600.0 ± 100.0
G	.102 MIN.	2.60 MIN.

FIG. 14 - AIMING RING FOR TYPE LF AND UF SEALED BEAM RECTANGULAR HEADLAMP UNITS

FIG. 15

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PHOTOMETRIC TEST POINT VALUES

UPPER BEAM			LOWER BEAM		
Test Points deg[b]	cd. max.	cd. min.	Test Points deg[b]	cd. max.	cd. min.
2U-V	--	1,500	10U-90U[a]	125	--
1U-3R and 3L	--	5,000	1U-1-1/2L to L	700	--
H-V	70,000	40,000	1/2U-1-1/2L to L	1,000	--
			1/2D-1-1/2L to L	3,000	--
			1-1/2U-1R to R	1,400	--
H-3R and 3L	--	15,000			
H-6R and 6L	--	5,000	1/2U-1R to 3R	2,700	--
H-9R and 9L	--	3,000	1/2D-1-1/2R	20,000	10,000
H-12R and 12L	--	1,500	1D-6L	--	1,000
			1-1/2D-2R	--	15,000
1-1/2D-V	--	5,000	1-1/2D-9L and 9R	--	1,000
1-1/2D-9R and 9L	--	2,000	2D-15L and 15R	--	850
2-1/2D-V	--	2,500	4D-4R	12,500	--
2-1/2D-12R and 12L	--	1,000	1D-V	--	5000
4D-V	5,000	--			

[a]From the normally exposed surface of the lens.

[b]A tolerance of ± 1/4 deg in location may be allowed for at any test point.

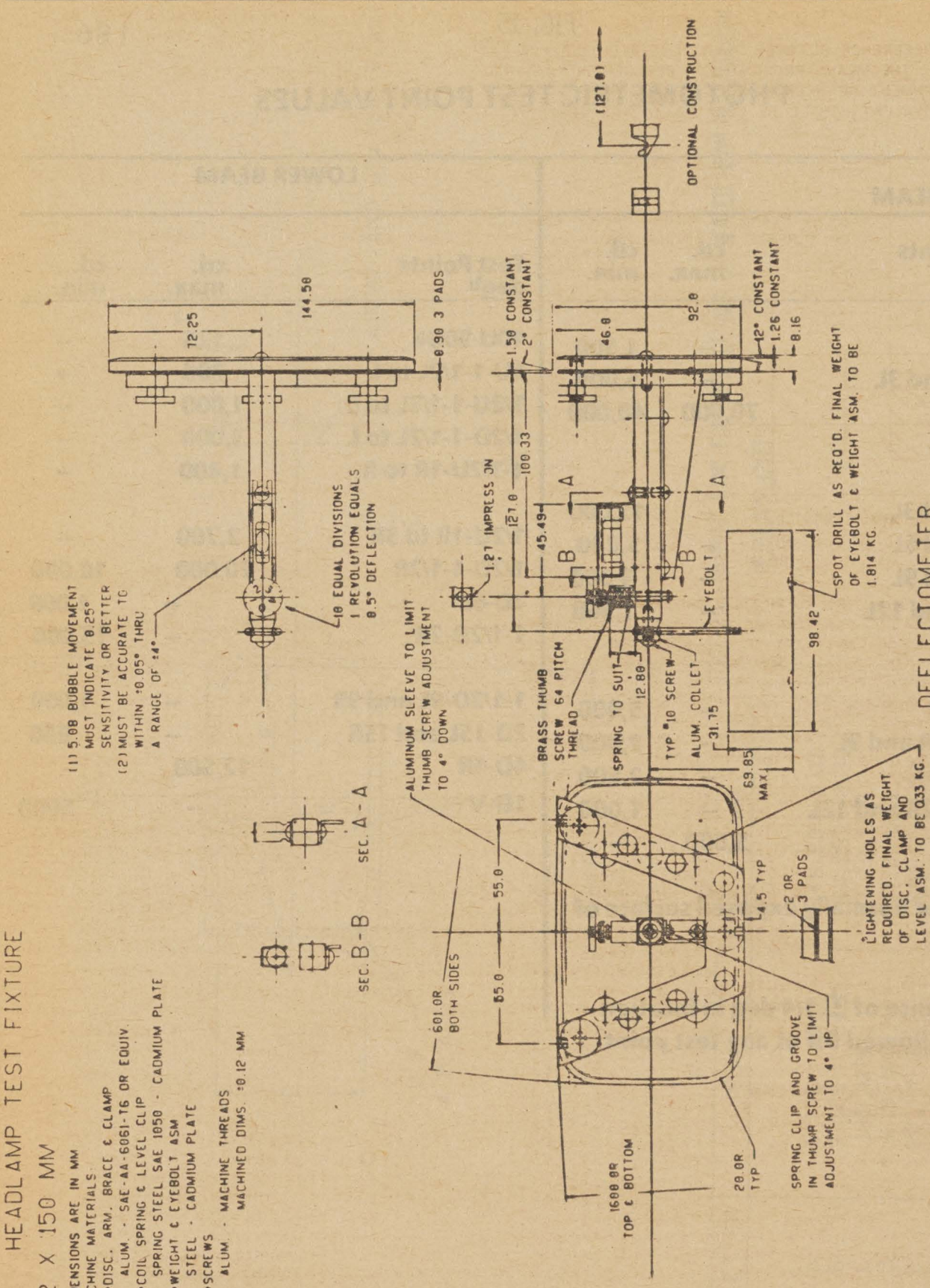
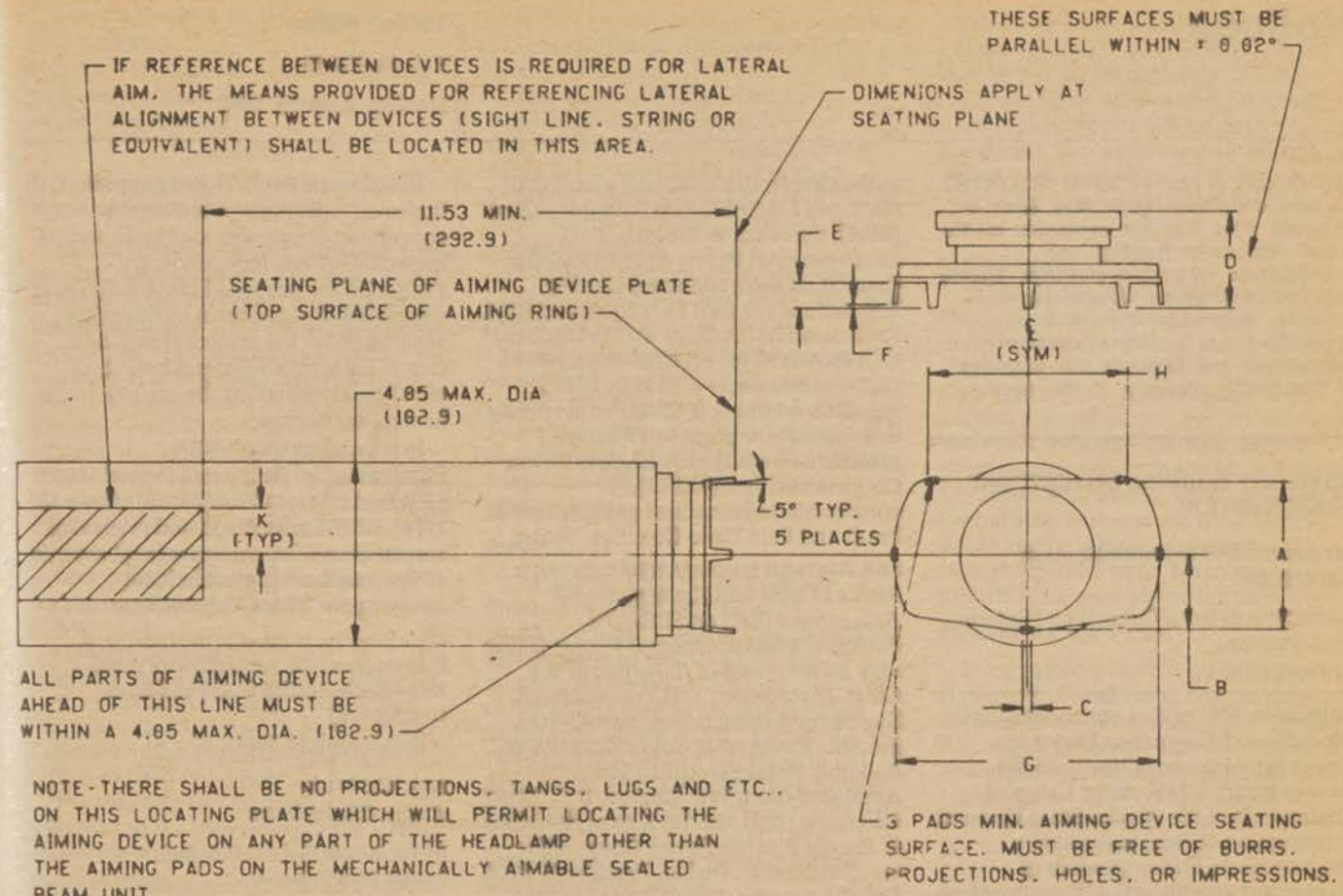


FIG.-16

BILLING CODE 4910-59-C



NOTE - THERE SHALL BE NO PROJECTIONS, TANGS, LUGS AND ETC., ON THIS LOCATING PLATE WHICH WILL PERMIT LOCATING THE AIMING DEVICE ON ANY PART OF THE HEADLAMP OTHER THAN THE AIMING PADS ON THE MECHANICALLY AIMABLE SEALED BEAM UNIT.

ALL DIMENSIONS ENCLOSED (X.XX) ARE IN MM.

LOCATING PLANE	UNIT OF MEASURE	DIMENSIONS															
		A		B		C		D		E		F		G		H	
		MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN
92X150	MM	82.30	81.70	41.90	41.60	5.50	4.50	54.61	54.10	14.30	14.00	2.50	2.00	145.20	144.70	115.26	114.75
3.6X5.9	IN.	3.240	3.217	1.650	1.638	.217	177	2.150	2.130	.563	.551	.100	.086	5.717	5.697	4.538	4.518

FIG. 17 - DIMENSIONAL SPECIFICATIONS FOR HEADLAMP AIMER LOCATING PLATE FOR TYPE LF AND UF SEALED BEAM HEADLAMP UNITS

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on April 20, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-11545 Filed 4-27-84; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 49, No. 84
Monday, April 30, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: This notice announces that the Advisory Council on Historic Preservation is consulting with the Alaska District, U.S. Army Corps of Engineers and the Alaska State Historic Preservation Officer to develop a Programmatic Memordandum of Agreement regarding the Department of Defense Environmental Restoration Defense Account in the State of Alaska. Copies of the draft Agreement are available for public review and comment.

Comments Due: May 30, 1984.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, The Old Post Office Building, 1100 Pennsylvania Avenue NW., Suite 809, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas King at the address above, or telephone (202) 786–0505.

Dated: April 25, 1984.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 84–11589 Filed 4–27–84; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Brazos Electric Power Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA Environmental Policies and Procedures 7 CFR Part 1794 (49 FR 9544–9558, March 13, 1984) has made a Finding of No Significant Impact (FONSI) with respect to a request for proposed financing assistance from Brazos Electric Power Cooperative, Inc. (BEPCI), for construction of a natural gas pipeline in Erath and Palo Pinto Counties, Texas.

FOR FURTHER INFORMATION CONTACT: REA's FONSI and Environmental Assessment (EA) and BEPCI's Borrower's Environmental Report (BER) may be reviewed in the office of the Chief, Distribution and Transmission Engineering Branch, Southwest Area-Electric, Room 0009, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382–1915, or at the office of Brazos Electric Power Cooperative, Inc. (William G. Parker, President), 2404 LaSalle Avenue, Waco, Texas 76706–0296, telephone (817) 752–2501 during regular business hours.

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request for financing assistance from BEPCI, has reviewed the BER submitted by BEPCI and has determined that it represents an accurate assessment of the environmental impact of the proposed project. BEPCI's project consists of a natural gas pipeline about 38.6 km (24 mi) long which would connect the existing natural gas pipelines of Lone Star Gas Company and Valero Transmission Company near Huckabay, Texas, with the R.W. Miller Generating Plant near Gordon, Texas. The proposed pipeline would be built within the right-of-way of an existing 138 kV transmission line for its entire length.

REA determined that the proposed project will have no effect on cultural resources, important farmland, floodplains, wetlands and threatened and endangered species.

Because the proposed pipeline would be located within an existing BEPCI utility right-of-way, alternative pipeline routes were not evaluated. REA determined that the proposed natural gas pipeline is as acceptable alternative to provide BEPCI's needs.

Based upon the BER and support documents, REA prepared an EA concerning the proposed project and its impact. REA has independently evaluated the proposed project and has concluded that approval of financing assistance for the project would not constitute a major Federal action significantly affecting the quality of the human environment.

In accordance with REA Environmental Policy and Procedues 7 CFR Part 1794 (49 FR 9544–58, March 13, 1984), BEPCI advertised and requested comments on the environmental aspects of the proposed project in local newspapers. There were no comments.

(This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.)

Dated: April 24, 1984.

Jack Van Mark,

Acting Administrator.

[FR Doc. 84–11603 Filed 4–27–84; 8:45 am]

BILLING CODE 3410–15–M

CIVIL RIGHTS COMMISSION

Indiana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:30 p.m., on May 24, 1984, at the City-County Building, Room 1161, 200 East Washington Street, Indianapolis, Indiana 46206. The purpose of the meeting is to discuss followup activities to the Committee's report on housing discrimination, the status of a proposed project on block grants, and future program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Joseph J. Russell, at (812) 335–9632 or the Midwestern Regional Office at (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 24, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-11507 Filed 4-27-84; 8:45 am]

BILLING CODE 6335-01-M

Delaware Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Delaware Advisory Committee to the Commission will convene at 2:00 p.m. and will end at 4:30 p.m., on May 23, 1984, at the Boggs Federal Courthouse, Room 4100, 844 King Street, Wilmington, Delaware 19801. The purpose of the meeting is to plan a Statewide conference focusing on civil rights issues in the areas of education, employment/affirmative action, housing, violence and bigotry, legal and voting rights, and women's rights.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Horacio D. Lewis, at (302) 736-4885 or the Mid-Atlantic Regional Office at (202) 264-6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 25, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-11586 Filed 4-27-84; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-055]

Acrylic Sheet From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on acrylic sheet from Japan. The review covers the 13 known manufacturers and/or exporters and one third-country reseller of this merchandise to the United States currently covered by the finding and the period August 1, 1981 through July 31, 1982. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of their sales during the period.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce , Washington, D.C. 20230, telephone: (202) 377-2923/5255.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 1983 the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 34490) the final results of its last administrative review of the antidumping finding on acrylic sheet from Japan (41 FR 36497, August 30, 1976) and announced its intent to conduct its next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of acrylic sheet, which is commonly made by polymerizing methyl methacrylate ("MMA") into a stiff, transparent, high-molecular-weight polymer with resistance to ultraviolet radiation, and includes sheet, whether or not cast, extruded, drilled, milled or ground on the edges. Acrylic sheet is currently classifiable under items 771.4100, 771.4500, and 774.5500 of the Tariff Schedules of the United States Annotated.

The word "commonly" in our description of the merchandise is to clarify that the presence of absence of MMA is not dispositive of whether or not merchandise is acrylic sheet. While the petition in the original investigation did state without elaboration that acrylic sheet is made by polymerizing MMA, neither the International Trade Commission ("the ITC", formerly the Tariff Commission) determination of injury (41 FR 32294, August 2, 1976) nor the Treasury Department order included such a limitation.

The review covers the 13 known manufacturers and/or exporters and one third-country reseller of Japanese acrylic sheet to the United States currently covered by the finding and the period August 1, 1981 through July 31, 1982.

Eleven firms did not ship Japanese acrylic sheet to the United States during the period. The estimated antidumping duties cash deposit rate for those firms will be the most recent rate for each firm.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based either on the c.i.f., c&f or f.o.b. packed price to an unrelated purchaser in the United States or to an unrelated Japanese trading company for export to the United States. We made deductions, where applicable, for banking fees, marine insurance, ocean freight, shipping charges, and foreign inland freight. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign maket value the Department used home market price, as defined in section 773(a) of the Tariff Act, when sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. The Department used the price to unrelated purchasers in third countries, as defined in section 773(a)(1)(B) of the Tariff Act, when there were insufficient quantities of such or similar merchandise sold in the home market. For comparison with sales to the United States by the third-country reseller, we used the reseller's price to purchasers in its domestic market since sufficient quantities of such or similar merchandise were sold in its domestic market to provide a basis for comparison. We made adjustments, where applicable, for banking fees, marine insurance, ocean freight, shipping charges, foreign inland freight and differences in credit and packing costs. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period August 1, 1981 through July 31, 1982:

Manufacturer/Exporter	Margin (percent)
Asahi Chemical Industry Co., Ltd./Taikyo Sangyo	[1] 13.15
C. Itoh & Co., Ltd	[1] 0
Kanase Industries Co., Ltd	[1] 1.36
Kanematsu-Gosho Ltd	[1] 11.98
Kyowa Gas Chemical Industry Co., Ltd	[1] 48.90

	Margin (percent)
Kyowa Gas Chemical/K. Sakai	[1] 7.50
Marubeni Corporation	[1] 0
Midorikawa Chemical Inc. Co./Mitsubishi Corp. (Hong Kong)	[1] 7.50
Nitto Jushi Kogyo	4.66
S. P. International	[1] 0
Taikyo Sankyo Co., Ltd.	[1] 13.15
Tsutsunaka Plastic Ind. Co./Toyo Menka Kaisha	[1] 19.11
Tsutsunaka Plastic Ind. Co./K. Sakai & Co	[1] 30.29
Third-Country Reseller (Country)	
Rainbow Enterprises (Hong Kong)/I. J. Langleb	4.8

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by section 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for those firms. For any future entries from a new exporter not covered in this or prior reviews, whose first shipments of Japanese acrylic sheet occurred after July 31, 1982 and who is unrelated to any reviewed firm, a cash deposit of 19.11 percent shall be required. These deposit requirements are effective for all shipments of Japanese acrylic sheet entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: April 24, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-11531 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-038]

Bicycle Speedometers From Japan; Recalculation of Estimated Antidumping Duties Cash Deposit Rate

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Recalculation of Estimated Antidumping Duties Cash Deposit Rate.

SUMMARY: On September 27, 1983, the United States Court of International Trade (CIT) granted the Department of Commerce's request for a remand to recalculate the estimated antidumping duties cash deposit rate for entries of double gear hub drive speedometers from Japan.

On December 16, 1983, the Department reported the final results of its recalculation of the estimated antidumping duties cash deposit rate to the CIT. On February 29, 1984, the CIT affirmed the remand findings of the Department.

As a result, the Department is correcting the estimated antidumping duties cash deposit rate for double gear hub drive speedometers. The correct cash deposit rate is 20.04 percent.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-1130.

SUPPLEMENTARY INFORMATION:

Background

On November 22, 1972, the Treasury Department published in the **Federal Register** (37 FR 24826) a dumping finding with respect to bicycle speedometers from Japan. On November 17, 1981, the Department of Commerce (the Department) published in the **Federal Register** (46 FR 56486-88) the preliminary results of its first administrative review of the finding, with its preliminary determination that double gear hub drive speedometers were not covered by the scope of the finding. On July 2, 1982, the Department published in the **Federal Register** (47 FR 28978-82) the final results of that review which included double gear hub drive speedometers within the scope of the finding. On August 30, 1982, the United States Court of International Trade (CIT) received a complaint from Diversified Products Corp., challenging the Department's final determination and clarification of the scope of the finding under section 751 of the Tariff Act of 1930 (the Tariff Act). On September 27, 1983, the court granted the Department's request for a remand to recalculate the estimated antidumping duties cash deposit rate for entries of double gear hub drive speedometers (*Diversified Products Corp.* v. *United States*, Court No. 82-7-01065).

On December 16, 1983, the Department reported the final results of its remand calculation to the CIT. That report concluded that the correct cash deposit rate for double gear hub drive speedometers is 20.04 percent. On February 29, 1984, the court affirmed the remand determination of the Department (Slip Op. 84-13).

Recalculation of the Estimated Antidumping Duties Cash Deposit Rate

The Department, in accordance with the court's order of remand, has recalculated the estimated antidumping duties cash deposit rate for entries of double gear hub drive speedometers from Japan to be 20.04 percent. This cash deposit rate applies to all entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

This recalculation of the estimated antidumping duties cash deposit rate is in accordance with the order of the CIT, *Diversified Products Corp.* v. *United States*, Slip Op. 84-13, February 29, 1984, and sections 737 and 751 of the Tariff Act (19 U.S.C. 1673 and 1675).

Dated: April 10, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-11524 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-008]

Color Television Receivers From Korea; Antidumping Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Antidumping Duty Order Concerning Color Television Receivers from Korea.

SUMMARY: In separate investigations concerning color television receivers from Korea, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that color television receivers from Korea are being sold at less than fair value and that sales of color televisions from

Korea are "materially injuring" a United States industry. Additionally, the Department found that "critical circumstances" did not exist with respect to color television receivers from Korea. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of this merchandise, except that produced and sold by Korea Electronics Co., Ltd. and Anam Electrical Industrial Co., Ltd., made on or after October 19, 1983, the date on which the Department published its "Preliminary Determination of Sales At Less Than Fair Value" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties.

Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register.**

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: David R. Chapman or Olympia DeRosa, Office of Compliance, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–2923.

SUPPLEMENTARY INFORMATION: The merchandise covered by this investigation is color television receivers, complete or incomplete. This investigation is intended to cover all color television receivers regardless of tariff classification. The merchandise is currently classifiable under item numbers 685.1125, 685.1126, 685.1127, 685.1128, 685.1129, 685.1135, 685.1144, 685.1148, 685.1155, 685.1456, 685.1458, 685.1460, and 685.1463 of the Tariff Schedules of the United States Annotated.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on October 19, 1983, the Department published its preliminary determination that there was reason to believe or suspect that color television receivers from Korea were being sold at less than fair value (48 FR 40418). On September 20, 1983, the petition was amended to include an allegation that "critical circumstances" existed. We preliminarily determined that critical circumstances did not exist within the meaning of section 733(e) of the Act (19 U.S.C. 1673b) (48 FR 48487). On March 1, 1984, the Department published its final determination that these imports, except for those produced and sold by Korea Electronics Co., Ltd. (KEC), were being sold at less than fair value and that "critical circumstances" did not exist with respect to color television receivers from Korea (49 FR 7620). The Department, in this notice, amends that final determination by also excluding Anam Electrical Industrial Co., Ltd. (Anam) from the scope of the final determination. Our recalculation of Anam's final determination rate for correction of a clerical error resulted in a *de minimis* rate.

On April 16, 1984, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that such importations are materially injuring a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs Service officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of color television receivers from Korea other than those from Anam and KEC. These antidumping duties will be assessed on all unliquidated entries of color television receivers, other than those from Anam and KEC, entered, or withdrawn from warehouse, for consumption or or after October 19, 1983, the date on which the Department published its "Preliminary Determination of Sales At Less Than Fair Value" notice in the **Federal Register.**

On and after the date of publication of this notice, United States Customs Service officers must require, except for KEC and Anam, at the same time as importers would normally deposit estimated Customs duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

Manufacturers and exporters	Weighted-average margins (percent)
Gold Star	14.77
Samsung	15.95
Taihan	16.57
All Others (except Anam and KEC)	13.90

This determination constitutes an antidumping duty order with respect to color television receivers from Korea, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

We have deleted from the Commerce Regulations, Annex 1 of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of updated lists of orders currently in effect.

Notice of Review

In accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) the Department hereby gives notice that it is commencing an administrative review of this order on April 30, 1984. For further information regarding this review, contact Mr. William Matthews at (202) 377–5253.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e), and § 353.48 of the Commerce Regulations (19 CFR 353.48).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84–11525 Filed 4–27–84; 8:45 am]

BILLING CODE 3510–DS–M

[A–583–009]

Color Television Receivers, Other Than Video Monitors, From Taiwan; Antidumping Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Antidumping Duty Order Concerning Color Television Receivers from Taiwan.

SUMMARY: In separate investigations concerning color television receivers from Taiwan, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that color television receivers from Taiwan, except those manufactured and sold by Orion Electric (Taiwan) Co., Ltd., are being sold at less than fair value and that sales of color televisions from Taiwan are materially injuring a United States industry. The Commission also determined that an industry in the United States was not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports of video monitors from Taiwan. Additionally, the Department found that "critical circumstances" did not exist with respect to color television receivers from Taiwan. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption, except those made by Orion, of color television receivers,

other than video monitors, from Taiwan made on or after October 19, 1983, the date on which the Department published its "Preliminary Determination of Sales At Less Than Fair Value" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, except those from Orion, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: David R. Chapman or Olympia DeRosa, Office of Compliance, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–2923.

SUPPLEMENTARY INFORMATION: The merchandise covered by this investigation is color television receivers, complete or incomplete, other than video monitors. This investigation is intended to cover all color television receivers regardless of tariff classification except the monitor component of component video systems. The merchandise is currently classifiable under item numbers 685.1125, 685.1126, 685.1127, 685.1128, 685.1129, 685.1135, 685.1144, 685.1148, 685.1155, 685.1456, 685.1458, 685.1460, and 685.1463 of the Tariff Schedules of the United States Annotated..

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on October 19, 1983, the Department published its preliminary determination that there was reason to believe or suspect that color television receivers from Taiwan were being sold at less than fair value (48 FR 40418). On September 20, 1983, the petition was amended to include an allegation that "critical circumstances" existed. We preliminarily determined that critical circumstances did not exist within the meaning of section 733(e) of the Act (19 U.S.C. 1673b) (48 FR 48487). On March 1, 1984, the Department published its final determination that these imports, except those manufactured and sold by Orion Electric (Taiwan), Ltd. (Orion) were being sold at less than fair value and that "critical circumstances" did not exist with respect to color television receivers from Taiwan (49 FR 7620).

On April 16, 1984, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that such importations, other than those of video monitors, are materially injuring a United States industry.

Therefore, in accordance with section 736(a) and 751 of the Act (19 U.S.C. 1673e(a) and 1675), the Department directs United States Customs Service officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of color television receivers, other than video monitors, from Taiwan except those manufactured and exported by Orion. These antidumping duties will be assessed on all unliquidated entries, except those from Orion, of such merchandise entered, or withdrawn from warehouse, for consumption on or after October 19, 1983, the date on which the Department published its "Preliminary Determination of Sales At Less Than Fair Value" notice in the **Federal Register**.

On and after the date of publication of this notice, United States Customs Service officers must require, except for Orion, at the same time as importers would normally deposit estimated Customs duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

Manufacturers and exporters	Weighted-average margins (percent)
AOC	3.50
Hitachi	1.20
RCA	2.89
Sampo	23.77
Sanyo	4.66
Tatung	8.10
All others (except Orion)	5.46

This determination constitutes an antidumping duty order with respect to color television receivers, other than video monitors, from Taiwan, pursuant to section 736 of the Act (19 U.S.C. 1673e) and section 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex 1 of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of updated lists of orders currently in effect.

Notice of Review

In accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) the Department hereby gives notice that it is commencing an administrative review of this order on April 30, 1984. For futher information regarding this review, contact Mr. William Matthews at (202) 377–5253.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and section 353.8 of the Commerce Regulations (19 CFR 353.48).

Dated: April 24, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Adminstration.

[FR Doc. 84–11530 Filed 4–27–84; 8:45 am]

BILLING CODE 3510–DS–M

[A–412–027]

Diamond Tips for Phonograph Needles From the United Kingdom; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on diamond tips for phonograph needles from the United Kingdom. The review covers the two known manufacturers and/or exporters of this merchandise to the United States currently covered by the finding and the period April 1, 1982 through March 31, 1983. The review indicates the existence of dumping margins during the period for one firm.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of its sales during the period.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–2923/5255.

SUPPLEMENTARY INFORMATION:

Background

On June 23, 1983, the Department of Commerce (the Department) published in the **Federal Register** (48 FR 28692–3) the final results of its last administrative review of the dumping finding on diamond tips for phonograph needles from the United Kingdom (37 FR 6665,

April 1, 1972) and announced its intent to conduct its next administrative review. As required by section 751 of the Tariff Act of 1930 (the Tariff Act), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of diamond tips for phonograph needles (diamond tips) consisting individually of an almost microscopic chip of diamond bonded to steel and shaped to fit into the grooves of a phonograph record. Diamond tips are currently classifiable under item 685.3400 of the Tariff Schedules of the United States Annotated.

The review covers the two known manufacturers and/or exporters of British diamond tips to the United States currently covered by the finding and the period April 1, 1982 through March 31, 1983.

One firm, Bauden Precision Diamonds Ltd., did not ship British diamond tips to the United States diring the period. The estimated antidumping duties cash deposit rate for Bauden will be the most recent rate for that firm.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the delivered packed price to the first unrelated purchaser in the United states. We made deductions for insurance and postage. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the delivered packed price to unrelated purchasers, with an adjustment for postage. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period April 1, 1982 through March 31, 1983:

Manufacturer and exporter	Margin (percent)
Bauden Precision Diamonds Ltd.	(1)
Diamond Stylus Ltd	9.86

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for those firms. For any future entries from a new exporter not covered in this or prior reviews, whose first shipments of British diamond tips for phonogrpah needles occurred after March 31, 1983 and who is unrelated to any reviewed firm, a cash deposit of 9.86 percent shall be required. These deposit requirements are effective for all shipments of British diamond tips for phonograph needles entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: April 20, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-11529 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-029]

Fish Netting of Man-Made Fibers From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On February 1, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on fish netting of man-made fibers from Japan. The review covers 69 of the 72 known manufacturers, exporters, and third-country resellers of this merchandise to the United States and two consecutive periods, June 1, 1980 through May 31, 1982.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results. We received comments from several importers and an exporter.

As a result of our analysis of the comments received and because of mathematical and clerical errors, the Department has changed the weighted-average margins for 41 firms. Except for certain deferred firms, the margins remain the same as those presented in the preliminary results for all other companies.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: John M. Andersen, or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-1130 or (202) 377-2923.

SUPPLEMENTARY INFORMATION:.

Background

On February 1, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 4026-4028) the preliminary results of its administrative review of the antidumping finding on fish netting of man-made fibers from Japan (37 FR 11560, June 6, 1972). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of fish netting of man-made fibers, currently classifiable under items 355.4520 and 355.4530 of the Tariff Schedules of the United States Annotated.

The review covers 69 of the 72 known manufacturers, exporters, and third-country resellers of Japanese fish netting or man-made fibers to the United States and two consecutive periods, June 1, 1980 through May 31, 1982.

We discovered some problems with the responses of two manufacturers, Toyama Fishing Net Mfg. Co. and Morishita Fishing Net Mfg. Co. and have

deferred our final analysis of those firms and of exporters to the United States of their merchandise until the next review.

Analysis of Comments Received

We received comments from several importers and one exporter.

Comment 1: Several importers argue that the Department's use of best information is not in accordance with the Tariff Act of 1930 (the Tariff Act). By applying the highest rate to a company which does not respond to our questionnaire, whether it is the highest rate for responding firms with shipments for the review period or the most recent rate for the non-responsive firm, the Department unfairly penalizes the importers of the merchandise. Exporters may fail to respond through misunderstanding, cost problems, language barriers, etc. rather than because they are selling with greater dumping margins than previously calculated for them. Use of prior rates for non-responsive firms ignores current market conditions. Use of prior rates also may force importers to file law suits after each review on the correctness of the same prior rate.

Department's Position: The Department has consistently applied its best information standards since the creation of the section 751 reviews in 1980. As stated in the final results of the last administrative review of this case, the Department recognizes no unfairness in its use of its best information standards when applied to sales by companies which do not cooperate in our reviews.

Comment 2: Several importers argue that shipments from Morishita and its exporters, companies which we are now deferring until the next review, should not be assessed on the basis of their highest previous margins simply because the Department has not completed the analysis of their submissions. The importers also argue that the cash deposit rate for Toyama, another deferred firm, should remain at zero percent, as published in the last administrative review.

Department's Position: As explained above, we are deferring our review of Morishita, its exporters, and Toyama. The most recently published final rates for those firms will remain in effect for cash deposit purposes until we complete our analysis and publish the final results.

Comment 3: Several importers claim that the margins used as best information unfairly penalize them, since the netting they import is not such or similar to the netting compared in calculating the best information rates for each period. Consequently, they argue that the best information rate for importers of a specific type of netting should be solely determined by best evidence sales involving that type of netting.

Department's Position: We disagree. The importer's claim would require the Department to develop a best information rate for all non-responsive firms based on each type of netting covered in the finding. The Department, however, commonly applies one best information rate, derived from one currently adequate respondent within each review period, to all merchandise within the scope of the antidumping finding and to all non-responsive firms, provided those firms do not fall within one of our other best information standards. The non-respondents' dumping margins are not necessarily limited to margins found for responding firms on such or similar merchandise. We believe that application of a best information rate for the class of merchandise as a whole better anticipates the potential for dumping. Furthermore, the importers' proposed methodology would be impracticable for the Department and the U.S. Customs Service to administer.

Comment 4: Several importers complain that they were not given sufficient time to analyze adequately Amita's 1980–1981 response, once they were notified that Amita's rate would be used as the best information available for that period. Furthermore, they detail at least one incorrectly matched comparison in the Department's analysis of Amita's response.

Department's Position: The Department maintains that the issue of sufficient time should center on the overall time available for the importer's analysis of Amita's submission, and not, as the importers claim, on the time granted once we confirmed that Amita's response would be used as the best informatioin available. Further, we described in detail how we calculated Amita's margins during disclosure to the importers approximately a month before final comments were due. We maintain that the importers has ample time to analyze Amita's submission and that consequently the comment is baseless. Moreover, the Department did not in fact make the comparison alleged to be wrong. We stand by our actual comparison.

Comment 5: Nissho Iwai Corporation claims that its exports of netting from Kinoshita Fishing Net Mfg. Co., Ltd. should not be assessed dumping duties since the netting involved is intended solely for purse seine netting, not salmon gill netting.

Department's Position: Nissho Iwai's argument implies that the scope of the finding covers only salmon gill netting. This is incorrect. The scope of the finding covers all netting of man-made fibers from Japan. *See also Comment 3.*

Comment 6: Inagaki Fishing Net Mfg. Co., Ltd. argues that the Department erred in assigning margins on its alleged sales through Shinwa Trading Company. Inagaki claims that it has never dealt with Shinwa Trading.

Department's Position: Our records show that netting manufactured by Inagaki Fishing Net Mfg. Co., Ltd. was eventually sold by Shinwa Trading Company to the U.S. We stand by our analysis.

Final Results of the Review

After analysis of all the comments received, we determine that the following margins exist:

Manufacturer and Exporter	Time period	Margin (percent)
Amikan Fishing Net Mfg. Co., Ltd.	06/01/80–05/31/81	0
	06/01/81–05/31/82	0
Amisho Kabushiki Kaishi, Ltd.	06/01/80–05/31/81	0
	06/01/81–05/31/82	[1]0
Amita Company, Ltd.	06/01/80–05/31/81	9.83
	06/01/81–05/31/82	0.04
Chunichi	06/01/81–05/31/82	4.35
Fukui Fishing Net Co., Ltd.	06/01/80–05/31/81	4.99
	06/01/81–05/31/82	1.81
Hakodate Semio Sengu Co., Ltd.	06/01/80–05/31/81	0
	06/01/81–05/31/82	0
Hakodate Semio Sengu Co., Ltd./Mitsui & Co., Ltd.	06/01/80–05/31/81	0
	06/01/81–05/31/82	0
Hashimoto Sangyo Co.	06/01/80–05/31/81	18.30
	06/01/81–05/31/82	[1]18.30
Hiraga Fishing Net Mfg. Co., Ltd.	06/01/80–05/31/81	9.83
	06/01/81–05/31/82	9.83
Hiraga Fishing Next Mfg. Co., Ltd./Sanyo Enterprises Co., Ltd.	06/01/80–05/31/81	18.30
	06/01/81–05/31/82	18.30
Hiraga Fishing Net Mfg. Co., Ltd./Yamada Trading Co., Ltd.	06/01/80–05/31/81	9.83
	06/01/81–05/31/82	9.83
Hiranka & Co., Ltd.	06/01/81–05/31/82	4.35
Hirata Spinning Co., Ltd.	06/01/80–05/31/81	9.83
	06/01/81–05/31/82	9.83
Ikesen K.K.	06/01/80–05/31/81	18.30
	06/01/81–05/31/82	18.30
I.K.K. International Corp.	06/01/80–05/31/81	[1]6.78
	06/01/81–05/31/82	[1]6.78
Ikko Co., Ltd	06/01/81–05/31/82	4.35
Inagaki Fishing Net Mfg. Co. Ltd./Moribun Shoten.	06/01/80–05/31/81	0
	06/01/81–05/31/82	0
Inagaki Fishing Net Mfg. Co. Ltd./Nichimen Co., Ltd.	06/01/80–05/31/81	0
	06/01/81–05/31/82	0
Inagaki Fishing Net Mfg. Co. Ltd./Shinwa Trading Co.	06/01/80–05/31/81	9.83
	06/01/81–05/31/82	9.83
Itoh-Seni Mfg. Co., Ltd./ Yamada Trading Co., Ltd	06/01/80–05/31/81	0
	06/01/81–05/31/82	0

	Time period	Margin (percent)
Japan Merchandise, Ltd.	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	18.30
Kasumi Fishing Net Mfg. Co., Ltd.	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	18.30
Kasumi Fishing Net Mfg. Co., Ltd./Sanyo Enterprises Co., Ltd.	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	18.30
Kataoka Seimo Co., Ltd / K.Y. Corp.	06/01/80-05/31/81	[1]0
	06/01/81-05/31/82	[1]0
Kato Seimo	06/01/80-05/31/81	9.83
	06/01/81-05/31/82	9.83
Kinoshita Fishing Net Mfg. Co., Ltd./Nissho Iwai Corp.	06/01/80-05/31/81	0.61
	06/01/81-05/31/82	4.35
K. K. Tanaka Sajiro Seimo.	06/01/81-05/31/82	4.35
Kokusai Gyomo	06/01/81-05/31/82	4.35
Kyoto Neting Co., Ltd.	06/01/80-05/31/81	[1]6.78
	06/01/81-05/31/82	[1]6.78
Makino	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	18.30
Maruhei & Co	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	18.30
Miye Seimo Co., Ltd.	06/01/80-05/31/81	0
	06/01/81-05/31/82	[1]0
Momoi Fishing Net Mfg. Co., Ltd.	06/01/80-05/31/81	2.30
	06/01/81-05/31/82	0.96
Moririn Co., Ltd	06/01/80-05/31/81	[1]18.30
	06/01/81-05/31/82	[1]18.30
Nagaura Seimoshoi Co., Ltd.	06/01/80-05/31/81	[1]4.30
	06/01/81-05/31/82	0
Nakazawa Gyomo Co., Ltd./ Kanematsu Trading.	06/01/80-05/31/81	9.83
	06/01/81-05/31/82	[1]9.83
Nichimo Co., Ltd	06/01/80-05/31/81	2.57
	06/01/81-05/31/82	0
Nippon Kenmo Co., Ltd.	06/01/80-05/31/81	0
	06/01/81-05/31/82	0
Odaka Seimo	06/01/81-05/31/82	4.35
Ogura Trading Co., Ltd.	06/01/80-05/31/81	9.83
	06/01/81-05/31/82	[1]9.83
Ohmi Netting Co., Ltd./Mitsui & Co., Ltd.	06/01/80-05/31/81	0
	06/01/81-05/31/82	0
Ohmi Netting Co., Ltd./Nichimen Co., Ltd.	06/01/80-05/31/81	0
	06/01/81-05/31/82	0
Ono Trading	06/01/80-05/31/81	[1]6.78
	06/01/81-05/31/82	[1]6.78
Osada Fishing Net Co., Ltd./ Moriburn Shoten.	06/01/80-05/31/81	0
	06/01/81-05/31/82	0
Osada Fishing Net Co., Ltd./ Nichimen Co., Ltd.	06/01/80-05/31/81	0
	06/01/81-05/31/82	0
Osada Fishing Net Co., Ltd./ Sanyo.	06/01/80-05/31/81	9.83
	06/01/81-05/31/82	9.83
Sakakura Net Kogyosho.	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	[1]18.30
Taito Seiko Co., Ltd./Nakamura Suisan Co., Ltd.	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	18.30
Taiyo Gyogyo K.K.	06/01/80-05/31/81	[1]6.78
	06/01/81-05/31/82	[1]6.78
Tame Bussan Co., Ltd.	06/01/80-05/31/81	9.83
	06/01/81-05/31/82	9.83
Toyonen Co., Ltd	06/01/80-05/31/81	[1]6.78
	06/01/81-05/31/82	[1]6.78
Tsugawa Seimo	06/01/80-05/31/81	9.83
	06/01/81-05/31/82	9.83
Tsuzuki Seimosho/Maki Enterprises.	06/01/81-05/31/82	4.35
Wako Boeki K.K. (Wako Trading).	06/01/80-05/31/81	9.83
	06/01/81-05/31/82	9.83
Watanabee Chozen Shoten.	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	18.30
Yagi Fishing Net Co., Ltd.	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	[1]18.30
Yamagen	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	18.30
Yamaji Fishing Net Co., Ltd.	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	0.33
Third-Country Reseller (Canada)		
Abco Acadia	06/01/80-05/31/81	[1]6.78
	06/01/81-05/31/82	6.78
Atlantic Netting, Rope & Twine, Ltd.	06/01/80-05/31/81	[1]18.30
	06/01/81-05/31/82	18.30
Bay Bulls Trading Co., Ltd.	06/01/80-05/31/81	0
	06/01/81-05/31/82	[1]0
Dennis Ross	06/01/80-05/31/81	9.83
	06/01/81-05/31/82	9.83
Gourock Division, Wire Rope Ind., Ltd.	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	0.19
IMP Group (formerly John Leckie, Ltd.).	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	18.30
Forsea (formerly J. P. Forgie Ltd.).	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	[1]18.30
Puretic Supplies Co., Ltd.	06/01/80-05/31/81	18.30
	06/01/81-05/31/82	18.30

[1]No shipments.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries with purchase dates during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the most recent of the above margins shall be required on all shipments of Japanese fish netting of man-made fibers from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Because the weighted-average margins for the period of June 1, 1981 through May 31, 1982, for Amita Company, Ltd., Yamaji Fishing Net Co., Ltd., and Gourock Division, Wire Rope Ind., Ltd. are less than 0.50 percent, and therefore *de minimis* for cash deposit purposes, the Department waives the deposit requirement for future shipments from those firms. For future entries from a new exporter not covered in this administrative review, whose first shipments occurred after May 31, 1982, and who is unrelated to any covered firm, a cash deposit of 4.35 percent shall be required. These deposit requirements and waivers shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: April 18, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-11527 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-469-007]

Potassium Permanganate From Spain; Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Early Determination of Antidumping Duty.

SUMMARY: The Department of Commerce has conducted an early determination of the antidumping duty to be assessed upon imports of Spanish potassium permanganate, manufactured by Asturquimica, S.A., and entered, or withdrawn from warehouse, for consumption from August 9, 1983, through January 10, 1984. The determination will also be the basis for the cash deposit of estimated antidumping duties on future entries of such merchandise from Asturquimica.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone; 377–1130.

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1984, the Department of Commerce (the Department) published in the **Federal Register** (49 FR 2277) an antidumping duty order on potassium permanganate from Spain. In accordance with the order, the Department directed Customs officers to require a cash deposit of estimated antidumping duties on entries of the merchandise pending liquidation.

On January 6, 1984, the one known exporter of this merchandise to the U.S., Asturquimica, S.A., requested that the Department waive the cash deposit requirement and make an early determination of antidumping duty, in accordance with section 736(c) of the Tariff Act of 1930 (the Tariff Act). On February 24, 1984, we announced in the **Federal Register** (49 FR 6956) that we would conduct a section 736(c) early determination for shipments of potassium permanganate manufactured by Asturquimica and entered from the date of our preliminary affirmative determination of sales at less than fair value to the date of the International Trade Commission's final affirmative injury determination. We waived the cash deposit of estimated antidumpting duties pending the early determination of duty. We have now completed the section 736(c) early determination.

Scope of the Early Determination

Imports covered by the early determination are shipments of potassium permanganate manufactured by Asturquimica and currently classifiable under item 420.2800 of the Tariff Schedules of the United States Annotated. Potassium permanganate is an inorganic chemical produced in free flowing, technical and pharmaceutical grades.

We investigated all imports of such merchandise entered, or withdrawn from warehouse, for consumption during the period August 9, 1983 through January 10, 1984.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the f.o.b. packed price to an unrelated purchaser in the United States. Where applicable, we made deductions for foreign inland freight and port charges. We added the amount of indirect taxes on exported merchandise which was rebated at the time of export under the provisions of the Degravacion Fiscal a la Exportacion program. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used the home market price, in accordance with section 773 of the Tariff Act. Home market price was based on the packed f.o.b. plant price to unrelated purchasers. We made deductions, where applicable, for the cost of loading trucks (which for U.S. sales is included in the inland freight charges). We also made adjustments for differences in credit costs, and packing costs. In adjusting for the differences in credit costs, we disallowed claims adjustments to the U.S. credit expense for revenue gains or losses resulting from fluctuations in the currency exchange rates. It is the Department's policy not to take into account such differences in revenue in calculating credit expenses. No other adjustments were claimed or allowed.

Analysis of Comments Received

We gave interested parties an opportunity to request disclosure and to submit written comments or request a hearing on the disclosed results. We received the following written comments from the petitioner, Carus Chemical Company, and Asturguimica.

Comment 1: The petitioner contends that, if we determine that there were no sales at less than fair value during the review period, it is primarily due to the depreciation of the peseta against the dollar rather than due to the exporter's elimination of margins through price changes. Moreover, since the end of the review period, the peseta has appreciated against the dollar. It is therefore inappropriate for the Department to make an early determination under section 736(c).

The respondent counters that the quarterly exchange rates in this section 736(c) review are the same rates which the Department would use in a section 751 administrative review of the same period.

Department's Position: Section 736(c) establishes the Department's authority to make early determinations when it is satisfied that it will be able to determine within 90 days of publication of the order the foreign market value and United States price of all merchandise entered during the prescribed period of review.

In making price comparisons, § 353.56(a) of the Commerce Regulations mandates the conversion of foreign currency in accordance with the provisions of section 5151 of the Tariff Act. Section 5151 in turn requires the use of quarterly rates certified by the Federal Reserve Bank of New York when the Bank's daily rate has not fluctuated more than 5 percent from the quarterly rate. In addition, the exporter did change its prices. We believe that an early determination is appropriate.

Comment 2: The petitioner contends that the Department cannot make a proper early determination as it could not verify the credit expense on all U.S. and home market sales. Payment had not occurred at the time of the verification. In addition, the Department could not verify all the DFE export rebates or indirect taxes for the same reason.

Department's Position: The Department verified all of the DFE rebates and all home market credit costs. For the few U.S. sales for which payment had not been made at the time of verification, we used the best information available to determine the credit costs.

Comment 3: The petitioner contends that the Department did not verify the percentages of the value of accounts receivable that the exporter financed for its U.S. sales.

Department's Position: For all but the few U.S. sales mentioned in Comment 2, we did verify the percentages of value. For the few U.S. sales we believe we possess adequate information.

Comment 4: The petitioner contends that the Department should continue to deny various circumstance-of-sale adjustments claimed by the respondent and denied during the fair value investigation.

Department's Position: For purposes of this review, the respondent waived virtually all claims for adjustments which we denied during the fair value investigation. We denied the reiterated claim for an adjustment for exchange rate gains.

Comment 5: The petitioner contends that there are no third-country sales

during the period against which to establish the viability of the home market as provided for in section 773(a) of the Tariff Act. Therefore, it contends we should use constructed value as the basis for foreign market value.

Department's Position: The petitioner's statement is incorrect. There was one third-country sale during the period for comparison to the quantity of merchandise sold for consumption in the home market. The comparison met the requirements of section 773(a) for using home market sales as the foreign market value. Furthermore, even if there were no third-country sales during the period, the quantity sold in the home market was more than sufficient to provide an adequate basis for foreign market value.

Early Determination

As a result of our comparison of United states price to foreign market value, we determine that no dumping margins exist for Spanish potassium permanganate manufactured by Asturquimica and entered during the period August 9, 1983 through January 10, 1984.

The Department shall instruct the Customs Service not to assess duties on entries of Spanish potassium permanganate manufactured by Asturquimica and entered, or withdrawn from warehouse, for consumption on or after August 9, 1983 through January 10, 1984.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties shall not be required on shipments of such merchandise manufactured by Asturquimica and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this early determination. This zero deposit rate shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin the next administrative review in January 1985.

This early determination and notice are published pursuant to section 736(c) of the Tariff Act (19 U.S.C. 1673e(c)) and section 353.49 of the Commerce Regulations (19 CFR 353.49).

Dated: April 20, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-11526 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-429-101]

Unrefined Montan Wax From the German Democratic Republic; Preliminary Results of Administrative Review of Antidumping Duty Order and Tentative Determination To Revoke

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Duty Order and Tentative Determination to Revoke.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping duty order on unrefined montan wax from the German Democratic Republic. The review covers the one known exporter of this merchandise to the United States and the period September 1, 1982 through August 31, 1983. The review indicates the existence of no dumping margins during the period.

As a result of the review the Department has tentatively determined to revoke the order. Interested parties are invited to comment on these preliminary results and tentative determination to revoke.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Elizabeth L. Wright or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255/2923.

SUPPLEMENTARY INFORMATION:

Background

On August 15, 1983, the Department of Commerce (the Department) published in the **Federal Register** (48 FR 36870-1) the final results of its last administrative review of the antidumping duty order on unrefined montan wax from the German Democratic Republic (the GDR) (46 FR 45177-8, September 10, 1981) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 (the Tariff Act), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of unrefined montan wax which is a non-oxidized mineral extracted from lignite, not advanced beyond extraction or cleaning by solvent. This product is primarily used as a flow agent in one-time carbon ink formulas. It is also used for producing polishes, mold release agents and for casting, and is currently classified under item 494.2000 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of unrefined montan wax from the GDR to the United States, VEB Braunkohlenwerk "Gustav Sobottka," and the period September 1, 1982 through August 31, 1983.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the f.o.b. price to unrelated purchasers in the United States, with deductions, where applicable, for foreign inland freight and harbor charges. No other adjustments were claimed or allowed.

Foreign Market Value

Since the GDR is a state-controlled-economy country, the Department used the provisions in section 773(c) of the Tariff Act to establish foreign market value. We constructed a value based on specific components or factors of production in the GDR, valued on the basis of prices in the Federal Republic of Germany, a non-state-controlled-economy country. For purposes of the review we constructed a value for unrefined wax, equal to the sum of materials, fabrication costs, general expenses, profit, and the cost of packing. The amount added for general expenses constituted at least ten percent of the sum of materials and fabrication costs. Because profit in the Federal Republic of Germany was less than eight percent, we used the statutory minimum as provided for in section 773(e) of the Tariff Act.

Preliminary Results of the Review and Tentative Determination to Revoke

As a result of our review, we preliminarily determine that no dumping margins exist for the period.

The Department has concluded that all sales of unrefined montan wax from the German Democratic Republic by "Gustav Sobottka" were made at not less than fair value for at least a two-year period. As provided for in § 353.54(e) of the Commerce Regulations, VEB Braunkohlenwerk "Gustav Sobottka" has agreed in writing to an immediate suspension of liquidation and reinstatement of the order if circumstances develop which indicate that unrefined montan wax produced and exported by "Gustav Sobottka" and thereafter imported into the United States is being sold by the firm at less than fair value.

Therefore, we tentatively determine to revoke the order on unrefined montan wax from the German Democratic Republic. If this revocation is made final it will apply to all unliquidated entries of this merchandise entered, or withdrawn from warehouse for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any requests for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any such comments or hearing.

The Department shall instruct the Customs Service not to assess antidumping duties on all appropriate entries. Further, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of unrefined montan wax from the GDR entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review, tentative determination to revoke, and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675 (a)(1), (c)) and § 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: April 19, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-11528 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-008]

Preliminary Determination of Sales at Less than Fair Value; Choline Chloride from Canada

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that choline chloride from Canada is being sold, or is likely to be sold, in the United States at less than fair value. Therefore, we have notified the United States International Trade Commission (ITC) of our determination, and we have directed the United States Customs Service to suspend liquidation of all entries of the subject merchandise. We have directed the U.S. Customs Service to require a cash deposit or the posting of a bond for each such entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by July 9, 1984.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: David D. Johnston, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377-2239.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that there is a reasonalbe basis to believe or suspect that choline chloride from Canada is being sold, or is likely to be sold, in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C.1673b) (the Act).

We found that the foreign market value of choline chloride from Canada exceeded the United States price on 100 percent of sales. These margins ranged from 1.61 percent to 59.8 percent. The overall weighted-average margin on all sales compared is 16.47 percent.

Case History

On November 15, 1983, we received a petition filed on behalf of Syntex Agribusiness, Incorporated (Syntex) and the domestic manufacturers in the United States of choline chloride. In accordance with the filing requirements of 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of choline chloride from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that these imports are materially injuring, or threaten to injure, a United States industry.

After reviewing the petition, we determine that it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated the investigation on December 5, 1983 (48 FR 56251). On March 17, 1984, we were informed by the ITC that there is a reasonable indication that imports of choline chloride from Canada are materially injuring a United States industry.

An antidumping questionnaire was presented to chinook Chemicals Company (Chinook), the only known Canadian producer/exporter on December 8, 1983. We received the response on January 27, 1984. Subsequently, we received additional data and explanations directed to portions of the response that were incomplete, inaccurate or unclear. On February 9, 1984, petitioner also alleged that "critical circumstances" exist, as defined in section 733(e) of the Act.

Where questions remain, we will seek further clarification and additional information during the verification of the response.

Scope of Investigation

The merchandise covered by this investigation is choline chloride which is currently classified under item number 439.5055 of the *Tariff Schedules of the United States Annotated* (1983) (TSUSA) and currently dutiable at 3.7 percent *ad valorem*. Pure choline chloride is a chemical with chemical formula of C5H14 CINO and a molecular weight of 139.6. The chemical name is (2-hydroxyethyl) trimethylammonium chloride. Choline chloride is marketed in several forms including, but not limited to, a solution of 70 percent choline chloride in water (aqueous choline chloride) or in potencies of 50 or 60 percent dried on a cereal carrier.

This investigation covers the period June 1, 1983 through November 30, 1983.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for the sales by the respondent because the merchandise was sold to unrelated purchasers prior to its importation into the United States and the manufacturer knew its destination at the time of sale. We calculated the purchase price for Chinook based on the f.o.b. delivered, packed price. We made deductions for inland freight, commissions, and import duties and brokerage. We also included in the calculation a test tank of liquid choline chloride given to one customer. This transaction was treated as a sale at no cost for 42000 lbs.

Foreign Market Value

In accordance with § 353.3 of the Commerce Regulations (19 CFR 353.3), we used home market sales for determination of foreign market value for Chinook. We calculated the home market prices on the basis of delivered, packed prices to unrelated purchasers in Canada. From these prices we made deductions for inland freight.

We allowed a circumstance of sale adjustment for differences in credit expenses and quantity rebates given in both markets in accordance with § 353.15(a) of the Commerce Regulations. We also made adjustments for indirect selling expenses incurred in the home market up to the amount of U.S. commissions incurred.

Negative Determination of Critical Circumstances

Counsel for petitioner alleged that imports of choline chloride from Canada present "critical circumstances." Under section 733(e)(1) of the Act, critical circumstances exist when the Department has a reasonable basis to believe or suspect that: (A)(i) There is a history of dumping in the United States or elsewhere of the merchandise under investigation, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise under investigation at less than its fair value; and (B) there have been massive imports of the merchandise under investigation over a relatively short period.

In determining massive imports over a short period of time, we looked at recent trends in import penetration levels; whether recent imports are significantly above the average calculated over the last two years; and whether the pattern of imports over the last three year period may be explained by seasonal swing. After examining imports of choline chloride from Canada with respect to these considerations, we find that there have not been massive imports over a relatively short period of time.

Therefore, because there have not been massive imports over a short period of time, we determine that critical circumstances do not exist for choline chloride from Canada.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of choline chloride from Canada.

This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register. The Customs Service shall require cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. This suspension of liquidation will remain in effect until further notice.

The weighted-average margin is as follows:

Manufacturer	Weighted-average margin percentage
All manufacturers/Producers/Exporters	16.47

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination.

In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, privided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on May 23, 1984, at the United States Department of Commerce, room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by May 16, 1984. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with § 353.46 of the Commerce Department Regulations (19 CFR 353.46), within 30 days of this notice's publication, at the above address and in at least 10 copies.

This determination is being published pursuant to section 733(f) of the Act (19 U.S.C. 1673(b)).

Dated: April 23, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-11610 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-25-M

[A-412-012]

Preliminary Determination of Sales at Not Less Than Fair Value; Choline Chloride From the United Kingdom

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that choline chloride from the United Kingdom is not being sold, nor is likely to be sold, in the United States at less than fair value. We have notified the United States International Trade Commission (ITC) of our determination. We found no margins on exports of the subject merchandise during the period of investigation.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: David D. Johnston, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Stret and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2239.

SUPPLEMENTARY INFORMATION:

Prelininary Determination

We preliminarily determine that there is no reasonable basis to believe or suspect that choline chloride from the United Kingdom is being sold, or is likely to be sold, in the United States a less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act).

We found that the foreign market value of choline chloride from the United Kingdom was less than the United States price on 100 percent of sales.

Case History

On November 15, 1983, we received a petition filed on behalf of Syntex Agribusiness, Incorporated (Syntex) and the domestic manufacturers in the United States of choline chloride. In acordance with the filing requirements of 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of choline chloride from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that these imports are materially injuring, or threaten to injure, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated the investigation on December 5, 1983 (48 FR 56248). On March 17, 1984, we were informed by the ITC that there is a reasonable indication that imports of choline chloride from the United Kingdom are materially injuring a United States industry.

An antidumping questionnaire was presented to Imperial Chemical Industries PLC (ICI), the only known English producer/exporter on December 21, 1983. We received the response on February 6, 1984. On February 9, 1984, petitioner also alleged that "critical circumstances" exist, as defined in section 733(e) of the Act. Subsequently, we received additional data and explanations directed to portions of the response that were incomplete, inaccurate or unclear. Where questions remain, we will seek further clarification and additional information during the verification of the response.

Scope of Investigation

The merchandise covered by this investigation is choline chloride which is currently classified under item number 439.5055 of the *Tariff Schedules of the United States Annotated* (1983) (TSUSA) and currently dutiable at 3.7 percent *ad valorem*. Pure choline chloride is a chemical with chemical formula of C5H14 CINO and a molecular weight of 139.6. The chemical name is (2-hydroxyethyl) trimethylammonium chloride. Choline chloride is marketed in several forms including, but not limited to, a solution of 70 percent choline chloride in water (aqueous choline chloride) or in potencies of 50 or 60 percent dried on a cereal carrier.

This investigation covers the period February 1, 1983 through November 30, 1983.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States prices with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the exporter's sales price of the subject merchandise to represent the United States price for the sales by Imperial Chemical Industries PLC (ICI) because the merchandise was sold to unrelated purchasers after importation into the United States. We calculated the exporter's sales price for ICI based on the f.o. b. delivered, packed price of liquid choline chloride. We made deductions for United Kingdom inland freight, ocean freight, insurance, loading charges, U.S. inland freight, import duties, brokerage, and commisions.

Foreign Market Value

In accordance with § 353.3 of the Commerce Regulations (19 CFR 353.3) we used home market sales for determination of foreign market value for ICI. We calculated the home market prices on the basis of delivered, packed prices to unrelated purchasers in the United Kingdom. From these prices we made deductions for inland freight, insurance, packing incurred for similar merchandise, and conversion costs for similar merchandise (choline chloride in dry cereal or silica form).

We allowed a circumstance of sale adjustment for differences in credit expenses in accordance with § 353.15(a) of the Commerce Regulations. We also made adjustments for indirect selling expenses incurred in the home market up to the amount of U.S. commissions incurred. We did not allow for warehousing as a charge but included it as an indirect selling expense.

Negative Determination of Critical Circumstances

Counsel for petitioner alleged that imports of choline chloride from the United Kingdom present "critical circumstances." Under section 733(e)(1) of the Act, critical circumstances exist when the Department has a reasonable basis to believe or suspect that: (A)(i) There is a history of dumping in the United States or elsewhere of the merchandise under investigation, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise under investigation at less than its fair value; and (B) there have been massive imports of the merchandise under investigation over a relatively short period.

In determining massive imports over a short period of time, we looked at recent trends in import penetration levels; whether recent imports are significantly above the average calculated over the last two years; and whether the pattern of imports over the last two year period may be explained by seasonal swing. After examing imports of choline chloride from the United Kingdom with respect to these considerations we find that there have not been massive imports over a relatively short period of time.

Therefore, because there have not been massive imports over a short period of time, we determined that critical circumstances do not exist for choline chloride from the United Kingdom.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination.

In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on May 24, 1984, at the United States Department of Commerce, room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs

in at least 10 copies must be submitted to the Deputy Assistant Secretary by May 17, 1984. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with section 353.46 of the Commerce Department Regulations, (19 CFR 353.46), within 30 days of this notice's publication, at the above address and in at least 10 copies.

This determination is being published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(b).

Dated: April 23, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-11609 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Sri Lanka

April 25, 1984.

The Chairman of the Committee for Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 1, 1984. For further information contact Ross Arnold, International Trade Specialist (202) 377-4212.

Background

A CITA directive dated June 16, 1983 (See 48 FR 28311) established restraint limits for specified categories of cotton, wool and man-made fiber textile products, including Categories 348 (women's, girls' and infants' cotton trousers) and 640 (man-made fiber woven shirts), produced or manufactured in Sri Lanka and exported during the thirteen-month period which began on May 1, 1983 and extends through May 31, 1984. In the CITA directive published below the limit for Category 348 is being increased from 285,988 dozen to 301,914 dozen by the application of swing provided under the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreement of May 10, 1983 between the Governments of the United States and Sri Lanka. The agreement also provides that the same amount in equivalent square yards must be deducted from another specific limit category. Accordingly, the limit for Category 640 is being reduced from 103,393 dozen to 91,581 dozen for goods exported during the same agreement period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 25, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of June 16, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Sri Lanka.

Effective on May 1, 1984, you are directed to adjust the restraint limits established for Categories 348 and 640 in the directive of June 16, 1983 to the limits indicated, according to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 10, 1983 between the Governments of the United States and Sri Lanka.[1]

Category	Amended 12-month limit [1]
348	301,914 dozen.
640	91,581 dozen.

[1] The limits have not been adjusted to account for any imports exported after April 30, 1983.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-11576 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-DR-M

[1] The agreement provides, in part, that any specific limit and sublimit may be exceeded by designated percentages of the square yards equivalent total in any agreement period, provided that the amount of the increase is compensated for by an equivalent decrease in one or more other specific limits.

Announcing a Change in the Official Authorized To Issue Export Visas and Certifications To Exempt Certain Textile and Apparel Products from the Republic of Korea

April 25, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under authority contained in the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 14, 1982 between the Governments of the United States and the Republic of Korea and E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs. For further information contact Ross Arnold, International Trade Specialist (202/377-4212).

Background

On April 21, 1982 a notice was published in the **Federal Register** (47 FR 17104) which summarized provisions of the export visa and exempt certification requirements for certain cotton, wool, and man-made fiber textile and apparel products from Korea, established by a CITA directive of May 19, 1972, as amended. The notice stated that only one official is authorized by the Korean Government to issue export visas and exempt certifications. The Korean Government has recently notified the United States Government that, Effective on April 1, 1984 for merchandise exported on and after that date, the authorized issuing official has been changed to Kim Yung Chul, who will sign as Y. C. Kim.

The purpose of this notice is to advise the public of this change. Merchandise exported from the Republic of Korea before April 1, 1984 with visas or exempt certifications issued by Chung Duck Yung (D. Y. Chung) will not be denied entry. The signature of either official will be accepted for goods exported from April 1 through June 30, 1984; however, the signature of Chung Duck Yung (D. Y. Chung) will not be accepted for any goods exported from the Republic of Korea on and after July 1, 1984.

Effective Date: April 30, 1984.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 25, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of May 19, 1972, as amended, from the Chairman of the Committee for the Implementation of Textile Agreements which established an export visa requirement for certain cotton, wool and man-made fiber textile products from Korea.

Effective on April 30, 1984 the directive of May 19, 1972 is hereby further amended to require that for merchandise exported on and after April 1, 1984, the official authorized by the Government of the Republic of Korea to issue export visas and exempt certifications will be changed to Kim Yung Chul (Y. C. Kim). The signature of either Chung Duck Yung (D. Y. Chung) or Kim Yung Chul (Y. C. Kim) will be accepted for goods exported from April 1 through June 30, 1984. The signature of Chung Duck Yung will not be accepted for any merchandise exported on and after July 1, 1984. For merchandise exported before April 1, 1984 D. Y. Chung is the official authorized to sign export visas and exempt certifications.

The Commission for the Implementation of Textile Agreements has determined that these actions falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-11574 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-DR-M

Import Restraint Limit for Certain Cotton Apparel Exported From Pakistan

April 25, 1984.

On February 14, 1984, a notice was published in the **Federal Register** (49 FR 5647) announcing that on January 29, 1984 the United States Government, under the terms of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, had requested the Government of Pakistan to enter into consultations concerning exports to the United States of men's and boy's cotton coats in Category 334, produced or manufactured in Pakistan.

Consultations have been held concerning this category but no agreement was reached. The United States Government has decided, therefore, pending a mutually satisfactory solution, to control imports in Category 334 at a limit of 30,706 dozen for the period which began on January 29, 1984 and extends through December 31, 1984. In the event a different solution is agreed upon between the two governments, further notice will be published in the **Federal Register.**

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs of prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton apparel products in Category 334 exported during the designated period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Sepecialists, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 25, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton Textile Agreement of March 9 and 11, 1982 between the Governments of the United States and Pakistan; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on April 30, 1984, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 334 produced or manufactured in Pakistan, and exported during the period which began on January 29, 1984 and extends through December 31, 1984, in excess of 30,706 dozen.[1]

Textile products in Category 334 which have been exported to the United States prior to January 29, 1984 shall not be subject to this directive.

Textile products in Category 334 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-11580 Filed 4-27-84; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to reflect any imports exported after January 28, 1984.

Announcing Import Restraint Limits for Certain Cotton and Wool Apparel Exported From India

April 25, 1984.

On February 13, 1984, a notice was published in the **Federal Register** (49 FR 5368) announcing that on January 28, 1984 the United States Government, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982, had requested the Government of India to enter into consultations concerning exports to the United States of men's and boys' cotton coats in Category 334 and wool sweaters in Categories 445 and 446, produced or manufactured in India.

Consultations have been held concerning these categories, but no agreement was reached on a mutually satisfactory solution. The United States Government has decided, therefore, to control imports of cottom and wool apparel in Categories 334, 445 and 446 at the following prorated twelve-month limits. These limits are subject to flexibility adjustments under the terms of the agreement.

Category	Prorated 12-month limit	Period
334	28,876 dozen	Jan. 28, 1984 to Dec. 31, 1984.
445	10,174 dozen	Jan. 28, 1984 to Dec. 31, 1984.
446	22,628 dozen	Jan. 28, 1984 to Dec. 31, 1984.

The foregoing limits for Categories 334, 445 and 446 may be adjusted to reflect final 1983 exports from India through April 30, 1984. For purposes of establishing the limits for the January 28-December 31, 1984 period, the count of 1983 exports from India in these three categories at the end of April 1984 will be considered final by the U.S. Government, and there will be no further adjustments made in those limits to reflect 1983 trade.

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cottom and wool apparel products in Categories 334, 445 and 446 exported during the designated period.

Effective Date: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377–4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreement.

April 25, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear. Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 12, 1982 between the Governments of the United States and India; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on April 30, 1984, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and wool textile products in Categories 334, 445 and 446, produced or manufactured in India, and exported during the period which began on January 28, 1984 and extends through December 31, 1984, in excess of the following:

Category	Prorated 12-month limit [1]	Period
334	28,876 dozen	Jan. 28, 1984 to Dec. 31, 1984.
445	10,174 dozen	Jan. 28, 1984 to Dec. 31, 1984.
446	22,628 dozen	Jan. 28, 1984 to Dec. 31, 1984.

[1] The limits have not been adjusted to reflect any imports exported after January 27, 1984

Textile products in Categories 334, 445 and 446 which have been exported to the United States prior to January 28, 1984 shall not be charged to the limits established in this directive.

Textile products in Categories 334, 445, and 446 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton and wool textile products from India have been determined by the Committee for Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84–11611 Filed 4–27–84; 8:45 am]
BILLING CODE 3510–DR–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board 1984 Summer Study Panel on Improving Current Inventory Equipment; Cancellation of Advisory Committee Meeting

The meeting of the Defense Science Board 1984 Summer Study Panel on Improving Current Inventory Equipment scheduled for 11 May 1984 in the Pentagon, Arlington, Virginia as published in the **Federal Register** (Vol. 49, No. 78, Friday, April 20, 1984, FR Doc. 84–10682) has been cancelled. The meeting scheduled for May 21–22, 1984 and all other aspects of the notice remain unchanged.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 25, 1984.

[FR Doc. 84–11534 Filed 4–27–84; 8:45 am]
BILLING CODE 3810–01–M

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.

Extension

The DD Form 441s is used to provide formal certification from contractors relative to foreign ownership, control or influence (FOCI) factors which are necessary for the DoD to determine a firm's eligibility for a facility security clearance. Since December 1974, OSD has made various commitments to the U.S. Congress, regarding the scope of the FOCI which is captured in the content of the revised form. This form cannot be eliminated because it is basic to tabulating FOCI information for industrial firms who participate in the Defense Industrial Security Clearance Program. Use of DD 441s is prescribed by DoD Regulation 5220.22–R and DoD Manual 5220.22–M.

Forward comments to Edward Springer, OMB Desk, Room 3235, NEOB, Washington, D.C., 20503, and Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C., 20301, telephone (202) 694–0187.

A copy of the information collection proposal may be obtained from Fred Schonert, DIS, HQ Administrative Services Division, 1900 Half Street, SW, Washington, D.C., 20324, telephone (202) 693–0881.

Dated: April 25, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-11604 Filed 4-27-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Logistics Agency

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 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

Contracter Bulk Liquid Facilities Report (DFSC Form 1890).

The Contractor Bulk Liquid Facilities Report (DFSC Form 1890) assures the timely and economical delivery of bulk petroleum fuels to Military Services and other Federal agencies. This report contains information on days/hours of operation at supply terminals/refineries; number of tank/truck cars loaded at specific times; maximum size of barger/tankers facilities can handle; and switching services for rail cars.

Business firms: 225 responses; 338 hours

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Daniel Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Mr. G. Beatty, Chief, Transportation Division, Room 8B427, Cameron Station, Alexandria, Va. 22314, telephone (202) 274-7471.

Dated: April 25, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-11605 Filed 4-27-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Insect and Aquatic Management Systems, Inc.; Intent To Grant Limited Exclusive Patent License

The Department of the Navy hereby gives notice of intent to grant to Insect and Aquatic Management Systems, Inc. (IAMS), a corporation of the State of Florida, a revocable, nonassignable, limited exclusive license for a period of ten years to practice the Government-owned invention described in U.S. Patent No. 4,160,033 entitled "Method for the Control of Mosquitos by the Use of Film-Forming Materials" issued July 3, 1979; inventors: William D. Garrett and William R. Barger.

This license will be granted unless within 60 days from the date of this notice written objections to this grant along with supporting evidence, if any, are received by the Office of Naval Research (Code 302), Arlington, Virginia 22217.

For further information concerning this notice, contact: Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 305), Ballston Tower No. 1, 800 N. Quincy Street, Arlington, Virginia 22217, Telephone No. (202) 696-4005.

Dated: April 25, 1984.

William F. Roos, Jr.,

LT, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84-11599 Filed 4-27-84; 8:45 am]

BILLING CODE 3810-AE-M

Intent To Prepare an Environmental Impact Statement for the Strategic Homeporting of a Carrier Battle Group Within the Puget Sound Area, Washington

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality (CEQ) Guidelines (40 CFR Part 1500), the U.S. Navy will prepare an Environmental Impact Statement (EIS) for the Strategic Homeporting of a Carrier Battle Group within the Puget Sound Area, Washington.

The proposed action involves the addition of approximately fifteen (15) ships to the number already being homeported in the Puget Sound Area. The proposal also includes land acquisition and military and community-support facilities required for the added ships and the associated personnel.

The purpose of the proposed action is to provide greater operational flexibility and responsiveness in meeting international crises, domestic disaster and routine deployment situations. Direct and immediate benefits will be realized in a more balanced berthing posture which will achieve more cost effective untilization of shore support facilities. The action will promote maximum fleet manpower productivity, maintenance training, and morale while reducing waterfront congestion and pier overloads at other Navy homeporting locations.

The purpose of scoping is to identify public and agency concerns; clearly define the environmental issues and alternatives to be examined in the EIS including the elimination of nonsignificant issues; identify related issues which originate from separate legislation, regulation, or Executive Order (e.g. historic preservation or endangered species concern); and identify State, local and Federal agency requirements which must be addressed. To affect scoping, the Navy will receive written comments for consideration and possible incorporation into the Draft EIS. As indicated in the CEQ guidelines, issues and impacts shall be discussed in proportion to their significance. Alternatives currently identified include (1) All ships at Everett (the preferred alternative), (2) All ships at Seattle Piers 90 and 91, and (3) the no-project alternative. All viable alternatives uncovered during scoping will also be evaluated. Interested persons, organizations, Federal, State and Local agencies are invited to address their comments to: Western Division, Naval Facilities Engineering Command, P.O. Box 727, 900 Commodore Drive, San Bruno, CA 94066. Attention: Mr. Robert Forsyth, Director, Installations Planning Division, Code 20.

In order that comments be considered in a timely fashion, all scoping correspondence should be received not later than 31 May 1984, or three (3) weeks after the publication date of this Notice in the **Federal Register.**

In addition, the Western Division, Naval Facilities Engineering Command will conduct an open scoping session at 5:00 p.m. on 16 May 1984 in the Jenny Stevens Hearing Room of the Snohomish County Administration Bldg., Everett, Washington. All comments and suggestions will become a part of the public record, and therefore should also be submitted in writing.

When the Draft EIS is completed, a public notice of its availability will be announced in order that the public and Federal, State and local agencies may review and comment on the document. Public hearings will be held and a Final EIS will be prepared to respond to review comments.

No action or final decision will be made on the proposed action until the NEPA process has been completed and the Secretary of the Navy, or designated representative, releases the Public Record of Decision.

Dated: April 25, 1984.

William F. Roos, Jr.,

LT, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84-11598 Filed 4-27-84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on Reduced Observables will meet on May 16 and 17, 1984, at Naval Reserve Center, Naval Station, Long Beach, California. Sessions of the meeting will commence at 9:00 a.m. and terminate at 5:00 p.m. on May 16, 1984; and commence at 9:00 a.m. and terminate at 5:00 p.m. on May 17, 1984. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to receive technical briefings on passive sensor technology, remote sensor capabilities, low probability of intercept development and bi-static/multi-static sensor systems. In addition, the panel members will review material presented at previous meetings and discuss future brefings to be received by the Panel. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696-4870.

Dated: April 25, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 11602 Filed 4-27-84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on Future Training Space will meet on May 17, 1984, at Information Spectrum, Inc., 1745 South Jefferson Davis Highway, Suite 400, Arlington, Virginia 22202. Sessions of the meeting will commence at 9:00 a.m. and terminate at 4:00 p.m. on May 17, 1984. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to review material and presentations previously received by the Panel and to conduct a working session to draft the final report. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696-4870.

Dated: April 25, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84-11601 Filed 4-27-84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting; Notice of Change of Place

Notice is hereby given April 12, 1984, at 49 FR 14556, of a meeting of the Naval Research Advisory Committee Working Group on Navy-Supported University Laboratories on May 1, 1984. The place of the meeting has been changed to Office of Naval Research, 800 North Quincy Street, Arlington, Virginia 22217, Room 616.

All other information in the previous notices remain effective.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696-4870.

Dated: April 25, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84-11600 Filed 4-27-84; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Revisions to the List of Nationally Recognized Accrediting Agencies and Associations

AGENCY: Department of Education.

ACTION: Notice.

SUMMARY: The Secretary of Education publishes revisions to the Secretary's list of nationally recognized accrediting agencies and associations. The list of revisions includes only those agencies that have been added to the list and those agencies whose scopes of recognition have changed since publication of the complete list.

FOR FURTHER INFORMATION CONTACT: Barbara Binker, Agency Evaluation Branch, Division of Eligibility and Agency Evaluation, Office of Postsecondary Education, 400 Maryland Avenue, S.W. (Room 3522, ROB-3), U.S. Department of Education, Washington, D.C. 20202. Telephone (202) 245-2810.

SUPPLEMENTARY INFORMATION: The Higher Education Act and other legislation, including the Veterans' Readjustment Assistance Act and Public Health Service Act, require the Secretary to publish a list of nationally recognized accrediting agencies that the Secretary has determined to be reliable authorities concerning educational quality. The list includes the general scope of recognition of each accrediting body. The Department of Education and other Federal agencies use the list as part of their procedures for determining institutional eligibility for certain programs contained in the legislation authorizing the list.

The Secretary recently made several additions and other modifications to the list of recognized accrediting bodies. Since the changes affect the Federal

eligibility for funding process, they are being published at this time. These revisions modify the complete list published by the Secretary on January 10, 1984, 49 FR 1275–1277.

National Institutional and Specialized Accrediting Agencies and Associations

Additions

Dance

National Association of Schools of Dance (institutions and units within institutions offering degree-granting and/or non-degree granting programs in dance and dance-related disciplines)

Diagnostic Medical Sonography

American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Joint Review Committee on Education in Diagnostic Medical Sonography, which is sponsored by the American College of Radiology, American Institute of Ultrasound in Medicine, American Society of Echocardiography, American Society of Radiologic Technologists, Society of Diagnostic Medical Sonographers, and the Society of Nuclear Medicine (programs for the diagnostic medical sonographer)

Electroencephalographic Technology

American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Joint Review Committee on Education in Electroencephalographic Technology, which is sponsored by the American Electroencephalographic Society, American Medical Electroencephalographic Association, and the American Society of Electroencephalographic Technologists (programs for the electroencephalographic technologist)

Emergency Medical Technology

American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Joint Review Committee on Educational Programs for the EMT-Paramedic, which is sponsored by the American College of Physicians, American College of Surgeons, American Society of Anethesiologists, National Association of Emergency Medical Technicians and the National Registry of Emergency Medical Technicians (programs for the emergency medical technician-paramedic)

Medical Assistant Education

American Medical Association, Commitee on Allied Health Education and Accreditation, in cooperation with the Joint Review Committee for the Ophthalmic Medical Assistant, which is sponsored by the American Association of Certified Allied Health Personnel in Ophthalmology and the Joint Commission on Allied Health Personnel in Ophthalmology (programs of six months or longer for the ophthalmic medical assistant)

Perfusion

American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Joint Review Committee for Perfusion Education, which is sponsored by the American Association for Thoracic Surgery, American Board of Cardiovascular Perfusion, American Society of Extracorporeal Technology, and the American Society of Thoracic Surgeons (programs for the perfusionist)

Accrediting Agencies and Associations Recognized for Their Preaccreditation Categories

Addition

Council for Noncollegiate Continuing Education, Accrediting Commisison (Preaccreditation Status)

Reclassification To Category of Accreditation

American Podiatry Association, Council on Podiatry Education (Preliminary Accreditation)

Dated: April 25, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84-11566 Filed 4-27-84; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Bilingual Education; Meeting Correction

SUMMARY: This notice corrects the date which appeared on the second paragraph of the supplementary Section on page 13740, of the **Federal Register** of Friday April 6, 1984, in reference to the public hearings being held by the National Advisory Council on Bilingual Education in St. Paul, Minnesota. January 11, 1984, should have been *Saturday May 5, 1984.*

FOR FURTHER INFORMATION CONTACT: Romon Ruiz, Designated Federal Official, Room 421, Reporter's Building, 400 Maryland Avenue, SW., Washington, D.C. 20202. (202) 245–2600.

Dated: April 25, 1984.

Jesse M. Soriano,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 84-11618 Filed 4-27-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Revocation of Certain Delegations of Authority To Issue Interpretations of the Department of Energy Regulations to the Assistant General Counsel for Regulatory Oversight, the Assistant General Counsel for Conservation and Renewable Energy, the Assistant General Counsel for Coal Regulations and the Assistant General Counsel for Natural Gas and Mineral Leasing; Issued April 27, 1982.

AGENCY: Department of Energy (DOE).

ACTION: Revocation of certain delegations issued on April 27, 1982.

SUMMARY: Notice hereby is given of the revocation of delegations of the General Counsel's authority to issue interpretations of the DOE regulations to the Assistant General Counsel for Regulatory Oversight, the Assistant General Counsel for Conservation and Renewable Energy, the Assistant General Counsel for Fuels Conversion, and the Assistant General Counsel for Natural Gas and Mineral Leasing. (47 FR 19732, 5–7–82) The General Counsel recently designated the Office of General Counsel officals who are authorized to sign all documents for submission for publication in the **Federal Register.** These designations are restricted to the General Counsel, Deputy General Counsel, and Deputy General Counsel for Regulation. Consequently, the General Counsel has revoked the delegations to above-referenced Assistant General Counsels, which provided authority to sign documents related to such interpretations for submission to the **Federal Register** for publication, including the interpretations themselves.

EFFECTIVE DATE: March 29, 1984.

FOR FURTHER INFORMATION CONTACT: Lise Courtney M. Howe, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, SW., Room 6A–141, Washington, D.C. 20585, (202) 252–2900.

Issued in Washington, D.C. on April 20, 1984.

Theodore J. Garrish,

General Counsel.

[FR Doc. 84-11607 Filed 4-27-84; 8:45 am]

BILLING CODE 6450-01-M

Scientific and Technical Conferences Grand Awards; Class Deviation From Federal Register Publication Requirement

AGENCY: Department of Energy.

ACTION: Notice of class deviation.

SUMMARY: The Department of Energy (DOE) announces that a class deviation has been established which exempts grant awards for certain scientific and technical conferences relevant to the programs of the Office of Energy Research (OER) from the requirement that "either a copy or a notice of the availability of a financial assistance solicitation [be published] in the **Federal Register**" (10 CFR 600.9(a)(2)) before a discretionary grant award is made.

DATE: The class deviation shall be effective May 15, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas M. Reynolds, Business and Financial Policy Branch (MA–421.2), Procurement and Assistance Management Directorate, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. (202) 252–8191.

Carol A. Cowgill, Office of Assistant General Counsel for Procurement and Financial Incentives, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6902.

SUPPLEMENTARY INFORMATION: The Department's scientific research supported by OER involves activities that crosscut the missions of several of the Department's technology developmemt programs. This research includes efforts in the physical and biological sciences; engineering, applied mathematics, and geosciences; and in biological and environmental research.

Each year, OER receives about 30 unsolicited applications requesting DOE financial assistance to support scientific and technical symposia or conferences on subjects relevant to the programs and missions of the OER. Depending upon the availability of funds, OER may provide some or all of the requested financial assistance. Past conference grant recipients include the National Academy of Sciences, the American College of Nuclear Physicians, and Cold Spring Harbor Laboratory.

Since few of these applications satisfy the strict selection criteria for acceptance of unsolicited proposals in 10 CFR 600.14(e)(1)(ii) that the project represent a "unique, or innovative idea, method, or approach," DOE has been required to follow the procedures for solicited applications in awarding these conference grants even though the solicitation must be limited to the sponsor of the proposed conference.

10 CFR 600.7(b) and 10 CFR 600.9(a)(2) provide that whenever eligibility is restricted, the restriction must be explained in a solicitation. Whenever a solicitation is issued, DOE must publish a copy or a notice of its availability in the **Federal Register**. The effect of compliance with these requirements is to solicit an application which has previously been received on an unsolicited basis.

The OER has requested that the Director, Procurement and Assistance Management Directorate, authorize a class deviation in accordance with 10 CFR 600.4, exempting OER conference grants from the solicitation requirements of the DOE-FAR described above. OER submits that the deviation is necessary to conserve public funds (10 CFR 600.4(b)(2)) because issuing a solicitation to an applicant who has already submitted an application is wasteful and unnecessary. The deviation is granted as indicated below.

Deviation

The deviation from the solicitation requirement of 10 CFR 600.9(a)(2) shall apply to applications under the circumstances discussed above when: (1) The applicant is sponsoring a scientific or technical conference, symposium, workshop, or seminar for the purpose of communicating or exchanging information or views pertinent to the program mission of the DOE/OER, (2) the applicant agrees to cost share in the allowable costs determined in accordance with the applicable Federal Cost principles, and (3) the project period of the grant shall not exceed one year. A justification for restricted eligibility (10 CFR 600.7(b)) shall be included in the official award file.

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

Thomas J. Davin, Jr.,

Deputy Director, Procurement and Assistance Management Directorate.

[FR Doc. 84–11508 Filed 4–27–84; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Finality of Oil Pipeline Valuation Reports; Correction

February 6, 1984.

The Notice of Finality of Oil Pipeline Valuation Reports which was published by the FERC on February 6, 1984, and published in the **Federal Register**, February 9, 1984, in Volume 49, page 4975, incorrectly lists Docket No. PV—1452–000, Chase Transportation Company (Chase) 1978 Valuation Report as having been issued. This information is incorrect. The 1978 Valuation Report for Chase has not been issued.

Dated: April 26, 1984.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 84–11508 Filed 4–27–84; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

Science Advisory Board Subcommittee on Strategic and Long-Term Research Planning; Open Meeting

[FRL–2577–7]

Under Public Law 92–463, notice is hereby given that a one-day meeting of the Science Advisory Board's (SAB) Subcommittee on Strategic and Long-Term Research Planning will be held on May 17, 1984 in Room 1112–A, U.S. Environmental Protection Agency, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia. The meeting will begin at 9:00 a.m. and the estimated time of adjournment is 5:00 p.m.

The purpose of the meeting is to continue the review of EPA's research centers program. Major issues for SAB consideration are: (1) Examining what environmental areas or themes will be of the highest priority in the future, and (2) assisting the Office of Research and Development (ORD) in conducting a scientific review of the centers associated with ORD's undertaking of a scientific and management review of the program. The SAB's assistance is being solicited to review the effectiveness of the research centers program as a means of carrying out ORD's mission, advising on the quality of work performed by the centers, and advising ORD on the issue of the competitive renewal of centers. Six research quality review criteria will be used to evaluate the centers program: (1) *The Research Program.* From a scientific point of view, is the research program well designed and focused? (1) *Research Quality and Control.* Are there acceptable peer review procedures to ensure the quality of research projects and publications? (3) *Quality Assurance.* What measures are taken to define the quality of research data generated? (4) *Non-Center Considerations.* Are there any considerations outside the center director's control that may have an

impact on this evaluation? (5) *Communications.* To what extent has there been interaction between EPA and the centers? (6) *Intra-University Linkages.* How well do the centers act as magnets to draw in other researchers within the University to participate in research projects?

During April 1984, members of the subcommittee conducted site visits at the following centers: (1) Advanced Environmental Control Technology Research Center, University of Illinois, Urbana, IL; (2) National Center for Groundwater Research, Rice University, Houston, TX; (3) Ecosystems Research Center, Cornell University, Ithaca, NY; and (4) Center for Environmental Epidemiology, University of Pittsburgh, Pittsburgh, PA.

The agenda for this meeting includes discussion of the results of the four site visits, dialog with staff of EPA's Office of Exploratory Research, and drafting of the initial report to the Administrator.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Mr. A. Robert Flaak, Executive Secretary, Subcommittee on Strategic and Long-Term Research Planning, Science Advisory Board, by close of business May 15, 1984. The telephone number is (202) 382–2552.

Terry F. Yosie,

Staff Director, Science Advisory Board.

April 24, 1984.

[FR Doc. 84–11558 Filed 4–27–84; 8:45 am]

BILLING CODE 6560–50–M

EXPORT-IMPORT BANK OF THE UNITED STATES

Agency Forms Submitted for OMB Review

AGENCY: Export-Import Bank of the United States.

ACTION: In accordance with the provisions of the Paperwork Act of 1980, Eximbank has submitted a proposed collection of information to the Office of Management and Budget for review.

Purpose: The proposed forms are to be used by commercial banks and other lenders in applying for guarantees on working capital loans advanced by the lenders to U.S. exporters.

SUMMARY: The following summarizes the information collection proposal submitted to OMB:

(1) Type of request—new

(2) Number of forms submitted—three

(3) Form numbers—EIB Nos. 84–1, 84–2, and 84–3

(4) Titles of information collection—EIB 84–1—Application for Working Capital Loan Guarantee; 84–2—Working Capital Loan Guarantee Program—Request for Guarantee; 84–3—Working Capital Loan Guarantee Program—Commitment Notice

(5) Frequency of Use—Upon application for guarantees on working capital loans advanced by the lenders to U.S. exporters.

(6) Respondents—Commercial banks and other lenders throughout the United States.

(7) Estimated number of responses—250

(8) Estimated total number of hours needed to fill out form—250. Section 3504(h) of Pub. L. 96–511 does not apply.

Additional Information or Comments: Copies of the proposed format and supporting documents may be obtained from Helene H. Wall, Agency Clearance Officer, (202) 566–8111. Comments and questions should be directed to (OMB) Francine Picoult, (202) 395–7231.

Dated: April 24, 1984.

Helene H. Wall,

Agency Clearance Officer.

[FR Doc. 84–11562 Filed 4–27–84; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL MARITIME COMMISSION

[Agreement No. 10500]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10500 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

The proposed agreement is between Nippon Yusen Kaisha and Showa Line, Ltd. (Showa). The agreement would establish a new space chartering arrangement which the parties describe as a "mirror image of Agreement No. 10457", previously approved by the Commission in 1984. The purpose of the new agreement is merely to substitute Showa as a party to the agreement in place of Korea Marine Transport Co., Ltd.

This Finding of No Significant Impact (FONSI) will become final within 10 days of publication of this notice in the Federal Register unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 84–11597 Filed 4–27–84; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License Applicants; Oceanair Express

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

Ralph A. Barreto dba Oceanair Express, 20830 Florcraft Avenue, Lakewood, CA 90715.

By the Federal Maritime Commission.

Dated: April 25, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84–11596 Filed 4–27–84; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2423]

Alberto C. Sapico d.b.a. Sapico Freight Services; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission Rule 510.15(d) of the Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Alberto C. Sapico dba Sapico Freight Services, 9166 Cerritos Avenue, #57, Anaheim, CA 92804 was cancelled effective April 18, 1984.

By letter dated March 20, 1984, Alberto C. Sapico dba Sapico Freight Services was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2423 would be automatically revoked

unless a valid surety bond was filed with the Commission.

Alberto C. Sapico dba Sapico Freight Services has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(f) dated September 27, 1983;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2423 be and is hereby revoked effective April 18, 1984.

It is ordered, that Independent Ocean Freight Forwarder License No. 2423 issued to Alberto C. Sapico dba Sapico Freight Services be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Alberto C. Sapico dba Sapico Freight Services.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 84-11595 Filed 4-27-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Financial Trans Corp. et al.

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 section 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 22, 1984.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Financial Trans Corp.*, Carlisle, Pennsylvania; to acquire 100 percent of the voting shares or assets of Chambersburg Trust Company, Chambersburg, Pennsylvania. Comments on this application must be received not later than May 21, 1984.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Five Flags Banks, Inc.*, Pensacola, Florida; to become a bank holding company by acquiring 80 percent of the voting shares of the following banks: The Warrington Bank, Pensacola, Florida; Bank of the South, Pensacola, Florida; and First Navy Bank, Pensacola, Florida.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Bakken Securities Corporation, Inc.*, St. Louis Park, Minnesota; to become a bank holding company by acquiring 94 percent of the voting shares of Citizens State Bank of St. Louis Park, St. Louis Park, Minnesota.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoeing, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Security Corporation*, Duncan, Oklahoma; to acquire 13 percent of the voting shares of assets of Charter Bancshares, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire Charter National Bank, Oklahoma City, Oklahoma.

2. *Security Corporation*, Duncan, Oklahoma; to acquire 16.97 percent of the voting shares of Chickasha Bancshares, Inc., Chickasha, Oklahoma, thereby indirectly acquiring Chickasha Bank & Trust Company, Chickasha, Oklahoma.

3. *Sunwest Financial Services, Inc.*, Albuquerque, New Mexico; to acquire 100 percent of the voting shares or assets of Sunwest Bank of Sandoval County, N.A., Rio Rancho, New Mexico, a proposed new bank.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas Texas 75222:

1. *RepublicBank Corporation*, Dallas, Texas; to acquire 100 percent of voting shares or assets of RepublicBank Eldridge, N.A., Houston, Texas, a de novo bank.

Board of Governors of the Federal Reserve Systerm, April 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-11502 Filed 4-27-84; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Company Engaged in Permissible Nonbanking Activities; Security Pacific Corp.

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to 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 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 May 14, 1984.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation*, Los Angeles, California; to acquire all of the issued and outstanding stock of Hoenig & Company, Inc., New York, New York, and thereby engage in providing securities execution and discount

brokerage services, provided that such services will be restricted to executions solely as agent for the account of customers and will not include securities underwriting, dealing or investment advice or research services. These activities will be conducted from offices located in New York, New York; Chicago, Illinois; Boston, Massachusetts; and Santa Barbara, California.

Board of Governors of the Federal Reserve System, April 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-11503 Filed 4-27-84; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 84-0272—Zapata Corporation's proposed acquisition of assets of Seacoast Products, Incorporated, (Hanson Trust PLC, UPE).	April 12, 1984.
(2) 84-0311—Transamerica Corporation's proposed acquisition of voting securities of Florida Growth Services, Incorporated, (Samuel B. Lawrence, UPE).	Do.
(3) 84-0315—Kleinwort, Benson, Lonsdale, PLC's proposed acquisition of voting securities of ACLI Government Securities, Incorporated, (Donaldson, Lufkin & Jenrette, Incorporated, UPE).	Do.
(4) 84-0327—Beatrice Foods Company's proposed acquisition of voting securities of Bass Pro Shops, Incorporated, (John L. Morris, UPE).	Do.
(5) 84-0349—Joy Manufacturing Company's proposed acquisition of assets of ACF Industries Incorporated's W-K-M Division.	Do.
(6) 84-0323—Pacific Lighting Corporation's proposed acquisition of Neuhoff Oil and Gas Corporation.	April 13, 1984.
(7) 84-0330—McKesson Corporation's proposed acquisition of assets of Champion Office Products Division, (Champion International Corporation, UPE).	Do.
(8) 84-0295—Whirlpool Corporation's proposed acquisition of assets of Michigan National Leasing Corporation, (Michigan National Corporation, UPE).	April 16, 1984.
(9) 84-0301—Anchor Hocking Corporation's proposed acquisition of assets of Keycon Industries, Incorporated.	Do.
(10) 84-0281—Kramer Capital Corporation's proposed acquisition of voting securities on North America Company for Property and Casualty Insurance, (RCA Corporation, UPE).	Do.
(11) 84-0239—Thomas Industries Incorporated's proposed acquisition of voting securities of Capri Lighting Incorporated, (Bert Finmark and Sylvan Gerber, UPE's).	Do.
(12) 84-0240—Thomas Industries Incorporated's proposed acquisition of voting securities of Capri Lighting Incorporated, (Bert Finmark and Sylvan Gerber, UPE's).	Do.
(13) 84-0334—Super Valu Stores Incorporated's proposed acquisition of voting securities of Conren, Incorporated.	Do.
(14) 84-0269—Brockway Incorporated's proposed acquisition of voting securities of Ethyl Corporation.	April 17, 1984.
(15) 84-0320—Sunshine Mining Company's proposed acquisition of voting securities of Ranchers Exploration and Development Corporation.	Do.
(16) 84-0284—Hecla Mining Company's proposed acquisition of voting securities of Ranchers Exploration and Development Corporation.	Do.
(17) 84-0293—Phillips Petroleum Company's proposed acquisition of assets of Seaway Pipeline, Incorporated.	Do.
(18) 84-0314—Tele-Communications, Incorporated's proposed acquisition of assets of Cross-Country-Cable-Chesapeake.	April 18, 1984.
(19) 84-0321—The Limited Incorporated's proposed acquisition of voting securities of Carter Hawley Hale Stores Incorporated.	Do.
(20) 84-0290—Blue Bell Incorporated's proposed acquisition of assets of Jan-Sport, Incorporated.	April 19, 1984.
(21) 84-0290—Blue Bell Incorporated's proposed acquisition of assets of Jan-Sport, Incorporated.	Do.
(22) 84-0316—Bessemer Securities Corporation's proposed acquisition of assets of Small Tube Products Division, (National Distillers and Chemical Corporation, UPE).	Do.
(23) 84-0338—Central Soya Company, Incorporated's proposed acquisition of voting securities of Zatarain's Incorporated, (James G. Viavant, UPE).	Do.
(24) 84-0340—The Chubb Corporation's proposed acquisition of voting securities of Volunteer State Life Insurance Company, (Monumental Corporation, UPE).	Do.
(25) 84-0343—Carson, Pirie, Scott & Company's proposed acquisition of voting securities of The MacDonald Companies, Incorporated, (William S. MacDonald, UPE).	Do.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-11588 Filed 4-27-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Whole-Body Vibration; Effects on the Musculoskeletal System; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Date: May 14, 1984.

Time: 9:00 a.m.–4:00 p.m.

Place: Room B-56, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To review and discuss "Whole-Body Vibration: Effects on the Musculoskeletal System," a laboratory study of the effects of whole-body vibration on heavy equipment operators, farm equipment operators, as well as bus and truck drivers. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional infromation may be obtained from: Ms Nadian Eickerson, Division of Biomedical and behavioral Science, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephones: FTS: 684-8283, Commercial: 513/684-8283.

Dated: April 24, 1984.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 84-11533 Filed 4-27-84; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 84N-0124]

Chattem, Inc., et al.; New Drug Applications; Withdrawal of Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) withdraws approval of 122 new drug applications (NDA's) and two abbreviated new drug applications (ANDA's) based on the written request of the applicants.

EFFECTIVE DATE: May 30, 1984.

FOR FURTHER INFORMATION CONTACT: Ron Lyles, Center for Drugs and Biologics (formerly National Center for Drugs and Biologics) (HFN–105), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4320.

SUPPLEMENTARY INFORMATION: The holders of the NDA's and ANDA's listed below have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their request, waived their opportunity for hearing.

NDA and drug name	Applicant's name and address
00–802 MetaCine Douche Powder.	Chattem, Inc., 1715 West 38th St., Chattanoga, TN 37409.
00–637 Brewers Yeast Tablets and Powder.	Mead Johnson Pharmaceutical Division, Evansville, IN 47721.
01–007 Special Formula Tablets.	William H. Rorer, Inc., Fort Washington, PA 19034.
01–708 Gylcine HCl Capsules.	Almay, Inc., Apex, NC 27502.
02–005 Thiamintol	William H. Rorer, Inc.
02–368 Napental Capsules.	Beecham Laboratories, Inc., 501 Fifth St., Bristol, TN 37620.
02–630 Special Tablet-Dr. R. L. Moore.	William H. Rorer, Inc.
02–970 Special No. 13791.	Do.
03–005 Special No. 13801.	Do.
03–236 Special No. 1138–70.	Do.
03–307 Potslotion	Do.
03–568 Vitamin B_{12} HCl	Burroughs Wellcome Co., 3030 Cornwallis Rd., Research Triangle, NC 27709.
03–590 Amigen Powder	Mead Johnson Pharmaceutical Division.
03–801 Ironco-B Enteric-Coated Tablets.	The Vale Chemical Co., Inc., 1201 Liberty St., Allentown, PA 18102.
04–008 Nutramigen Powder.	Mead Johnson Pharmaceutical Division.
04–286 Globin Insulin with zinc.	Burroughs Wellcome Co.
05–259 Intocostrin	E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540.
05–297 Penicillin Sodium Injection.	Do.
05–381 Tyrothricin	Do.
05–400 Penicillin	International Minerals and Chemical, P.O. Box 207, Terre Haute, IN 47808.
05–401 Penicillin	Cutter Laboratories, Inc., Fourth and Parker Sts., Berkeley, CA 94710.
05–454 Penicillin	Hoffman-La Roche, Inc., Nutley, NJ 07110.
05–497 Penicillin	International Minerals and Chemical.
05–528 Penicillin	E. R. Squibb & Sons, Inc.
05–563 Penicillin	Cutter Laboratories, Inc.
05–675 Penicillin Calcium.	E. R. Squibb & Sons, Inc.
05–680 Penicillin Calcium Wafers.	Do.
05–690 Calcium Penicillin.	Hoffman-La Roche, Inc.
05–713 Penicillin Calcium Oral Tablets.	E. R. Squibb & Sons, Inc.
05–730 Topicillin (Penicillin Calcium).	Do.
05–737 Tyrothricin Solution.	International Minerals and Chemical.
05–772 Koromex Jelly	Holland Rantos Co., Inc., P.O. Box 5147, Trenton, NJ 08638.
05–887 Streptomycin Sulfate.	E. R. Squibb & Sons, Inc.
05–900 Sipentral Cream	Ayerst Laboratories, Ltd. (Canada) P.O. Box 6115, Montreal, Quebec, Canada H3C 3JI.
05–934 Timotac Powder and Ointment.	Burroughs Wellcome Co.
06–052 Streptomycin	Cutter Laboratories, Inc.
06–065 Streptomycin Sulfate.	Burroughs Wellcome Co.
06–166 Dalyde	Hynson, Westcott and Dunning, Inc., Charles and Chase St., Baltimore, MD 21201.
06–283 Tubarine Injection.	Burroughs Wellcome Co.
06–545 Bacitracin Ointment.	International Minerals and Chemical.
06–689 Bacitracin Nasal Solution.	Do.
06–722 Bacitracin Troche-Buccal.	Do.
06–754 Vitamin B_{12}	E. R. Squibb & Sons, Inc.
06–836 Bacitracin Tablet—Oral.	International Minerals and Chemical.
06–846 Propylthiouracil Tablet.	Rexall Drug Co., 3901 North Kings Highway, St. Louis, MO 63115.
06–947 Perazil Tablets	Burroughs Wellcome Co.
07–143 Histamal Tablets.	Almay, Inc.
07–238 Vasoxyl-P Injection.	Burroughs Wellcome Co.
07–239 Vasoxyl Nasal Solution and Spray.	Do.
07–290 Rubafolin Capsules.	E. R. Squibb & Sons, Inc.
07–412 Pasna Granules	Barnes-Hind Pharmaceuticals, Inc., 895 Kifer Rd., Sunnyvale, CA 94086.
07–866 Testryl Injection	E. R. Squibb & Sons, Inc.
07–947 Nikethamide Hypofils.	Do.
08–390 Rimifon Tablets	Hoffman-La Roche, Inc.
08–462 Pasca Granules	Barnes-Hind Pharmaceuticals, Inc.
08–535 Zonazide Tablets.	Richlyn Laboratories, Inc., Cassor and Kesington Aves., Philadelphia, PA 19124.
08–548 Cyclogen Solution.	Almay, Inc.
08–700 Darillone Tablets.	Do.
08–742 Takon Ointment	Barnes-Hind Pharmaceuticals, Inc.
08–807 Isoniazid Tablets.	Do.
8–954 Eutomist Spray	Adris Laboratories, P.O. Box 16529, Columbus, OH 43216.
09–076 Eudicalma with Antihistamine and Benzocaine.	Rexall Drug Co.
09–085 Xumbradil Solution.	Astra Pharmaceutical Products, Inc., P.O. Box 1089, Framingham, MA 01701.
09–169 Neomycin Sulfate Ointment.	Norwich-Eaton Pharmaceuticals, P.O. Box 191, Norwich, NY 13815.
09–224 Ilidar Ampules	Hoffman-La Roche, Inc.
09–416 Imadyl Unction Ointment.	Do.
09–451 Nystatin Oral Tablets.	E. R. Squibb & Sons, Inc.
09–466 Sodium p-aminosalicylate with Isoniazid Tablets.	Richlyn Laboratories, Inc.
09–490 Rauwolfia Tablets.	Rexall Drug Co.
09–554 Florinef Acetate Lotion and Ointment.	E. R. Squibb & Sons, Inc.
09–675 Astrafer Injection.	Astra Pharmaceutical Products, Inc.
09–725 Rauwolfia Serpentina Tablets.	Kirkman Laboratories, Inc., P.O. Box 3929, Portland, OR 97208.
09–748 Biprosep Ointment.	Beechman Laboratories, Inc.
09–792 Biprosep Aerosol Spray.	Do.
10–024 Nystatin Cream and Ointment.	E. R. Squibb & Sons, Inc.
10–025 Nystatin Vaginal Tablets.	Do.
10–026 Nystatin for Oral Suspension.	Do.
10–074 Florinef-S Ophthalmic Solution*.	Do.
10–145 Vio-Serpine	Rowell Laboratories, Inc., 210 Main St. W., Baudette, MN 56623.
10–165 Resine Tablets	Kirkman Laboratories, Inc.
10–182 Serpivite Injection.	Invenex Laboratories, P.O. Box 122, Grand Island, NY 14072.
10–287 Neomycin w/ Mycostatin Tablet.	E. R. Squibb & Sons, Inc.
10–333 Somatovite Tablets.	The Purdue Frederick Co., 50 Washington St., Norwalk CT 06856.
10–542 Neomycin Sulfate & Hydrocortisone Acetate Ointment.	Norwich-Eaton Pharmaceuticals.
10–690 Fluoromar Liquid.	Ohio Medical Products, Division of AIRCO, Inc., Murray Hill, NJ 07974.
10–719 Mycostatin Powder*.	E. R. Squibb & Sons, Inc.
10–735 Vitamin B_{12} Injection.	Barnes-Hind Pharmaceuticals, Inc.
10–747 Gantrimycin	Hoffman-La Roche, Inc.
10–805 Furadantin Sodium IV.	Norwich-Eaton Pharmaceuticals.
11–147 Sulfa-Polygyl Ophthalmic Drops.	Almay, Inc.
11–163 Fungizone for Infusion*.	E. R. Squibb & Sons, Inc.
11–184 Banish Shampoo.	American Cyanamid Co., 697 Route 46, Clifton, NJ 07015.
11–190 Florotic	E. R. Squibb & Sons, Inc.
11–193 Aero Meter	Rexall Drug Co.
11–328 Myconef Ointment*.	E. R. Squibb & Sons, Inc.
11–554 Reserpine Tablets.	Rexall Drug Co.
11–603 Kenalog-S Lotion*.	E. R. Squibb & Sons, Inc.
11–663 Cyclomydril Ophthalmic Drops.	Almay, Inc.
11–667 Mycostatin with Garneodin Powder.	E. R. Squibb & Sons, Inc.
11–750 Mycolog Ointment*.	Do.
11–766 Madribon Pediatric Drops.	Hoffman-La Roche, Inc.
11–942 Tennacetin Ointment.	Beechman Laboratories, Inc.
11–966 Mycolog Cream*.	E. R. Squibb & Sons, Inc.
12–096 Kenalog-S Ointment*.	Do.
12–310 Therapas Powder.	Barnes-Hind Pharmaceuticals, Inc.
12–344 Lucanthone Tablets.	Burroughs Wellcome Co.
12–407 Alcopara Dispersable Granules.	Do.
12–961 Fungizone Lotion*.	E. R. Squibb & Sons, Inc.
13–078 Nobrium	Hoffman-La Roche, Inc.
13–198 Jectofer Injection.	Astra Pharmaceuticals Products, Inc.
13–342 Bioplant	E. R. Squibb & Sons, Inc.
13–594 Quilene	William H. Rorer, Inc.
14–394 Xylocaine 10% Aerosol Spray.	Astra Pharmaceuticals Products, Inc.
16–044 Pergonal Mentropins.	Cutter Laboratories, Inc.
16–081 Sopor Tablets	American Critical Care, 2800 Waukeegan Rd., McGaw Park, IL 60085.
16–113 NAC Diagnostic Reagant.	Mead Johnson Pharmaceuticals Division.
16–459 PETN	Kirkman Laboratories, Inc.
16–630 PETN with Phenobarbital.	Rexall Drug Co.
16–642 Chlormerodrin Hg 197 Injection.	Mallinckrodt, Inc., P.O. Box 5840, St. Louis, MO 63134.
16–661 Pentaerythritol Tetranitrate.	Ferndale Laboratories, Inc., 780 West Eight Mile Rd., Ferndale, MI 48220.
17–216 Triolsin I–131 Capsules.	Mallinckrodt, Inc.
50–054 Lubasporin Jelly	Burroughs Wellcome Co.
83–474 Conjugated Estrogens Tablets.	Haun/Norwood Laboratories, P.O. Box 28390, St. Louis, MO 63141.
83–610 Methyltestosterone Tablets.	Do.

*These products are also covered by other new drug applications.

The agency has determined that, in accordance with 21 CFR 25.24(d)(2) (proposed in the **Federal Register** of December 11, 1979 (44 FR 71742), this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 76 Stat. 782 as amended (21 U.S.C. 355(e))), and under authority delegated to the Director of the Center for Drugs and Biologics (21 CFR 5.82), approval of the new drug applications listed above, and supplements thereto, is hereby withdrawn.

This order becomes effective on May 30, 1984.

Dated: April 17, 1984.

Harry M. Meyer, Jr.,

Director, Center for Drugs and Biologics.

[FR Doc. 84-11517 Filed 4-27-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84N-0146]

Federation of American Societies for Experimental Biology; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the forthcoming open meeting of the Federation of American Societies for Experimental Biology (FASEB) Scientific Steering Group on the Use of Scientific Expertise in Food and Cosmetic Safety Analyses (Scientific Steering Group). At this meeting the Scientific Steering Group will examine approaches to utilizing scientific expertise in accomplishing evaluations of issues in food and cosmetic safety.

DATE: The open meeting will be held at 9 a.m., Friday, May 11, 1984.

ADDRESS: The open meeting will be held in the Lee Building Conference Room, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814. Requests for time to make oral presentations or to submit materials to the Scientic Steering Group should be submitted to the contact person at the address below before May 9, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth D. Fisher, Director, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814, 301-530-7030.

SUPPLEMENTARY INFORMATION: FDA has a contract with the Federation of American Societies for Experimental Biology concerning the use of outside scientific expertise in food and cosmetic safety analyses. The objectives of this contract are: (1) To provide expert, objective counsel to FDA on general and specific issues of scientific fact and (2) to explore various review mechanisms with respect to their effectiveness and efficiency. FASEB established the Steering Group on Use of Scientific Expertise in Food and Cosmetic Safety Analyses (Scientific Steering Group) to serve FASEB in conjunction with the contract.

At the May 11 meeting, interested persons may make presentations to the Scientific Steering Group on approaches to utilizing scientific expertise in accomplishing evaluations of issues in food and cosmetic safety.

Any interested person who wishes to request time for oral presentation during the meeting or who would like to submit written materials or comments to the Scientific Steering Group and is unable to attend the meeting should inform the contact person listed above, either orally or in writing by May 9, 1984. Persons attending the meeting who do not request time for an oral presentation will be permitted to make an oral presentation at the conclusion of the open meeting if time permits.

Dated: April 25, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-11564 Filed 4-25-84; 2:45 pm]

BILLING CODE 4160-01-M

[Docket No. 77N-0375; DESI No. 5597]

Drug Products Containing Ethoheptazine Citrate; Drugs for Human Use; Drug Efficacy Study Implementation; Withdrawal of Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of the new drug applications (NDA's) for certain analgesic drugs containing ethoheptazine citrate. FDA is withdrawing approval because these drug products lack substantial evidence of effectiveness. The products have been used in the treatment of pain accompanied by tension and/or anxiety, but are no longer marketed.

EFFECTIVE DATE: May 30, 1984.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 5597 and directed to the Division of Drug Labeling Compliance (HFN-310), Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Judy O'Neal, Center for Drugs and Biologics (HFN-366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 14, 1978 (43 FR 10627), the Director of the Bureau of Drugs (now the Center for Drugs and Biologics) offered an opportunity for a hearing on a proposal to withdraw approval of the new drug applications for certain analgesic drugs containing ethoheptazine citrate. The basis of the proposal was that the products lack substantial evidence of effectiveness. In response to the notice, Wyeth Laboratories, a division of American Home Products Corp., filed a hearing request for its products containing ethoheptazine citrate, listed below. Wyeth has since withdrawn the request and discontinued marketing the products. Accordingly, approval of the following new drug applications in now being withdrawn:

1. NDA 10-101; Zactane Tablets containing 75 milligrams (mg) ethoheptazine citrate per tablet; Wyeth Laboratories Division, American Home Products Corp., 685 Third Ave., New York, NY 10017.

2. NDA 10-894; Zactirin Tablets containing 75 mg ethoheptazine citrate and 325 mg aspirin per tablet; Wyeth Laboratories.

A supplement to NDA 10-894 was approved May 22, 1964, for Zactirin Compound-100 Tablets containing 100 mg ethoheptazine citrate, 227 mg aspirin, 162 mg phenacetin, and 32.4 mg caffeine. Although Zactirin Compound-100 was not specifically reviewed by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, Wyeth was notified by letter of January 30, 1973, that ethoheptazine products were undergoing review pursuant to the Drug Efficacy Study and that Zactirin Compound-100 was subject to that review. Accordingly, the determination that there is a lack of substantial evidence that ethoheptazine citrate-containing drugs are effective applies also to Zactirin Compound-100. However, approval of the above formulation has already been withdrawn as part of the agency's action to remove from the market all products

that contain phenacetin. (See 48 FR 45466, Oct. 5, 1983.) Permission to market a reformulation of Zactirin Compound-100 without phenacetin is hereby withdrawn by this notice.

3. NDA 11–702; that part pertaining to Equagesic Tablets containing 75 mg ethoheptazine citrate, 150 mg meprobamate, and 250 mg aspirin per tablet; Wyeth Laboratories.

Any drug product that is identical, related, or similar to the drug products named above and is not the subject of an approved new drug application is covered by the new drug applications reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

This notice does not apply to that part of NDA 11–702 that pertains to reformulated Equagesic-M Tablets containing 200 mg meprobamate and 325 mg aspirin (approved April 22, 1975). A notice announcing that product's effectiveness evaluation and marketing conditions was published on August 19, 1977 (42 FR 41915). A supplement providing for marketing of the reformulated Equagesic-M product as Equagesic (new formula) was approved December 29, 1983.

The Director of the Center for Drugs and Biologics, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 stat. 1052–1053 as amended (21 U.S.C. 355)) and under the authority delegated to him (21 CFR 5.82) finds, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, that there is a lack of substantial evidence that the products containing ethoheptazine citrate will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of NDA's 10–101, 10–894, and that part of NDA 11–702 described above (number 3) and all amendments and supplements for those products is withdrawn effective May 30, 1984. Shipment in interstate commerce of those products or any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: April 18, 1984.

Harry M. Meyer, Jr.,

Director, Center for Drugs and Biologics.

[FR Doc. 84–11505 Filed 4–29–84; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 84N–0132]

Research on Minor Use Animal Drugs; Cooperative Agreements; Availability of Funds

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Center for Veterinary Medicine (CVM) (formerly Bureau of Veterinary Medicine), is announcing the availability of funds for Fiscal Year 1984 for awarding cooperative agreements to support research on minor use animal drugs. Minor use animal drugs are new animal drugs used in minor animal species or new animal drugs used in any animal species for the control of a disease that occurs infrequently or in limited geographic areas. Minor animal species means animals other than cattle, horses, swine, chickens, turkeys, dogs, and cats. Sheep are a minor species with respect to effectiveness and animal safety data collection requirements. Sheep are a major species with respect to human safety data collection requirements arising from the possible presence of drug residues in food. FDA has approximately $400,000 available to award cooperative agreements to support this research in fiscal year 1984. FDA anticipates that one or two awards will be made. Support for this program may be for a period of up to 3 years.

DATE: Applications must be received by June 29, 1984. The earliest date for award is September 25, 1984.

ADDRESS: Applications should be submitted to, and applications are available from, Helen M. Crown, State Contracts and Assistance Agreements Branch (HFA–520), Food and Drug Administration, Rm. 12A–27, 5600 Fishers Lane, Rockville, MD 20857; 301–443–6170.

FOR FURTHER INFORMATION CONTACT: David B. Batson, Center for Veterinary Medicine (HFV–500), Food and Drug Administration, Rm. 7–85, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6510.

SUPPLEMENTARY INFORMATION: FDA will support the research covered by this notice under section 301 of the Public Health Service Act (42 U.S.C. 241). Cooperative agreements are authorized under Pub. L. 95–224. FDA's research program is described in the Catalog of Federal Domestic Assistance, Section 13.103.

I. Background

In the **Federal Register** of January 14, 1983 (48 FR 1922), FDA amended the animal drug regulations regarding data collection requirements for minor use animal drugs. The amended regulation allows sponsors, where appropriate, to use data supporting an approved major use of a drug to support a new animal drug application for a minor use of the same drug. The agency took this action in the interest of the public health to encourage the submission of applications for needed minor use animal drugs. This request for applications (RFA) is intended to encourage the development of research projects in the area of minor use animal drugs.

II. Research Goals and Objectives

FDA will consider research projects which will:

1. Investigate the comparative physiology of major and minor animal species.

2. Investigate the comparative metabolism of minor use animal drugs in major and minor animal species.

3. Investigate the comparative pharmacology and toxicology of minor use animal drugs in major and minor animal species.

4. Investigate applications and limitations of pharmacokinetic parameters as a basis for extrapolation of data from approved major use drugs to minor use drugs.

III. Reporting Requirements

Financial status reports will be required on an annual basis to be submitted within 90 days from the last day of the budget period. The progress reports required under a grant award (45 CFR Part 74) should be submitted by the principal investigator or project manager.

IV. Mechanism of Support

A. Award Instrument

Support for this program will be in the form of a cooperative agreement. These awards will be subject to all policies and requirements that govern the research grant programs of the Public Health Service, including the provisions of 42 CFR Part 52, 45 CFR Part 74, and cost-sharing requirement.

B. Eligibility

These cooperative agreements are available to any public or private nonprofit organizations (including State

and local units of government) and for-profit organizations. FDA encourages minority organizations, who are cucrrently conducting or are interested in conducting research in this area, to apply for support under this RFA.

C. Length of Support

The length of support will be 1 to 3 years depending on the nature of the study. However, continuation of support beyond the first year will be based upon review of performance during the preceding year and the availability of funds.

D. Funding Plan

The number of cooperative agreements funded will depend on the quality of applications received. Due to the limited funds available, FDA anticipates that only one or two applications will be funded.

V. Delineation of Substantive Involvement

Inherent in the cooperative agreement award is substantive involvement by the awarding agency. Accordingly, FDA will have substantive involvement in the programmatic activities of all research projects funded under this RFA. Involvement may be modified to fit the unique characteristics of each project. Substantive invlovement includes, but is not limited to, the following:

1. FDA will appoint project officers who will actively monitor each project. During monitoring, FDA may direct and/or redirect the selection of drugs to be studied.

2. FDA will establish a Minor Use Animal Drug Advisory Group who will provide guidance and direction to the programs, in particular, with regard to the drugs and animal species to be studies. In some cases, FDA scientists will collaborate with recipients in determining the methodology to be used.

3. FDA scientists will collaborate with the recipient and have final approval on selection of project. This collaboratin will include protocol design, data analysis, interpretation of findings, and where appropriate, co-author publications.

VI. Review Procedures and Criteria

A. Review Methods

Applications will undergo initial review by experts in the field. The experts will review and evaluate each application based on its scientific merit and potential to produce meaningful scientific data in the minor use animal drug area. The applications will be subject to a second-level review to evaluate them based on their relevance to the FDA's mission in veterinary medicine.

B. Review Criteria

Applications must be responsive to this RFA. Applications that are judged to be unresponsive will not be considered for funding under this RFA and will be returned to the applicant. Applications will be reviewed according to the following criteria:

1. Responsiveness to the RFA.

2. The appropriateness of the study design to answer the question posed.

3. The availability of laboratory and animal facilities.

4. The adequacy and availability of support services (e.g., biostatistical, automated data processing, etc.)

5. The research experience, training, and competence of the principal investigator and support staff.

VII. Format for Application

Applications must be submitted on Form PHS-398, Application for Public Health Service Grant. The face page of the application must reflect the RFA Number RFA-FDA-CVM-84-1. To ensure confidentiality of individual salary information, applicants may choose to include that information on the original application only. In that case, all copies of the application should reflect only a total amount for salaries and fringe benefits.

No action will be taken by the funding agency to delete confidential information. Data included in the application, if restricted with the legend specified below, may be entitled to confidential treatment as trade secret or confidential commercial information within the meaning of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and the regulations of the Food and Drug Administration implementing that act (21 CFR 20.61).

The collection of information requested on Form PHS-398 and the instructions have been submitted by the Public Health Service to the Office of Management and Budget (OMB), and were approved and assigned OMB control number 0925-0001.

Unless disclosure is required by the Freedom of Information Act, as amended, as determined by the freedom of information officials of the Department of Health and Human Services, data contained in the portions of this application that have been specifically identified by page number, paragraph, etc., by the applicant as containing restricted information shall not be used or disclosed except for evaluation purposes.

The original and six (6) copies of the completed application should be delivered to, and the applications kits are available from, Helen M. Crown (address above).

Prospective applicants should label the outside of the mailing package and the top of the application face page with "Response to RFA-FDA-CVM-84-1."

Applications must be received by 5 p.m. on June 29, 1984. Applications received after that time will be considered only if they arrive in time to permit orderly processing. Applications received too late for orderly processing will be returned to the applicant.

Dated: April 24, 1984.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 84-11632 Filed 4-27-84; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Statement of Organization, Functions, and Delegations of Authority

Correction

In FR Doc. 84-10204 beginning on page 15139 in the issue of Tuesday, April 17, 1984, make the following correction:

On page 15140, first column, seven lines from the bottom, insert the word "associations" between "professional" and "in".

BILLING CODE 1505-01-M

National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases; Board of Scientific Counselors; Meeting

Correction

In FR Doc. 84-10037 appearing on page 15022 in the issue of Monday, April 16, 1984, first column, second paragraph, third line, "9:00 p.m." should read "9:00 a.m.", and in the fifth line, "9:00 p.m. to 11:30 p.m." should read "9:00 a.m. to 11:30 a.m.".

BILLING CODE 1505-01-M

Public Health Service

National Toxicology Program; Availability of the Technical Report on Carcinogenesis Studies of Eugenol

The HHS' National Toxicology Program today announces the availability of the technical report describing the carcinogenesis studies of eugenol, a food additive used in beverages, ice cream, baked goods, gelatins and puddings, and chewing gums. Eugenol is also used as a local anesthetic in temporary dental fillings

and cements, as a fungicide in pharmaceuticals and cosmetics, as an attractant for Japanese beetles, as a denaturant for alcohol, and as a starting material in the synthesis of vanillin.

Eugenol was given in the diets of female F344/N rats (0, 0.6, or 1.25%) and of male F344/N rats and male and female mice (0, 0.3, and 0.6%) for 103 weeks. Under these experimental conditions, there was no evidence of carcinogenicity observed for male or female rats. For mice there was equivocal evidence of carcinogenicity since eugenol caused increased incidences of both carcinomas and adenomas of the liver in male mice at the 3,000 ppm level and because eugenol was associated with an increase in the combined incidences of hepatocellular carcinomas or adenomas in female mice.

Copies of *Carcinogenesis Studies of Eugenol in F344/N Rats and B6C3F1 Mice (Feed Studies) (T.R. 223)* are available without charge from the NTP Public Information Office, MD B2–04, Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541–3991. FTS: 629–3991.

Dated: April 24, 1984.

David P. Rall,

Director.

[FR Doc. 84–11317 Filed 4–27–84; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C–36852]

Realty Action; Noncompetitive Sale of Public Lands; Fremont County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action C–36852. Noncompetitive Sale of Public Lands in Fremont County, Colorado.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Poiicy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1701, 1713) at the appraised fair market value of $62,100.

Sixth Principal Meridian, Colorado

T 16 S., R. 71 W.,
Sec. 28, lot 3;
Sec. 29, lots 9 and 12;
Sec. 30, lots 7, 10, and 14, SE¼SW¼;
Sec. 31, lots 7, 11, and 12, SW¼NE¼.
T. 16 S., R. 72 W.,
Sec. 25, S½SE¼.

Containing 298.2 acres in Fremont County, Colorado.

The lands are being offered to W. J. Runyon by direct sale at the fair market value. No other bids nor bidders will be considered.

The lands have not been used for and are not required for any Federal purpose. The location and physical characteristics of the parcels make them difficult and uneconomical to manage as public land. Disposal would best serve the public interest. Disposal of these parcels is consistent with the Bureau planning recommendations. The sale will not conflict with local planning and zoning. There will be no significant effect on public use or resource values.

Any land patent issued by the United States for the lands will contain the following mandatory reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe, Sec. 209 of the Act of October 21, 1976 (90 Stat. 2743, 2757; 43 U.S.C. 1701, 1719).

3. A 60-foot wide right-of-way for existing Fremont County Road 69 in T. 16 S., R. 71 W., sec. 30.

Sale Procedures: The designated bidder, W. J. Runyon, will be required to submit payment of at least 20 percent of the fair market value by cash, certified or cashier's check, or money order to BLM, 3080 East Main Street, P.O. Box 311, Canon City, Colorado 81212, on or before July 11, 1984.

The balance of the appraised fair market value will be due within 30 days, payable in the same form at the same location. Failure to submit the remainder of the payment within 30 days of receipt of the decision notice accepting the bid deposit will result in cancellation of the sale offering and forfeiture of the deposit.

In addition to the appraised fair market value of the lands, the prospective purchaser of any of the lands offered by direct sale shall be required to pay the cost of publishing this notice in the **Federal Register** and in the local newspaper. These costs must be paid before a patent will be issued.

Further information and public comment: Additional information concerning the sale offering, including the planning documents and environmental assessment, is available for review in the Royal Gorge Resource Area office at the First National Bank Building, 831 Royal Gorge Boulevard, P.O. Box 1470, Canon City, Colorado 81212. For a period of 45 days from the date of this publication, interested parties may submit comments to the District Manage, Canon City District Office, 3080 East Main Street, P.O. Box 311, Canon City, Colorado 81212. Any adverse comments will be evaluated by the District Manager, who may cancel or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Donnie R. Sparks,

District Manager.

[FR Doc. 84–11523 Filed 4–27–84; 8:45 am]

BILLING CODE 4310–JB–M

Salem District Advisory Council; Meeting

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that the first meeting of 1984 of the Salem District Advisory Council will be held on May 25, 1984, at 9:30 a.m. at the BLM Salem District Office, 1717 Fabry Road SE, Salem, Oregon.

Agenda for the meeting will include:

(1) Election of Officers.

(2) Status report of the Yaquina Head Outstanding Natural Area.

(3) Review of the Bureau of Land Management's Mobility and Tenure Policy.

(4) Implementation of Timber Management Plans.

(5) Oral statements from public.

The meeting is open to the public. Anyone wishing to make an oral statement must notify the District Manager at the Salem District Office, 1717 Fabry Road, SE, Salem, Oregon 97302, by May 21. Written comments will also be received for the council's consideration.

Summary minutes will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: April 23, 1984.

Joseph C. Dose,

District Manager.

[FR Doc. 84–11532 Filed 4–27–84; 8:45 am]

BILLING CODE 4310–33–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Committee on Agricultural Research and Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the ninth meeting of the Joint Committee on Agricultural Research and Development (JCARD) of the Board for International Food and Agricultural Development (BIFAD) on May 14 and 15, 1984.

The purpose of the meeting is to assist AID in implementing the components of the Title XII program by providing a two-way communications link for concerns of AID and concerns of the universities. During this meeting JCARD will review and take action on Strengthening Grant evaluations; discuss and approve revised Collaborative Research Support Program (CRSP) Guidelines; hear a report on the programs of the Science Advisor's office; and discuss various other agricultural research issues.

JCARD will meet from 1:00 p.m. to 5:00 p.m. on May 14, and from 9:00 a.m. to 12:00 noon on May 15, in Rooms 5951 and 2722C, respectively, New State Department Building, 22nd and C Streets, N.W., Washington, D.C. (The Executive Committee will meet from 1:00 p.m. to 3:00 p.m. on May 15 in Room 2722C.) The meetings are open to the public. Any interested person may attend, may file written statements with the Committee before or after the meetings, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting.

Dr. John Stovall, BIFAD Support Staff, is the designated A.I.D. Advisory Committee Representative at the meetings. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Washington, D.C. 20523 or telephone him at (202) 632–8532.

Dated: April 26, 1984.

John Stovall,

A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Research and Development, Board for International Food and Agricultural Development.

[FR Doc. 84–11732 Filed 4–27–84; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30334]

Rail Carriers; Delaware and Hudson Railway Co.—Discontinuance of Trackage Rights Exemption—in Lehigh and Carson Counties, Pa

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et. seq.*, discontinuance of trackage rights by Delaware and Hudson Railway Company over a 2.3-mile line segment in Lehigh and Carson Counties, PA, subject to employee protective conditions.

DATES: This exemption shall be effective on May 31, 1984. Petitions to stay must be filed by May 10, 1984. Petitions for reconsideration must be filed by May 21, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30334 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioners' representatives: Charles E. Mechem, Consolidated Rail Corporation, 1138 Six Penn Center, Philadelphia, PA 19103

George H. Kleinberger, Delaware and Hudson Railway Company, Albany, NY 12207.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce, Commission, Washington DC 20423, or call 289–4357 (DC Metropolitan area) toll free (800) 424–5403.

Decided: April 20, 1984.

By the Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 84–11565 Filed 4–27–84; 8:45 am]

BILLING CODE 7035–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: May 21–22, 1984.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications submitted for Central Disciplines/Fostering Coherence Throughout an Institution Program and Promoting Excellence in a Field for projects beginning after October 1, 1984.

Date: May 23–24, 1984.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications submitted for Central Disciplines/Improving Introductory Courses and Promoting Excellence in a Field for projects beginning after October 1, 1984.

Date: May 24–25, 1984.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications submitted by state humanities committees, Division of State Programs, for activity beginning after November 1, 1984.

Date: May 25, 1984.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications submitted for the "Humanities Instruction in Elementary and Secondary Schools" programs, for projects beginning after January 1985.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and priviledged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory

Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 84–11587 Filed 4–27–84; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Developmental Biology; 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 Developmental Biology.

Date and Time: May 17, 18, 19, 1984, starting at 9:00 a.m., to 5:00 p.m.

Place: Room 338, National Science Foundation, 1800 G Street, NW. Washington, D.C. 20550.

Type of meeting: Closed.

Contact Person: Dr. Clifton A. Poodry, Program Director, Developmental Biology, Program, Room 332–H, National Science Foundation, Washington, D.C., 20550, telephone 202/357–7989.

Purpose of advisory panel: To provide advice and recommendations concerning support of research in developmental biology.

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 U.S.C. 552(c), Government in the Sunshine Act.

Authority to close meeting: 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 determinations by the Director, NSF July 6, 1979.

Dated: April 25, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84–11590 Filed 4–27–84; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Fort St. Vrain; Meeting

The ACRS Subcommittee on Fort St. Vrain will hold a meeting on May 17, 1984, Vistors Center, at the Public Service Company of Colorado, 16805 WCR 19½, Platteville, CO. The Subcommittee will review plant operating experience including the performance of major plant components, research support, and licensee performance.

In accordance with the procedures outlined in the **Federal Register** on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, May 17, 1984—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Public Service of Colorado, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Cognizant Designated Federal Employee, Mr. John C. McKinley (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 24, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84–11614 Filed 4–27–84; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Metal Components; Meeting

The ACRS Subcommittee on Metal Components will hold a meeting on May 17 and 18, 1984, Room 1046, 1717 H Street, NW, Washington, DC.

In accordance with the procedures outlined in the **Federal Register** on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee and its Staff. Persons desiring to make oral statements should notify the cognizant Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. The the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, May 17, 1984—8:30 a.m. Until the Conclusion of Business

Friday, May 18, 1984—8:30 a.m. Until the Conclusion of Business

The Subcommittee will discuss reactor coolant water chemistry and its effects on material behavior, review the status of pressurized thermal shock, BWR pipe cracking matters and NRR/RES programs in these areas.

During the initial portion of the meeting, the Subcomittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be

necessary to close some portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 24, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-11613 Filed 4-27-84; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0301]

HMS Capital, Ltd.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that HMS Capital, Ltd., (HMS), 1500 Newell Avenue, Suite 702, Walnut Creek, California 94596, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to Section 107.903 of the Regulations governing small business investment companies (13 CFR 107.903 (1984)) for approval of a conflict of interest transaction.

HMS proposes to invest up to $300,000 in preferred stock of LP Com (LP) 21020 Homestead Road, Cupertino, California 99014, as part of a $3,000,000 to $3,500,000 preferred stock sale. LP was founded by Messrs. Richard Pospisil, a 30 percent shareholder and Andre Lubarsky, a 30 percent shareholder.

The conflict of interest arises because Mr. Pospisil, a director and under six percent shareholder of HMS, is a director and over 10 percent shareholder of LP. Mr. Pospisil is deemed an associate of HMS under Section 107.3(a) of the SBA Rules and Regulations. Because Mr. Pospisil is a director and owns 10 or more percent of LP, LP is considered an Associate of HMS. Therefore, the propsed transaction falls within the purview of § 107.903(b)(1) of the Regulations and requires prior written approval by SBA.

Notice is hereby given that any person may, not later than fifteen (15) days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Walnut Creek and Cupertino, California areas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 25, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-11606 Filed 4-27-84; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Act of 1933 and Public Utility Regulatory Policies Act of 1978; Modifications in Guidelines on Dispersed Power Production

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of modifications in TVA's Dispersed Power Production Program and Guidelines.

SUMMARY: On April 20, 1981, TVA adopted a policy to encourage dispersed power production in the Tennessee Valley region and an interim program and guidelines to assist TVA and the distributors of TVA power in implementation of the policy. The policy, program, and guidelines encompass cogeneration and small power production facilities included under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617). In light of changes in rates and power supply considerations, modifications have been made in these guidelines to, among other things, provide new pricing arrangements for dispersed power production.

EFFECTIVE DATE: The modified guidelines were effective as of April 1, 1984.

FOR FURTHER INFORMATION CONTACT: Sandy McMahan, Tennessee Valley Authority, 400 West Summit Hill Drive, EPB6, Knoxville, Tennessee 37902, (615) 632-4402.

SUPPLEMENTARY INFORMATION: Information about the proposed guideline modifications that were being considered were printed in the **Federal Register** on January 10. Public comment was invited. Copies of the same information were mailed to all parties that were thought to have an interest in the matter.

The modifications reflect the experience TVA has obtained over the last several years with the Experimental Cogeneration Program and the dispersed power production program and interim guidelines. They also reflect the developments that have occurred with respect to power system costs, rates, and the present and prospective regional power supply situation.

The major features of the modifications are a new schedule of standard purchase prices, optional negotiated purchase price arrangements for larger qualified producers (500 kW and above), and a modified standby rate schedule.

Other guideline modifications include provisions whereby (1) any dispersed power producer will be responsible for metering, interconnection, and handling costs whether the output is sold to TVA or a distributor of TVA power, (2) power supply contract demands may be reduced to reflect the addition of dispersed power production facilities, and (3) producers above 15 MW will furnish telemetering. Provisions setting out administrative responsibilities of TVA and distributors of TVA power under the Dispersed Power Production Program have been revised and consolidated. The modified guidelines also include various revisions of the electrical design and operating standards.

The guidelines as modified are printed below.

Dated: April 23, 1984.

W. F. Willis,

General Manager.

Dispersed Power Production Guidelines

These guidelines are intended to assist TVA and its distributors in developing arrangements for the effective utilization of dispersed power production in the Tennessee Valley. The guidelines are of a general nature and are intented to encompass a wide range

of possibilities in this new area. As experienced is obtained modifications to the guidelines may be necessary and may be made by TVA from time to time as it deems appropriate.

A. Facilities Owned by All Entities Except Distributors of TVA Power

1. Criteria for Qualified Facilities. Criteria for qualification of small power production facilities and cogeneration facilities are the same as set out in Federal Energy Regulatory Commission (FERC) rules (18 CFR Part 292).

2. Purchase of Output from Qualified Facilities.

a. Owners of qualified facilities (qualified producers) will be allowed the option of either, (1) using the output of their production facilities to supply their own requirements, or (2) selling their surplus or entire output to the connecting electric system, either the local distributor of TVA power or TVA.

b. Owners of qualified facilities may make arrangements to sell their output under the then available standard purchase price schedule referred to in subsection A.3. or under negotiated prices and terms as described in subsection A.4.

c. The qualified producer's right to sell power to the distributor or TVA may be subject to temporary curtailments during system emergencies, and when as a result of operational circumstances, the delivery of such power would interfere with the safe operation of TVA's and/or distributor's respective power systems.

d. All qualified producers that desire to sell power to the distributors of TVA power or TVA will be required to execute contractual agreements.

3. Standard Purchase Price for Power from Qualified Facilities within the TVA Area.

a. Qualified producer with facilities located within the area in which TVA or the distributors of TVA power are a source of power supply under provisions of the TVA Act may contract to sell the output of their facilities under the then available standard purchase price schedule as adjusted, modified, changed, or replaced by TVA from time to time (see attached Schedule CSPP or any subsequent replacements). Such price schedule adjustments, modifications, and changes (as well as replacements) will be made by TVA as it deems appropriate to reflect changes in projections for avoided energy and capacity costs, changing conditions on the TVA power system, and other power supply considerations.

b. To be eligible for payments under provisions currently included in Part C of the standard purchase price schedule, qualified producers must contract to supply capacity for at least 10 years and must provide reasonably security in accordance with subsection A.6.

c. Amounts payable under the standard purchase price schedule will be modified, as appropriate, to reflect costs (such as administrative costs, metering costs, and transmission line losses) incurred by the electric system as a result of making purchases from a qualified producer.

4. Negotiated Purchase Price for Power from Qualified Facilities Located Within the VA Area.

a. Qualified producers that contract to provide 500 kW or more of capacity from a production facility for a period of 10 years or longer are eligible for negotiated pricing arrangements. The negotiated pricing arrangements will permit producers to obtain assured prices for their power output for extended periods of time as described in subsections A. 4. b. and A. 4. c. In arriving at the price, consideration will be given to such factors as dispatchability, maintenance scheduling, administrative and billing requirements variations in line losses, curtailment rights during periods when deliveries would increase operating costs on the TVA system, and reliability of the project output during TVA onpeak load periods. Under negotiated pricing arrangements, contract terms may not exceed 20 years under subsection A. 4. b. and 30 years under subsection A. 4. c. Contracts may not be cancelled prior to original expiration dates. Moreover, qualified producers will provide reasonable security in accordance with subsection A. 6.

b. All qualified producers that meet the requirements of subsection A. 4. a. are eligible to negotiate for fixed purchase prices which will be applicable for each year during the first one-half of the contract term. The prices agreed upon to be paid for each year during such period will be based on the projected value at the time of contracting for the projects's power output in terms of TBA's projected avoided costs for capacity and energy for the respective years during such period. For the last one-half of the contract term the purchase price will be that applicable under Part C of schedule CSPP or the comparable provisions under any subsequent replacement standard purchase price schedule.

c. All qualified producers that meet the requirements of subsection A. 4. a. and that use renewable resources as their primary energy source are eligible to negotiate for a levelized fixed purchase price which will be applicable for the first two-thirds of the contract term. Under this pricing arrrangement, the projected value at the time of contracting for the project's power output in terms of TVA's projected avoided costs for capacity and energy for the respective years during the first two-thirds of the contract term is determined as in subsection A. 4. b. above. These projections will be utilized to determine a fixed price which will yield a sum of payments for project output over the first two-thirds of the contract term that is equivalent to the projected value of the project's output in terms of TVA's projected avoided costs over the same period. This will take into account the then applicable TVA economic evaluation rate. For the last one-third of the contract term, the purchase price will be that applicable under Part C of schedule CSPP or the comparable provisions under any subsequent replacement standard purchase price schedule. Renewable resources are solar, wind, and hydro energy, and all forms of biomass fuels, including solid waste as defined in § 292.204(b) of FERC's Rules (18 CFR Part 292). A primary energy source is defined herein as that source providing a 75-percent or greater level of the total energy input to the facility on an annual basis.

d. Amounts payable under the negotiated price arrangements will be modified, as appropriate, to reflect costs (such as administrative costs, metering costs, and transmission line losses) incurred by the electric system as a result of making purchases from a qualified producer.

5. Purchase Price for Power from Qualified Facilities Located Outside the TVA Area. Qualified producers, with facilities located outside the area in which TVA or the distributors of TVA power are a source of power supply and that are able to make arrangements with connecting utility systems to supply their output to TVA's power system, will receive payments based upon a negotiated price. The price agreed upon is not to exceed the avoided cost of energy to the TVA system and the value, if any, of power to be supplied in offsetting TVA's capacity needs over the term of the contract. Moreover, such producers will provide reasonable security in accordance with subsection A. 6.

6. Security to be Provided by Qualified Producers and Other Protection to Minimize Risks of Loss to the Electric Systems under Long-Term Arrangements.

Contracts will include appropriate provisions to minimize the risks of loss that may be incurred by the electric systems under long-term contracts under

subsections A. 3., A. 4., and A. 5. when the qualified producer fails to deliver power and energy as provided under the contract. This may include provisions such as those for payment of damages, setoffs against amounts to be paid qualified producers, and security.

If the qualified producer fails to deliver power and energy as provided under the contract, the qualified producer will be obligated under the provisions of the contract to repay to the electric system an appropriate portion of the payments already made by the electric system. Such amount to be repaid, with interest, will reflect the amount and other characteristics of power actually received, and the period of delivery, all as compared with the contract terms and requirements.

The security to be provided will be a performance bond, a bank letter of credit, or other measures of security in such form, combination, and amount as deemed sufficient by the electric systems to offset the risks otherwise imposed on the purchasing system under such long-term contracts.

The specific arrangements under a long-term contract will reflect the varying risks associated with the negotiated contract terms and the pricing alternative utilized.

Contract Demand Reductions for Power Customers Constructing Qualified Facilities That Provide Power for Inplant Use.

a. Customers of TVA that own qualified facilities, the construction of which commenced on or after April 1, 1984, and which select inplant use of the output of their facilities, may request reductions in the amounts of power that they have contracted to purchase from TVA. If a reduction in contract demand in determined to be appropriate, it will be agreed to if the qualified producer agrees to utilize the output of the production facility to meet its inplant power requirements for the remaining duration of the power contract term. Distributions may also agree to such reductions in contract demand for their customers constructing qualifying facilities. The amount of reduction will be determined by TVA in its sole judgement and, as appropriate, by the distributors, as provided in subsections A.7.b. and A.7.c. Any customer seeking such a reduction shall supply information adequate in the judgement of TVA, or the distributor when appropriate, to determine the permissible reduction in the customer's contract demand. If a customer questions the amount of permissible reductions, TVA or the distributor, at the customer's expense, will make such inspection and any testing the will be useful in further evaluating the permissible reduction.

b. Customers owning qualified facilities using renewable resources, as defined in subsection A.4.c., as a primary energy source will be allowed offsetting reductions in the amount of power contracted for up to the demonstrated firm capacity of the qualified facilities.

c. Customers owning qualified facilities that do not use renewable energy resources as a primary energy source (as defined in subsection A.4.c.) will be allowed contract demand reductions upon showing that they are able to produce electricity from their production facilities with less Btu's of fuel input per kWh as compared with TVA's fossil-fired generating plants. The amount of permissible reduction will be determined by calculating the conservation of fuel resources obtained by displacing electrical production on the TVA system with the customer's own production. (Fuel resources required to produce electrical output at the qualified facility will be expressed as an incremental heat rate in Btu per kWh.)

The energy conserved in electrical production will be expressed as the ratio of (1) the difference between the TVA annual average heat rate for fossil-fired generating plants and the average annual incremental heat rate for the qualified facility divided by (2) the TVA annual average heat rate for the fossil-fired generating plants. The amount of the permissible contract demand reduction is the product of the ratio and the demonstrated firm capacity of the qualified facility.

d. It is recognized there may be transmission and distribution facilities or portions thereof which were installed based on the customer's initial power supply requirements and which TVA or the distributor would not otherwise have installed if the customer had initally requested a lesser power requirement. Any contract demand reduction agreed to above shall be subject to arrangements being made for full reimbursement by the customer for the unamortized cost of any investments made in such power supply facilities that may not be recoverable over the remaining portion of the power contract term.

8. Availability of Maintenance and Emergency Standby Power to Qualified Producers

a. Maintenance and emergency standby power will be available to qualified producers within the area in which TVA or the distributors of TVA power are a source of power supply under provisions of the TVA Act.

b. Qualified producers contracting for the purchase of standby power requirements will do so at the applicable standby power charges. (See attached Standby Power Rate Schedule SP, which schedule may be adjusted, modified, or changed, as well as replaced, from time to time by TVA as it deems appropriate to reflect changes in the costs of providing such power.)

c. When the purchase of standby power requires the distributors or TVA to provide additional interconnection or metering facilities, qualified producers will pay for the additional costs of such facilities in accordance with subsections A.10.a. and A.10.c. of the guidelines.

9. Sale of Power by TVA and the Distributors for Qualified Facilities.

a. Qualified producers located within the area served with TVA power may purchase their firm, supplemental, or interruptible power requirements under the standard rates then applicable for their customer classifications in the area in which their facilities are located.

b. Qualified producers will contract for their expected maximum supply requirements including, as appropriate, amounts that may be needed to compensate for scheduled or unscheduled loss of output from their own production facilities when a particular qualified producer elects not to purchase standby power.

c. Neither TVA nor the distributors of TVA power will contract or otherwise become obligated to sell power to any qualified producers that are not located within the area in whch TVA power can be made available under the provisions of the TVA Act.

10. Responsibility for Interconnection, Transmission, and Metering Costs.

a. Owners of qualified facilities will be required to pay for any additional transmission or distribution costs (including the costs of metering, system protection, safety equipment, and administration costs) to the extent that any such additional costs are in excess of those that the distributors of TVA power and TVA would have incurred if the qualified producer's output had not been purchased. Qualified producers with facilities capable of producing in excess of 15,000 kW will be required to provide telemetering facilities to supply information on the power output of their production facilities to the purchasing system.

b. Existing customers of the distributors or TVA that subsequently install qualified facilities may also be required to compensate the distributor or TVA for the unamortized costs less salvage value of any existing transmission or distribution facilities

that are rendered surplus by changes in the customer's supply requirements. When such surplus facilities are severable from distributor's or TVA's system, the qualified producer will have the option of taking possession of the severable facilities in lieu of receiving any credit for salvage value.

c. For the transmission and distribution facilities costs specified in subsections A.10.a. and A.10.b. above, consistent with the electric system's repayment options offered to its electric customers for similar types of facility arrangements, the qualified producer will be required to reimburse the electric system through, (1) monthly payments for periodic operation and maintenance of equipment, and (2) a lump-sum payment, or, at the producer's option, equivalent monthly payments, for any capital equipment acquisition and installation costs. When the monthly payment option under (2) above is available and selected, the electric system may require the producer to provide such reasonable assurance (as deemed appropriate by the electric system) that payments covering all such costs will be made. Monthly payments shall include amounts reflecting the electric system's cost of money at the time that each facility investment was made.

11. Compliance with Safety, System Protection, and System Operating Guidelines—For Qualified Producers Operating in Parallel with Connecting Electric Systems (see also section D for Supplemental Details and Requirements for Parallel and Nonparallel Operation.

a. Qualified producers will be required to provide and maintain suitable apparatus to prevent operation of their production facilities from causing unusual fluctuations or disturbances on the distributors' or TVA's systems.

b. Qualified producers will cooperate with the distributors and TVA in developing mutually acceptable operating procedures for delivery of the output of the qualified producers' facilities.

c. Qualified producers will be responsible for providing and maintaining all equipment they deem necessary for the protection of their own property and operations.

d. All protection, safety, generation, and interconnection equipment installed by qualified producers must meet standards of good utility practices and be capable of continuous parallel operation with TVA's and distributors' systems.

e. All qualified producers that desire to operate their generation facilities in parallel with the electric systems of the distributors of TVA power or TVA will be required to execute contractual agreements.

B. Facilities Owned by Distributors of TVA Power

1. Criteria for Authorized Facilities.

a. Distributors will be permitted to develop, own, and operate facilities that meet the qualifying criteria referred to in subsection A.1. with the exception of criteria in FERC's rules limiting electric system participation in facility ownership; provided the distributors comply with the following additional requirements.

b. Without prior approval from TVA, distributors will not undertake the construction or acquisition of production facilities with design production capacities in excess of, (1) 80 MW for any individual facility, or (2) any amount that would cause the aggregate production capacity of all production facilities owned by the distributor to exceed 10 percent of the distributor's peak capacity requirements projected for the year in which the facilities become operational.

c. Without prior approval from TVA, distributors will not undertake the construction or acquisition of production facilities for which the ongoing annual revenue requirements in the event of facility failure will cause the projected ongoing annual revenue requirements for all production facilities of the distributor to exceed 10 percent of the distributor's projected annual net revenues from its electric operations (resale electric revenues less total power supply costs) during any year after the facilities become operational.

d. In seeking TVA's prior approval of projects that exceed the limitations in subsections B.1.b. and B.1.c. above, it will be the responsibility of the distributor to notify TVA in writing of the proposed undertaking and to provide TVA with such data and information as TVA might reasonably request for the purpose of evaluating the technical and financial feasibility of the proposed project. If the distributor has received no response from TVA within 90 days from the date that the distributor submitted such notice and information to TVA, the distributor may proceed with the proposed project.

2. Purchase of Output from Distributor-Owned Facilities.

a. Distributors owning authorized facilities will be allowed the option of either, (1) using the output to partially supply their own power requirements, or (2) selling their surplus or entire output to TVA.

b. Distributors may make arrangements to sell the output of their facilities to TVA under the then available standard purchase price schedule referred to in subsection B.3. or under negotiated prices and terms as described in subsection B.4.

c. Distributors' right to sell power to TVA may be subject to temporary curtailments during system emergencies and when, as a result of operational circumstances, the delivery of such power will interfere with the safe operation of TVA's bulk power supply system.

3. Standard Purchase Price for Power from Distributor-Owned Facilities.

a. Distributor producers may contract to sell the output of their facilities under the then available standard purchase price schedule as adjusted, modified, change, or replaced by TVA from time to time (see attached Schedule CSPP or any subsequent replacements). Such price schedule adjustments, modifications, and changes (as well as replacements) will be made by TVA as it deems appropriate to reflect changes in projections for avoided energy and capacity costs, changing conditions of the TVA power system, and other power supply considerations.

b. To be eligible for payments under provisions currently included in Part C of the standard purchase price schedule, distributor producers must contract to supply capacity to the TVA power system for at least 10 years and must provide reasonable security in accordance with subsection B.5.

c. Amounts payable under the standards purchase price schedule will be modified, as appropriate, to reflect costs (such as administrative costs, metering costs, and transmission line losses) incurred by TVA as a result of making purchases from the distributor producer.

4. Negotiated Purchase Prices for Power from Distributor Owned Facilities.

a. Distributor producers that contract to provide 500 kW, or more, of capacity to TVA from a production facility for a period of 10 years or longer are eligible for negotiated pricing arrangements. The negotiated pricing arrangement will permit distributor producers to obtain assured prices for their power output for extended periods of time as described in subsections B.4.b. and B.4.c. In arriving at the price, consideration will be given to such factors as dispatchability, maintenance scheduling, administrative and billing requirements, variations, in line losses, curtailment rights during periods when deliveries would increase operating costs on the TVA system, and reliability of the project output during TVA onpeak load periods. Under

negotiated pricing arrangements, contract term may not exceed 20 years under subsection B.4.b. and 30 years under subsection B.4.c. Contracts may not be cancelled prior to original expiration dates. Moreover, distributor producers will provide reasonable security in accordance with subsection B.5.

b. Distributor producers that meet the requirement of subsection B.4.a. are aligible to negotiate for fixed purchase prices which will be applicable for each year during the first one-half of the contract term. The prices agreed upon to be paid for each year during such period will be based on the project value at the time of contracting for the project's power output in terms of TVA's projected avoided costs for capacity and energy for the respective years during such period. For the last one-half of the contract term, the purchase price will be that applicable under Part C of Schedule CSPP or the comparable provisions under any subsequent replacement standard purchase price schedule.

c. All distributor producers that meet the requirements of subsection B.4.a. and that use renewable resources as their primary energy source are eligible to negotiate for a levelized fixed purchase price which will be applicable for the first two-thirds of the contract term. Under this pricing arrangement the projected value at the time of contracting for the project's power output in terms of TVA's projected avoided costs for capacity and energy for the respective years during the first two-thirds of the contract term is determined as in subsection B.4.b. above. These projections will be utilized to determine a fixed price which will yield a sum of payments for project output over the first two-thirds of the contract term that is equivalent to the projected value of the project's output in terms of TVA's projected avoided costs over the same period. This will take into account the then applicable TVA economic evaluation rate. For the last one-third of the contract term, the purchase price will be that applicable under Part C of Schedule CSPP or the comparable provisions under any subsequent replacement standard purchase price schedule. Renewable resources are solar, wind, and hydro, energy, and all forms of biomass fuels, including solid waste as defined in Section 292.240(b) of FERC's Rules (18 CFR Part 292). A primary energy source is defined herein as that source providing a 75-percent or greater level of the total energy input to the facility on an annual basis.

d. Amounts payable under the negotiated price arrangements will be modified, as appropriate, to reflect costs (such as administrative costs, metering costs, and transmission line losses) incurred by TVA as a result of making purchases from a distributor producer.

5. Security to be provided by Distributor Producers and Other Protection to Minimize Risks of Loss to TVA Under Long-Term Arrangements.

Contracts will include appropriate provisions to minimize the risks of loss that may be incurred by TVA under subsections B.3. and B.4. when the distributor producers fails to deliver power and energy as provided under the contract. This may include provisions such as those for payment of damages, setoffs against amounts to be paid distributor producers, and security.

If the distributor producer fails to deliver power and energy as provided under the contract, the distributor producer will be obligated under the provisions of the contract to repay to TVA an appropriate portion of the payments already made by TVA. Such amount to be repaid, with interest, will reflect the amount and other characteristics of power actually received, and the period of delivery, all as compared with the contract terms and requirements.

The security to be provided will be a performance bond, a bank letter of credit, or other measures of security in such form, combination, and amount as deemed sufficient by TVA to offset the risks otherwise imposed on TVA under such long-term contracts.

The specific arrangements under a long-term contract will reflect the varying risks associated with the negotiated contract terms and the pricing alternative utilized.

6. Availability of Maintenance and Emergency Standby Power to Distributors.

a. TVA will make arrangements for the supply of standby power to distributors for resale to qualified producers interconnected with their systems. Qualified producers contracting for the purchase of standby power requirements will do so in accordance with subsection A.8.

b. When distributors own production facilities and elect to use the output of their facilities to reduce their supply requirements from TVA or when distributors contract with qualified producers for the same purpose and the aggregate supply of a particular distributor from other than TVA sources exceeds 10 percent of the distributor's total peak supply requirements, TVA reserves the right to require the distributor to purchase from TVA such amounts of standby power as TVA determines to be reasonable. In the event this level of supply is achieved through dependence upon facilities operated by customers of the distributor, TVA will work with distributor to develop an appropriate method for allocating the charges for said supply of standby power among those customers.

c. When the purchase of standby power requires TVA to provide additional interconnection or metering facilities, distributors will pay for the additional costs of such facilities in accordance with subsection B.8.a.

7. Sale of Power to Distributors Owning Authorized Production Facilities or Purchasing Partial Requirements from Qualified Producers.

a. Distributors obtaining part of their total supply requirements from their authorized facilities or their customers' qualified facilities may purchase the balance of their supply requirements from TVA at the then current wholesale rate for municipal and cooperative distributors of TVA power; provided, however, as indicated in subsection B.6.b. above, distributors that purchase less than 90 percent of their peak capacity requirements from TVA may be required to purchase reasonable amounts of standby power from TVA.

b. For planning purposes, distributors should anticipate that the structure of TVA's wholesale rate may be changed to track TVA production costs from time of use or peak responsibility standpoints and that these changes could affect the economics of distributor-owned facilities.

8. Responsibility for Interconnection, Transmission, and Metering Costs.

a. Distributors that acquire production facilities for partial supply of their own requirements or for sale of power to TVA will be required to pay TVA for any additional transmission or distribution costs (including the costs of metering, system protection, safety equipment, and administrative costs) to the extent that any such additional costs are in excess of those that TVA would have incurred if the distributor had not acquired the production facilities. Distributor producers wth facilities capable of producing in excess of 15,000 kW will be required to provide telemetering facilities to supply information on the power output of their production facilities to TVA.

b. Distributors that purchase for their own use output from qualifying facilities owned by their customers will be required to pay TVA for any additional transmission or distribution costs (including the costs of metering, system

protection, safety equipment, and administrative costs) imposed on TVA to the extent that any such additional costs are in excess of those that TVA would have incurred if the distributors did not purchase part of their requirements from qualified producers. Likewise, distributors shall require qualified producers to bear such additional costs resulting from their purchase commitments to qualified producers.

c. Distributors that operate production facilities or purchase output from their customers for their own requirements may be required to compensate TVA for the unamortized costs less salvage value of any existing transmission or distribution facilities owned by TVA that are rendered surplus by any reduction in the distributor's supply requirements from TVA. When such surplus facilities are severable from TVA's system the distributor will have the option of taking possession of the severable facilities in lieu of receiving any credit for salvage value.

9. Compliance with Safety, System Protection, and System Operating Guidelines (see also Section d for Supplemental Details).

a. Distributor producers will be required to provide and maintain suitable apparatus to prevent operation of their production facilities from causing unusual fluctuations or disturbances on TVA's system.

b. Distributor producers will cooperate with TVA in developing mutually acceptable operating procedures for integrating the output of their production facilities with the output from TVA's production facilities.

c. Distributor producers will be responsible for providing and maintaining all equipment they deem necessary for the protection of their own property and operations.

d. All protection, safety, generation, and interconnection equipment installed by distributor producers must meet standards of good utility practices and be capable of continuous parallel operation with TVA's system.

C. Program Administration

1. General Program Administration.

a. TVA develops and administers these guidelines which are applicable for purchases by TVA and by distributors of TVA power from dispersed power production facilities and to the utilization of dispersed power production on the region's power system.

b. Distributors of TVA power purchase power from qualified facilities in accordance with the applicable provisions of these guidelines including, but not limited to, those involving standard purchase prices or negotiated purchase prices, and the safety and electric system protection requirements.

c. Upon TVA's request distributors, prior to execution, shall submit for TVA review and approval any agreements with qualified producers for the purchase of their output, including any related arrangements for the sale of standby power to such producers.

2. Negotiated Pricing Arrangements by Distributors.

a. The negotiated pricing arrangements as provided for in these guidelines require information as to TVA's avoided capacity and energy costs. TVA will develop this and such other information as the distributors may reasonably request to assist them in evaluating proposals for purchase of power and energy from qualified producers.

b. At the distributor's request, TVA will assist in the development of the negotiated pricing arrangements for qualifed producers.

3. Contract Demand Reductions for Distributor Customers.

a. Distributors at the request of their customers may, consitent with the provisions of subsection A.7., reduce contract demands of existing customers that install qualified facilities providing power for inplant use.

b. In such cases, distributors will be responsible for determining that the amounts of such contract demand reductions are consistent with the requirements of these guidelines.

c. Distributors will obtain from qualified producers the data needed in making determinations as to the appropriate reductions as provided for under these guidelines, including any necessary inspections and testing at the customer's expense.

d. At a distributor's request, TVA will assist in determining the appropriate reduction as provided for under these guidelines.

4. Power Deliveries to Distributors for TVA's Account.

a. When an owner of a qualified facility connected to a distributor's power distribution facilities elects to sell its power output under these guidelines to TVA rather than to the connecting distributor and such arrangements are also acceptable to the distributor, the distributor will enter into appropriate contractual arrangements with TVA and the qualified producer for such purposes.

b. Under such an arrangement, the qualified producer will repay the distributor for any additional transmission, distribution, and administrative costs that the distributor incurs as a result of such purchases by TVA from the qualified producer.

c. The amount of any such payments by the qualified producer will be determined by the distributor in consultation with TVA taking into consideration such factors as operation and maintenance of distributor's facilities, changes in distributor's transmission and distribution losses, and meter reading and billing costs.

5. Contract Amendments and Arrangements for Distributors.

a. TVA will enter into contract amendments or agreements as appropriate to recognize that there may be limited distributor ownership and operation of production facilities meeting the criteria set forth in subsection B.1. and that distributors may purchase power from qualifying cogeneration facilities and qualifying small power production facilities as referred to in Section A. Such agreements with a distributor will recognize the responsibility of the distributor to TVA for certain additional costs TVA may incur if (without sufficient advance notice for it to have been included in power system plans) TVA has to supply replacement power to the distributor in the event of extended nonperformance of the production facilities of the distributor or a qualifying producer supplying power for use on the distributor's system.

b. Distributors are permitted to use up to 2 percent of their annual net revenues (resale electric revenue less wholesale power cost) for research and demonstration acitvities, including the evaluation of proposed dispersed power production projects. Activities requiring aggregate expenditures above this amount would be subject to prior review and approval by TVA.

c. When distributors seek TVA's prior approval of research and development expenditures that exceed the limitations in subsection C.5.b. above, it will be the distributor's responsibility to notify TVA in writing of the proposed expenditure and to provide TVA with such data and information as TVA might reasonably request for the purpose of evaluating the proposed research and development activity. If the distributor has received no response from TVA within 90 days from the date the distributor submitted such notice and information to TVA, the distributor may proceed with the proposed expenditure.

d. Distributors will provide TVA with reasonable advance notice of all power production facilities that either the distributors or their customers plan to acquire and coordinate with TVA the

development of any necessary power supply and operating arrangements. Additionally, after such facilities commence operations, the distributors will be responsible for notifying TVA promptly of any anticipated change in the capability of such production facilities to continue to supply power.

D. Supplemental Safety and System Protection Requirements Applicable to Owners of Production Facilities

These requirements shall be applicable to assure system safety and reliability of interconnected operations. The adequacy of safety and system protection facilities for interconnection with producers as provided herein will be determined by TVA and, as appropriate, by the distributors but only insofar as necessary to determine the compatibility of such facilities with the connecting electric system. TVA and the distributors will apply such other safety and system protection requirements as may be determined to be appropriate.

It is recommended that the connecting electric system, TVA or the distributor, emphasize to prospective producers the importance of discussing plans with the connecting electric system before purchasing or installing equipment.

1. Fault Protection.

a. Adequate protection facilities shall be provided by the owner to protect the connecting electric system from fault currents originating from the production facility. The owner will provide adequate fault current interruption capability with secondary relaying and control circuits.

b. It shall be the responsibility of the owner to provide adequate protection for its production facility from fault currents originating on the connecting electric system because of a fault in the production facility.

2. Overvoltage and Undervoltage.

a. It shall be the responsibility of the owner to provide adequate protection or safeguards to prevent damage to the connecting electric system caused by overvoltage originating from the operation of the production facility.

b. It shall be the responsibility of the owner to provide adequate protection of its production facility from inadvertent overvoltages originating on the connecting electric system.

c. It shall be the responsibility of the owner to provide facilities adequate to prevent the production facility from being damaged by undervoltage conditions on the connecting electric system.

3. Synchronization and Isolation.

a. The owner shall provide adequate facilities for the proper synchronization of its production facility with the connecting electric system such that synchronism is accomplished, either manually or by automatic means, without causing undesirable currents or voltages (including current surges and voltage fluctuations) on the connecting electric system.

b. The owner shall provide means for properly disconnecting the production facility from the connecting electric system for system line interruptions, for occasions when the connecting electric system becomes isolated from its source of generation, and for the proper resynchronization of the production facility after such interruptions or isolation. Rapid restoration of service following a termporary interruption using automatic circuit breaker reclosing is a standard utility practice.

c. To provide assurance that the connecting electric system cannot be energized from the production facility during outages on the connecting electric system, the owner of the production facility must provide equipment for manually disconnecting and isolating the production facility. This will help provide safety for the connecting electric system's employees performing emergency repairs or routine maintenance to its lines. Such equipment must be capable of preventing the production facility from energizing the system's lines and must include a device (or devices) which can be locked so as to isolate the production facility and prevent all means of backfeed into the connecting electric system.

d. The owner may install generating facilities to supply a portion of its load without operating its generating facilities in paralled with the electric system. In these instances, the owner must verify to the electric system that the switches used for transferring the load from the electric system lines to the onsite generation facilities will meet the electric system's requirements for nonparallel operation. Also, the owner must verify there is no possibility of backfeed to the electric system's lines. If it is found that the generating facilities can backfeed, the facilities must meet the requirements for parallel operation.

4. Grounding. The facilities (generator, connecting transformer, etc.) that connect to the electric system must be grounded in such a way that coordination is maintained with the relay protection system in use by the connecting electric system and the connected facilities will be protected from deleterious voltages during fault conditions.

5. Harmonics.

a. Adequate design precautions must be taken by the owner to prevent excessive and deleterious harmonic voltages or currents caused by the production facility from occurring on the connecting electric system.

b. The production facility must be designed to operate with normal harmonic voltages and currents that originate from the connecting electric system.

6. Reactive Power. The production facility shall be operated to supply appropriate amounts (as hereinafter described) of reactive power during onpeak hours and to supply no reactive power, or to consume appropriate amounts (as hereinafter described) or reactive power during offpeak hours. The specific reactive power requirements to be met by the production facility will be determined by the connecting electric system, taking into consideration such factors as production facility size and equipment design limitations, electric system voltage levels, and other conditions on the electric system. If the production facility is unable to meet such requirements due to equipment design or other such limitations for which reasonable corrective measures cannot be taken by the producer, the connecting electric system, as it deems necessary, may provide the required reactive power at the expense of the owner of the production facility.

The connecting electric system reserves the right to install metering equipment or to make periodic tests to determine the reactive power flows to or from the owner's production facility and to mutually agree with the owner of the production facility to requirements differing from those described in the above paragraph. The onpeak hours and offpeak hours referred to above are the same as those provided in the then effective standard price schedule.

7. Voltage Regulation. The owner shall provide necessary voltage regulation equipment to prevent the production facility from causing excessive voltage variation on the connecting electric system. The voltage variation caused by the production facility must be within ranges capable of being handled by the voltage regulation facilities used by the connecting electric system.

8. Voltage Flicker. The voltage surges caused by the operation, synchronization, or isolation of the production facility shall be within the standards of frequency of occurrence and magnitude established by the connecting electric system to prevent undue voltage flicker on the connecting electric system.

9. Voltage Balance.

a. The Voltage produced by the production facility must be balanced if it is a three-phase installation. The waveform must be sinusoidal and compatible with the operation of the connecting electric system.

b. The owner will be responsible for protecting its production facility from inadvertent phase unbalance or single phasing in the connecting electric system's voltage.

10. Operational Oversight.

a. The owner will be responsible for operating its production facility in a manner that will not cause undesirable or harmful effects to the connecting electric system or its other customers.

b. The owner will not begin initial operation of the production facility until it has received written approval from the connecting electric system. This approval shall not be construed as confirming or endorsing the design or as any warranty of safety, durability, or reliability of the production facility equipment.

c. The owner shall supply the connecting electric system with diagrams and specifications describing the production facility and related interconnection, operation, and protective equipment and any proposed changes to the aforesaid facilities. These diagrams and specifications shall be consistent with good engineering practice and shall specify the equipment to be used (relays, breakers, transformers, generators, etc.) by manufacturer, model, type, size, impedance, and other pertinent information.

For any production facility with output greater than 1,000 kW, the control and protective equipment used by the owner shall be utility class and shall conform to the latest revision of ANSI/IEEE C37.90, IEEE Standard Relays and Relay Systems Associated with Electric Power Apparatus. Specifications and/or instruction manuals for such control and protective equipment shall be made available by the owner upon request by the connecting electric system.

d. The connecting electric system shall have the right at any time to inspect and test the operation of any control and protective equipment owned and maintained by the owner.

e. If, subsequent to initial operation, a production facility is unable to comply with the provisions for safety, system protection, and production facility operation contained in this Section D, or is otherwise operated in an unsafe manner, the production facility may be disconnected from the connecting electric system until the problem has been corrected.

11. Metering. The type of metering and associated equipment shall be determined by the connecting electric system (and purchasing electric system, if different). Selection of metering arrangements will be based upon the lowest cost for equipment and arrangements that will also meet the electric systems' reasonable data requirements. Operation, maintenance, and testing of the metering equipment may be required from time to time by the electric systems. When tests are requested by the owner of a production facility, such tests shall be at the owner's expense.

12. Dc Current Injection. Adequate design precautions must be taken by the owner of the production facility to prevent injecting direct current into the connecting electric system. Where dc curent injection is a possibility, methods such as isolation transformers, monitoring devices, or other decoupling devices should be utilized by the owner of the production facility to prevent dc current injection.

13. Single-phase generators. Single-phase generators larger than 100 kW will be permitted to be connected to distribution facilities (26 kV and below) only after a determination by the connecting electric system that such connection will not interfere with the operation of the distribution circuit. Single-phase generators will not normally be permitted to be connected to subtransmission and transmission (46 kV and above) facilities.

14. Indemnification. The owner of the production facility will release, indemnify, and save harmless the connecting electric system and the purchasing electric system if different, and their respective agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage, or loss of life or property, sustained by the owner, its agents and employees, or third parties rising out of or in any way connected with the installation, operation, maintenance, repair, defect, or failure of the production facility and associated equipment and facilities.

15. Insurance. The owner of the production facility will carry general liability insurance (in such minimum amounts as may be determined appropriate by the connecting and purchasing electric systems) to provide protection against liability, claims, demands, causes of action, costs, or losses as described in subsection D.14. above (including losses sustained by the connecting electric system and the purchasing electric system, and their respective agents and employees). The owner of the production facility, at the request of the electric systems, will provide the electric systems with evidence of the continuing effectiveness of such insurance during the term of the contract. The owner of the production facility, at the request of the electric systems, will name the electric systems, and their respective agents and employees, as additional insureds.

Dispersed Power Price Schedule CSPP

(April 1, 1984)

Availability

This schedule shall apply to purchases by TVA, or by distributors of TVA power, from cogeneration and small power production facilities which are located within the TVA area, and which are qualified, operated, and maintained in accordance with the guidelines for TVA's Dispersed Power Production Program.

Character of Purchased Power

Alternating current, single, or three-phase, 60 hertz. Power will be purchased at the highest voltage available in the vicinity or other voltage agreed to by the purchasing electric system.

Standard Prices

Part A

Price for power and energy when no time-differentiated metering is utilized.

All kilowatthours per month at 1.780 cents per kWh.

Part B

Price for power and energy when time-differentiated metering is utilized.

All onpeak kilowatthours per month at 1.830 cents per kWh.

All offpeak kilowatthours per month at 1.750 cents per kWh.

Part C

Price for power and energy when time-differentiated metering is utilized. (Only available for purchases under contracts having terms of 10 years or longer.)

All onpeak kilowatthours per month at 2.420 cents per kWh.

All offpeak kilowatthours per month at 1.750 cents per kWh.

Revisions

All of the above prices are subject to revision by TVA annually to reflect, as TVA deems appropriate, TVA's then current projections of avoided energy costs and avoided capacity costs, if any, for the next annual period in which the power and energy is to be supplied.

The onpeak price in Part C above contains a capacity component based on

capacity cost projections for an extended period. This portion of the price will be revised annually to reflect changes in such capacity cost projections.

Determination of Onpeak and Offpeak Hours

Except for Saturdays and Sundays and the weekdays that are observed as Federal holidays for New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, onpeak hours for each day shall be 10:00 a.m. to 10:00 p.m. during calendar months of May through September and from 6:00 a.m. to 12:00 noon and from 4:00 p.m. to 10:00 p.m. during all other calendar months. All other hours of each day and all hours of such excepted days shall be offpeak hours. Such times shall be Central Standard Time or Central Daylight Time, whichever is then in effect. The onpeak and offpeak hours under this price schedule are subject to change by TVA. In the event TVA determines that such changed onpeak and offpeak hours are appropriate, it shall so notify producers supplying power to TVA hereunder and distributors at least 12 months prior to the effective date of such changed hours, and the distributors shall promptly notify producers supplying power to them hereunder.

Contract Requirement

Contracts are required for purchases hereunder. For purchases under Part A and Part B above contracts shall extend for a term of not less than one year, provided however that they may be cancelled by the producer upon not less than 90 days' advance written notice to the purchasing electric system. For purchases under Part C above contracts shall extend for a term of not less than 10 years.

Payment

Representatives of TVA or distributor shall on a monthly basis read the meters at the point of delivery and provide the owner of the qualified facility with a detailed accounting of the amount of power and energy supplied (including, as appropriate, metered amounts during onpeak and offpeak periods) as determined by TVA, or distributor. From these readings, calculations will be made to determine the amount to be paid for power and energy supplied by the qualified facility and payment will be rendered promptly to the owner of the qualified facility in accordance with the terms of the contract.

Standby Power Rate Schedule SP

(April 1, 1984)

Availability

Available for small power producers and cogenerators that qualify under TVA's Dispersed Power Production Program and that elect to purchase standby service for scheduled maintenance and emergency standby power supply. Service is subject to notice and scheduling requirements set out in the contract.

Character of Standby Service

Alternating current, single or three-phase, 60 hertz. Power supplied shall be delivered at the highest voltage available in the vicinity, unless at the customer's request a lower standard voltage is agreed upon.

Standby Power Charges

Reservation charges:

$0.71 per month per kilowatt of customer's standby contract demand, plus

$0.28 per month per kilowatt of aggregate production capacity of customer's facilities.

Demand Use Charges:

$1.41 per week per kilowatt of maintenance standby power prescheduled by customer, plus

$2.82 per week per kilowatt of emergency standby power used by customer.

Standby demand use charges will be prorated on a daily basis for periods of less than one week. All energy deemed to be taken with standby power will be billed as firm energy at the charges applicable under the standard general power rate schedule available for service to the customer. (For customers for whom firm power is also being made available, the amounts of standby power scheduled or taken will be subtracted from the customer's measured demand during such periods for purposes of determining the customer's billing demand for firm power.)

The above reservation and demand use charges may be increased or decreased by TVA, effective with the effective date of any adjustment addendum published by TVA or any Rate Change, to reflect changes in the cost of standby service.

Facilities Rental

There shall be no facilities rental charge under this rate schedule for delivery at bulk transmission voltage levels of 161 kV or higher. For delivery at less than 161 kV, there shall be added to the customer's bill a facilities rental charge. This shall be 33 cents per kW per month except for delivery at voltages below 46 kV, in which case the charge shall be 87 cents per kW per month for the first 10,000 kW and 68 cents per kW per month for the excess over 10,000 kW. Such charge shall be applied to the customer's then effective standby contract demand except that, for a customer for whom firm power is also being made available, and whose firm power takings are also subject to facilities rental charges under the provisions of the standard general power rate schedule, calculations for determining the facilities rental charges for firm power and for standby power shall be made as follows. The standby contract demand will be added to the higher of (1) the highest billing demand for firm power established during the latest 12-consecutive-month period or (2) the customer's then effective firm contract demand, and the amounts in cents per kW set out above shall be applied to the total. The facilities rental charge shall be in addition to all other charges under this rate schedule. Such amounts in cents per kW may be increased or decreased by TVA, effective with the effective date of any Adjustment Addendum published by TVA or any Rate Change, to reflect changes in the costs of providing for delivery at voltage levels below 161 kV.

Contract Requirement

Customers to whom this rate schedule in applicable shall be required to execute contracts, and such contracts shall be for a term not to exceed 10 years.

Payment

Bills under this rate schedule will be rendered monthly. Any amount of bill unpaid after due date specified on bill may be subject to additional charges under Distributor's standard policy.

Single-Point Delivery

The charges under this rate schedule are based upon the supply of standby service through a single delivery and metering point, and at a single voltage. If service is supplied to the same customer through more than one point of delivery or at different voltages, the supply of service at each delivery and metering point and at each different voltage shall be separately metered and billed under this rate schedule.

Service is subject to Rules and Regulations of the Distributor and

guidelines applicable under TVA's Dispersed Power Production Program.

[FR Doc. 84-11522 Filed 4-27-84; 8:45 am]
BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent To Prepare an Environmental Impact Statement for Runway 5-23 Approach Lighting System at Groton-New London Airport, Groton, Conn.

The Federal Aviation Administration (FAA) New England Region and the Connecticut Department of Transportation, acting as joint lead agencies, intent to prepare a Federal Environmental Impact Statement for: The proposed installation of an Approach Lighting System (ALS) for Runway 5-23 at Groton-New London Airport, Groton, Connecticut. The Connecticut DOT intends to utilize this document in completing the State environmental review process.

The study alternatives to be considered include:

- A medium intensity approach lighting system with runway alignment indicator lights (MALSR), (2,400 feet long).
- A medium intensity approach lighting system with sequential flashers (MALSF) (1,400 feet long).
- A medium intensity approach lighting system (MALS) (1,400 feet long).
- Donothing.

The scoping process will include contact with all interested Federal State, and local agencies, aviation interests, and citizens groups, including Groton-New London Airport Advisory Committee. A letter along with a preliminary scope of work and relevant sections from the latest Airport Master plan, including preliminary environmental analyses, requesting their comments. All comments received will be considered in developing the scope of work for the EIS. No formal scoping meeting is scheduled, as there were extensive meetings held during the preparation of the Airport Master Plan.

Copies of the Airport Master Plan, including the Environmental Study chapter are available for review at the following places during the normal office hours: FAA, New England Region Office (address listed below): Connecticut Department of Transportation, Office of Environmental Planning, 24 Wolcott Hill Road, Wethersfield, CT 06109; Southeastern Connecticut Regional Planning Agency, 129 Boswell Avenue, Norwich, CT 06260; and the Airport Manager's Office, Groton-New London Airport Groton, CT 06340.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested partite by May 30, 1984.

Inquiries about the proposed action should be directed to: M. Ashraf Jan, Environmental Specialist, FAA, Airports Division, 12 New England Executive Park, Burlington, MA 01803, Telephone No. (617) 273-7233.

Dated: April 16, 1984.

Gerald D. Curtin,

Manager, Airports Division.

[FR Doc. 84-11514 Filed 4-27-84; 8:45 am]
BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. IP84-9; Notice 1]

Mack Trucks, Inc.; Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

Mack Trucks, Inc. of Allentown, Pa., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.302, Motor Vehicle Safety Standard No. 302, *Flammability of Interior Materials*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Section S4 of Standard No. 302 requires that an occupant trim panel, when tested in accordance with specified procedures, shall not burn or transmit a flame across its surface, at a rate of more than 4 inches per minute. Radio speaker covers supplied in 5,015 Mack trucks manufactured between August 1977 and June 1983 may not comply with the standard. Mack has discovered that the radio grille does not meet the requirements "and causes assemblies to exceed the burn rate by a nominal 1.3 to 1.8 inches per minute." Other components of the assembly (speaker housing and grille retainer ring) "easily meet" the flammability requirements. Mack understands that the covers are also used by other manufacturers in the heavy duty truck and recreational vehicle industries.

Petitioner argues that the noncompliance is inconsequential because "it is our considered opinion that these speaker covers, with a minimal area of 26 square inches, will not expedite the spread of a fire * * *." In Mack's experience, vehicle fires are most likely to originate "in the lower portions of a cab, either in the firewall area or on the floor"; the speaker assemblies at issue are located in the "sleeper box", in the upper portion of the cab behind the driver's head, and by the time flames reached it the entire cab might be in flames. The risk of a fire originating in the speaker area is considered low "due to the low level electrical current running through the related wiring in that area."

Interested persons are invited to submit written data, views and arguments on the petitions described above. Comment should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 30, 1984.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 24, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-11568 Filed 4-27-84; 8:45 am]
BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Notice of rate for use in Federal debt collection and discount evaluation.

SUMMARY: Pursuant to Section 11 of the Debt Collection Act of 1982 (31 U.S.C. 3717), the Secretary of the Treasury is responsible for computing and

publishing the percentage rate to be used in assessing interest charges for outstanding debts on claims owed the Government. Treasury's Cash Management Regulations (I TFM 6–8000) also prescribe use of this rate by agencies as a comparison point in evaluating the cost-effectiveness of a cash discount. Notice is hereby given that the applicable rate is 9% for the fourth quarter of FY 1984.

DATES: The rate will be in effect for the period beginning on July 1, 1984, and ending on September 30, 1984.

FOR FURTHER INFORMATION CONTACT: Inquiries should be directed to the Cash Management Program Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, PB–711, Washington, D.C. 20226 (Telephone: 202/634–5131).

SUPPLEMENTARY INFORMATION: The rate reflects the current value of funds to the Treasury for use in connection with Federal cash management systems, and is based on investment rates set for purposes of Pub. L. 95–147, 91 Stat. 1227. Computed each year by averaging investment rates for the twelve-month period ending every March 31 for applicability effective July 1, the rate is subject to quarterly revisions if the annual average, on a moving basis, changes by 2 per centum. The rate in effect for the fourth quarter of FY 1984 reflects the average investment rates for the twelve-month period ended March 31, 1984. The applicable rate will be published on or around the end of the first month of a given quarter for use during the succeeding calendar quarter.

Dated: April 25, 1984.

Russell D. Morris,

Assistant Commissioner.

[FR Doc. 84–11551 Filed 4–27–84; 8:45 am]

BILLING CODE 4810–35–M

UNITED STATES INFORMATION AGENCY

English as a Foreign Language Institute, Francophone Africa

The Bureau of Educational and Cultural Affairs of the United States Information Agency plans to sponsor a *Summer Institute for Supervisory Skill Development* for twelve to fifteen English teaching inspectors, supervisors, and teacher trainers from *Francophone Africa.*

The 3½-week Institute will be programmed to begin no earlier than July 8 and no later than July 23, 1984. (The Agency will inform the grantee of firm starting date.) This Institute is proposed to support the efforts of African countries to upgrade secondary education and related teacher training in the field of English as a Foreign Language.

The applicant is asked to design the first part of a two-part program, i.e., a 3½-week summer Institute containing courses related to the participants' needs and an American cultural component.

A one-week cultural tour of selected sights in the U.S., culminating with a final consultation in Washington, D.C., will follow the institute. All programming and administrative logistics, management, and expenses for the post-Institute cultural tour will be handled by an external programming agency. The USIA will arrange this element of the program and will inform the Institute grantee of these arrangements at the time of the award. The host university grantee will be expected to provide consultation and advice to the organization responsible for programming the post-Institute cultural tour.

The Institute should maintain a relative balance among plenaries, lectures, workshops, and practicums. Lengthy lectures should not be the usual format. Activities should include a two to three-day orientation to the U.S. and university community, followed by programming in the following areas:

—Supervisory skill development
—teacher training
—microteaching
—teacher and program evaluation
—current methodology for all skills
—small group work and teaching large classes (50+)
—materials evaluation
—psycholinguistic and sociolinguistic understanding
—language enhancement, including work on communication, pronunciation, and syntax.

You should be aware that, in their positions, the participants are generally concerned with the following tasks:

1. Assessing language skills and development for classroom teachers;
2. Conducting observation and evaluation sessions for classroom teachers;
3. Conducting inspections of EFL teaching programs;
4. Running training sessions for teachers and supervisors;
5. Arranging teacher training and supervisory sessions to handle individual and small group needs in classes with fifty or more students; and
6. Evaluating standard and flexible curriculum texts and materials for classroom teachers.

In designing the programs for the above topics it should be noted that these participants are dealing with very set curricula. Teachers' and students' attitudes in their programs are often influenced by what is tested on national exams. Also, basic teaching equipment and materials, beyond a blackboard and chalk, are not always available.

The substantive content and pedagogical methods should be complemented by ample time for interaction with American students, faculty and administrators, and the local community, to develop and enhance linguistic skills and experience English as a living language. In this context, the host institution should discuss plans for incorporating cultural components throughout the Institute, i.e., educational tours, visits with local host families, sports, civic events, and sightseeing.

All programming and administrative logistics, management, and expenses for the post-Institute cultural tour will be handled by an external programming agency. The USIA will arrange this element of the program and will inform the Institute grantee of these arrangements at the time of the award. The host university grantee will be expected to provide consultation and advice to the organization responsible for programming the post-Institute cultural tour. (During the cultural tour, African participants will have diverse opportunities to develop their linguistic skills; have extensive opportunities to interact with various American minority and ethnic groups in their local milieux; visit varous EFL and ESL programs to supplement those of the Summer Institute, discuss civic affairs with state and local officials; and tour state and national historical and cultural sites. The final two to three days of the cultural tour will culminate with debriefing sessions at USIA.)

If your university decides to submit a proposal, it should provide a detailed plan in response to the above needs. As far as possible, outstanding professionals from other universities, including those representing minority groups, should be involved. The professionals may be in either linguistics applied to EFL or aspects of American culture. The proposal must clearly demonstrate quality on-site management capabilities for the orientation and Institute. The overall quality and effectiveness of the program hinges upon good administrative and managerial capabilities to enhance positive interactions between African educators and Americans.

The proposal should provide a *specific* and *detailed line item budget*

for *both administrative and program costs.* The budget must be signed by the appropriate University budget and/or contract office. The budget should elaborate and include each of the following:

(1) Tuition, salaries, benefits, and services (including support staff) for the program plus overhead costs;

(2) housing, for example, faculty residences, graduate dormitories, home-stays, or other if necessary;

(3) transportation costs for *all* travel during the course of the on-site University institute (International travel arrangements will be made by USIA posts in Africa and other domestic travel will be handled by the programming agency);

(4) miscellaneous such as honoraria, film rental, certificates, cultural activities, books and support material;

(5) university contributions or cost sharing and/or private sector contributions; and

(6) indirect costs which should be held to a *minimum.*

A panel of senior USIA officers experienced in EFL, the exchange of international educators, and African affairs will use the following criteria when evaluating the proposals:

(1) Clear evidence of the ability to deliver a substantive academic and pedagogical EFL program;

(2) Demonstrated high quality EFL programs—experience with Francophone Africa is desirable;

(3) A quality evaluation at the conclusion of the institute;

(4) Evidence of strong on-site administrative and managerial capabilities for international visitors with specific discussion of how managerial and logistical arrangements will be undertaken;

(5) The experience of professionals and staff assigned to the program;

(6) The ability to tap local and state resources for the orientation and institute;

(7) Access to EFL professionals and programs from various universtities; and

(8) Cost-effectiveness.

For your guidance, our experiences with similar institutes would indicate that the cost for this Institute should probably not exceed $45,000. Based upon the final number of participants, some modifications may be necessary following the award.

Applicants should submit ten copies each of a 500-word summary, a proposal not to exceed 15 typed, double-spaced pages, and the detailed budget. Final proposals must be submitted by May 15, 1984 for funding in June 1984. The proposal package should be submitted to: Ronald L. Trowbridge, Associate Director, Bureau of Educational and Cultural Affairs, 301 4th St. S.W., Room 849, Washington, D.C. 20547.

We will make every effort to provide the grantee with complete information on participants prior to the beginning of the program so adustments can be made to suit participants' needs.

If you have questions, please contact Mr. William Dant, USIA, at the Bureau of Educational and Cultural Affairs, 301 4th St. S.W., Room 234, Washington, D.C. 20547; or you may call him at (202) 485–7355.

Dated: April 25, 1984.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 84–11569 Filed 4–27–84; 8:45 am]

BILLING CODE 8230–01–M

English as a Foreign Language Institute, Rwanda and Togo

The Bureau of Educational and Cultural Affairs of the United States Information Agency plans to sponsor an *English as a Foreign Language (EFL) Summer Program* for *thirty* English teachers, inspectors, curriculum specialists, and supervisors from Rwanda and Togo. The five-week program will be conducted in July and August 1984, beginning either the week of July 8th or 15th (The Agency will inform the grantee of the firm starting date).

The summer program will be a component of the Agency's Teacher-Text-Technology (TTT) Initiative which is designed to support the efforts of African countries to upgrade secondary education and related teacher training in the fields of English, math, and science. During a recent USIA sponsored thirty-day tour of the United States, Ministry of Education officials and educators from Rwanda, Togo, Liberia, Malawi, and Tanzania were exposed to Federal, state, and local education programs at the secondary and college levels and a wide range of education resources (human and material) in the private sector.

A summer EFL Institute will provide an intensive three and a half week period of plenaries, lectures, and workshops designed to meet the special needs of thirty English teachers, supervisors, curriculum specialists, and inspectors. The host university will incorporate cultural components during the Institute with the academic sessions and workshops to enhance the learning experiences from the Institute.

The grantee will be expected to handle all on-site university arrangements. The three and a half week EFL Institute will orient the Rwandan and Togolese participants to University resources and those in the surrounding community. While the overall Institute should address general EFL issues, it must simultaneously design particular workshops and academic lectures to address country specific needs. The USIA is especially concerned that a relative balance be maintained among lectures, workshops, and practicums. Lengthy lectures should not be the usual format.

Information from Rwanda indicates that participants will likely be English teachers, curriculum specialists, and a university professor. The EFL teachers and inspectors teach classes and design curriculum for classes of 35 or more pupils; their students are usually 15 to 20 years old; English teaching begins in the first year of secondary education and continues up to six years; about half the participants have B.A. degrees and the other half have a "licence" (that is, approximately five years of post secondary study); and most participants have been educated in Rwanda although they have been exposed to non-Rwandan instructors at the secondary and university levels.

Information from Togo indicates that participants will likely be English "junior secondary and senior secondary" teachers, inspectors, and teacher trainers or supervisors. The participants have either an M.A. or a B.A. (plus a diploma in TEFL); some have received training from non-Togolese sources in Togo such as the local USIA branch or the British Council Technical Assistance Program. Some training has occurred in Great Britain, Canada, and English speaking African countries. Regular classes may have forty or more pupils; and over 100 teachers may be involved in one EFL training workshop. Upon their return to Togo, some inspectors and teacher trainers will design an intensive program for teacher training to cover the entire country. The inspectors and supervisors spend approximately one-half the time with school inspection and training; upon their return, about one-quarter time will be devoted to administration and the remaining portion with teacher training. Inspections for individual teachers occur once every two to five years with the schools receiving the results two to four weeks later.

For both groups of participants, appropriate plenary and joint academic seminars and workshops should be undertaken on topics such as communication, psycholinguistic understanding, microteaching, and

traditional and contemporary audiovisual equipment and material for EFL. The substantive content and pedagogical methods should be blended with ample time for interaction with American students, faculty, administrators, and the local community to develop and enhance linguistic skills and experience English as a living language. In this context, the host university should discuss plans for continually incorporating cultural components in the EFL Institute, for example, educational tours, home visits, sports, civic events, and sightseeing.

All programming and administrative logistics, management, and expenses for the post-Institute cultural tour will be handled by an external programming agency. The USIA will arrange this element of the program and will inform the Institute grantee of these arrangements at the time of the award. The host university grantee will be expected to provide consultation and advice to the organization responsible for programming the post-Institute cultural tour. (During the cultural tour, African participants will have diverse opportunities to develop their linguistic skills; have extensive opportunities to interact with various American minority and ethnic groups in their local milieux; visit various EFL and ESL programs to supplement those of the Summer Institute, discuss civic affairs with state and local officials; and tour state and national historical and cultural sites. The final two to three days of the cultural tour will culminate with debriefing sessions at USIA.)

If your university decides to submit a proposal, it should provide a detailed plan in response to the above needs. Insofar as possible, outstanding professionals from other universities, including those representing minority groups, should be involved. The professionals may be in either linguistics applied to EFL or aspects of American culture. The proposal must clearly demonstrate quality on-site management capabilities for the orientation, EFL Institute, and cultural component. The overall quality and effectiveness of the program hinges upon good administrative and managerial capabilities to enhance positive interactions between African educators and Americans.

The program should include a two to three day orientation to the USA and the university community. Some specific areas to address in the general program are:

(1) Evaluating and designing standard and flexible curriculum materials and texts;

(2) Providing creative instruction to enhance a set curriculum designed to prepare students for standard examinations;

(3) Designing pedagogical training to develop skills in classroom teaching and management—including current TEFL methodology;

(4) Designing, administering, and evaluating diagnositc tests;

(5) Arranging teacher training and supervisory sessions to handle individual student and small group needs in classes with forty or more students; and

(6) Presenting language improvement sessions to enhance the participants' language skills: pronounciation, syntax, and reading.

Two areas of special consideration for Togolese inspectors and supervisors are:

(1) Conducting observation and evaluation sessions for classroom teachers; and

(2) Organizing and conducting training sessions for supervisors, particularly through workshops and other practicums.

The proposal should provide a *specific* and *detailed line item budget* for *both administrative* and *program costs.* The budget should elaborate and include each of the following:

(1) Tuition, salaries, benefits, and services (including support staff) for the program plus overhead costs;

(2) Housing, for example, faculty residences, graduate dormitories, home stays, or other if necessary;

(3) Transportation costs for *all* travel during the course of the on-site University EFL Institute (International travel arrangements will be made by USIA posts in Kigali, Rwanda and Lome, Togo; and other domestic travel will be handled by the programming agency.);

(4) Miscellaneous such as honoraria, film rental, certificates, cultural activities, books and support material;

(5) University contributions or cost sharing and/or private sector contributions; and

(6) Indirect costs which should be held to a *minimum.*

A panel of senior USIA officers experienced in EFL, the exchange of international educators, and African affairs will evaluate the proposals based on the above general considerations and the following specific criteria:

(1) Clear evidence of the ability to deliver a substantive academic and pedagogical EFL program;

(2) Demonstrated high quality EFL programs—experience with Francophone Africa is desirable;

(3) A quality evaluation at the conclusion of the University EFL Institute;

(4) Evidence of strong on/site administrative and managerial capabilities for international visitors with specific discussion of how managerial and logistical arrangements will be undertaken;

(5) The experience of professionals and staff assigned to the institute;

(6) The ability to tap local and state resources for the summer Institute, including the orientation and cultural component;

(7) Access to EFL professionals and programs from various universities; and

(8) Cost effectiveness.

For your guidance, our experiences with similar institutes would indicate that the cost for this Institute should probably not exceed $75,000. Based upon the final number of participants, some budget modifications may be necessary following the award.

Applicants should submit 10 copies each of a 500 word summary, a proposal not to exceed 15 typed double-spaced pages, and the detailed budget. The budget must be signed by the appropriate university budget and/or contract office.

Final proposals must be submitted by May 15, 1984, for funding in June 1984. Proposals should be submitted to: Dr. Ronald L. Trowbridge, Associate Director, Bureau of Educational and Cultural Affairs, United States Information Agency, 301 4th St., S.W., Washington, D.C. 20547.

We will make every effort to provide the grantee with complete information on participants prior to the beginning of the program so adjustments can be made to suit participants' needs. If you have questions, please contact Dr. Beverly Lindsay, TTT Coordinator, Bureau of Educational and Cultural Affairs, USIA, 301 4th St., S.W., Washington, D.C. 20547; or you may call her at 202–485–8607 or 485–7326.

Dated: April 25, 1984.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 84–11570 Filed 4–27–84; 8:45 am]

BILLING CODE 8230–01–M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of

information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and a new collection and lists the following information: (1) The Department or Staff issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–6880.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: April 24, 1984.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Existing Collections

1. Department of Veterans Benefits
2. Invitation, Bid, and/or Acceptance or Authorization
3. VA Forms 26–6724 and 26–6724–1
4. On occasion
5. Businesses or other for-profit, small businesses or organizations
6. 312,000 responses
7. 156,000 hours
8. Not applicable

New Collection

1. Department of Medicine and Surgery
2. Questionnaire—Soft Tissue Sarcoma Study
3. VA Form 10–20763 (NR)
4. Reporting requirement
5. Individuals or households
6. 30 responses
7. 15 hours
8. Not applicable

[FR Doc. 84–11575 Filed 4–27–84; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 84
Monday, April 30, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, May 2, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Voluntary Standards Policy

The staff will brief the Commission on a proposal to amend the CPSC policy regarding Commission involvement in voluntary standards activities (16 CFR, Part 1032).

2. Squeeze Toys—Voluntary Standard Status Report

The staff will brief the Commission on progress of voluntary standards activities regarding squeeze toys.

3. Strong Sensitizers Definition: Final Rule

The staff will brief the Commission on a draft final rule to revoke the definition of "strong sensitizer" in 16 CFR, Part 1500.3(c)(5), Federal Hazardous Substances Act Regulations.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Sheldon D. Butts,
Deputy Secretary.

April 25, 1984.

[FR Doc. 84–11617 Filed 4–26–84; 8:45 am]
BILLING CODE 6355–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, May 3, 1984.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, D.C.

STATUS: Part Open/Part Closed to the Public.

MATTERS TO BE CONSIDERED:

1. Kerosene Heaters

The staff in open session will brief the Commission on issues related to possible enforcement actions under Section 15 of the Consumer Product Safety Act concerning the sale of kerosene heaters in inventory which do not meet the most recent revisions to the U. L. Standard 647. The closed portion of the meeting will concern a discussion of specific firms and/or concern specific enforcement actions.

Closed to the Public

2. Enforcement Matter OS #4468

The Commission will consider Enforcement Matter OS #4468.

3. Enforcement Matter OS #4999

The staff will brief the Commission on Enforcement Matter OS #4999.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Sheldon D. Butts,
Deputy Secretary.

April 25, 1984.

[FR Doc. 84–11618 Filed 4–26–84; 8:45 am]
BILLING CODE 6355–01–M

3

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—May 4, 1984.

PLACE: Hearing Room One—1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

1. Petition for Reconsideration and Stay of the Date of the Commission's Order of Conditional Approval of Agreement No. 2744–50—An Application for U.S. Intermodal Ratemaking Authority by the Atlantic & Gulf/West Coast of South America Conference.

Portions Closed to the public:

1. Petition of Coordinated Caribbean Transport, Inc., for Investigation of Conditions in the United States/Ecuador Trades—Consideration of the Record.

2. Docket No. 79–83: Investigation of Unfiled Agreements in the North Atlantic Trades—Consideration of Motion to Dismiss.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725

Francis C. Hurney,
Secretary.

[FR Doc. 84–11624 Filed 4–26–84; 10:08 am]
BILLING CODE 6730–01–M

4

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., May 14, 1984.

PLACE: On board MV *Mississippi* at Foot of Eighth Street, Cairo, IL.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,
Executive Assistant, Mississippi River Commission.

[FR Doc. 84–11694 Filed 4–26–84; 3:53 pm]
BILLING CODE 3710–GX–M

5

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., May 15, 1984.

PLACE: On board MV *Mississippi* at City Front, Vicinity of Beale Street, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; and (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 84–11695 Filed 4–26–84; 3:53 pm]

BILLING CODE 3710–GX–M

6

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 3:30 p.m., May 16, 1984.

PLACE: On board MV *Mississippi* at City Front, Foot of Crawford Street, Vicksburg, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 84–11696 Filed 4–26–84; 3:53 pm]

BILLING CODE 3710–GX–M

7

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., May 18, 1984.

PLACE: On board MV *Mississippi* at Foot of Prytania Street, New Orleans, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commmander's report on the Mississippi River and Tributaries Project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 84–11697 Filed 4–26–84; 3:53 pm]

BILLING CODE 3710–GX–M

8

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, May 9, 1984.

PLACE: Board Hearing Room, 8th Floor, 1425 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of April, 1984.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523–5920.

DATE OF NOTICE: April 26, 1984.

Rowland K. Quinn, Jr.,

Executive Secretary, National Mediation Board.

[FR Doc. 84–11644 Filed 4–26–84; 10:58 am]

BILLING CODE 7550–01–M

9

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters)

TIME AND DATE: 9:00 a.m., Friday, April 27, 1984.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 4 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

Dated: April 23, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84–11708 Filed 4–26–84; 3:53 am]

BILLING CODE 4410–01–M

10

POSTAL SERVICE BOARD OF GOVERNORS

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold meetings at 1:00 p.m. on Monday, May 7, 1984, in Washington, D.C., and at 8:30 a.m. on Tuesday, May 8, 1984, in the Benjamin Franklin Room, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. As indicated in the following paragraph, the May 7 meeting is closed to public observation. The May 8 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, David F. Harris, at (202) 245–3734.

At its meeting on April 2, 1984, the Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for May 7. (See 49 FR 13953, April 9, 1984.) The agenda items of the meeting to be closed concern 1) strategic planning in connection with collective bargaining negotiations involving parties to the 1981 National Agreements, between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July 1984; and 2) consideration of the February 24, 1984, Recommended Decision of the Postal Rate Commission on E-COM rates (Docket No. R83–1).

Agenda

Monday Session, May 7 (Closed)

1. Strategic Planning—Collective Bargaining.
2. Consideration of Postal Rate Commission Recommended Decision of February 24, 1984, on E-COM Rate and Classification Changes [Docket No. R83–1].
3. Discussion of Pending Litigation, *RCA Corporation, Government Systems Division v. United States of America.*

Tuesday Session, May 8 (Open)

1. Minutes of the Previous Meeting, April 2–3, 1984.
2. Remarks of the Postmaster General. [In keeping with its consistent practice, the Board's agenda privides this opportunity for

the Postmaster General to inform the Members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board is brought up under this item.)

3. Officer Compensation. (The Board will consider approval of a recommendation by the Postmaster General regarding an adjustment in officer compensation.)

4. Quarterly Report on Financial Performance. (Mr. Coughlin, Senior Assistant Postmaster General, Finance Group, will present the quarterly summary of financial performance.)

5. Consideration of a proposed filing with the Postal Rate Commission on certain classification changes. (Mr. Coughlin will present proposed changes in the eligibility requirement for Special Fourth-Class Mail.)

6. Briefing on Scheduling Air Transportation after January 1, 1985. (Mr. Penttala, Assistant Postmaster General, Mail Processing Department, will brief the Board on the status of the Air Contracting Support System.)

7. Briefing on Service Performance Measurement—ODIS. (Mr. Penttala will brief the Board on the Procedure to gather data and to determine service performance using the "Origin-Destination Information System.")

8. Quarterly Report on Service Performance. (Mr. Jellison, Senior Assistant Postmaster General, Operations Group, will present the quarterly summary on service performance.)

9. Capital Investment: Jackson, MS (GMF/VMF). (Mr. Biglin, Senior Assistant Postmaster General, Administration Group, will present the proposal for a new General Mail Facility/Vehicle Maintenance Facility.)

10. Briefing on Clusterbox Delivery Policy and Procurement. (Mr. Hagburg, Assistant Postmaster General, Delivery Services Department, and Mr. French, Assistant Postmaster General, Procurement and Supply Department, will brief the Board on the "clusterbox" program.)

11. Consideration of Tentative Agenda for the June 4–5, 1984, meeting of the Board in San Francisco, CA.

David F. Harris,

Secretary.

[FR Doc. 84-11705 Filed 4-27-84; 8:45 am]

BILLING CODE 7710-12-M

11

POSTAL SERVICE (BOARD OF GOVERNORS)

Notice of Vote to Close Meeting.

By telephone vote on April 24–25, 1984, the Board voted to add discussion of pending litigation, *RCA Corporation, Government Systems Division v. United States of America,* to the agenda for the closed meeting on Monday, May 7, 1984.

The Board determined that pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39 Code of Federal Regulations, the discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b) because it is likely to concern the Postal Service's participation in a civil action. The Board has also determined that the public interest does not require that the Board's discussion be open to the public.

In accordance with section 552b(f)(1) of title 5 United States Code, and section 7.6(a) of title 39 Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion this portion of the meeting to be closed may properly be closed to public observation pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations.

David F. Harris,

Secretary.

[FR Doc. 84-11704 Filed 4-28-84; 3:58 pm]

BILLING CODE 7710-12-M

12

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of April 30, 1984, at 450 Fifth Street, NW., Washington, D.C.

Open meetings will be held on Tuesday, May 1, 1984, at 10:00 a.m. and 3:00 p.m. and on Wednesday, May 2, 1984, at 10:00 a.m., in Room 1C30. A closed meeting will be held on Tuesday, May 1, 1984, following the 10:00 a.m. open meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissoners Treadway and Cox voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, May 1, 1984, at 10:00 a.m., will be:

Consideration of a legislative proposal to implement the Commission's responses to the recommendation of the Tender Offer Advisory Committee. Passage of the proposed legislation would authorize the Commission to regulate or prohibit (i) "golden parachutes"; (ii) issuance of self-tenders; (iii) certain defensive issuances of securities; and (iv) "greenmail." Also, the Commission would be granted expanded authority under Section 13 of the Exchange Act in order to close the existing "ten-day window" for Schedule 13D filings. For further information, please contact Alan Cohen at (202) 272–7519.

The subject matter of the closed meeting scheduled for Tuesday, May 1, 1984, following the 10:00 a.m. open meeting, will be:

Settlement of administrative proceedings of an enforcement nature.

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Litigation matter.

The subject matter of the open meeting scheduled for Tuesday, May 1, 1984, at 3:00 p.m., will be:

The Commission, as part of its active oversight of private sector standard-setting activities, will meet with representatives of the Financial Accounting Standards Board regarding the Board's Conceptual Framework Project. The purpose of the meeting is to discuss that project (including the December 30, 1983 exposure draft of a proposed Statement of Financial Accounting Concepts, "Recognition and Measurement in Financial Statements of Business Enterprises") and its application to the establishment of financial accounting standards. For further information, please contact Clarence M. Staubs at (202) 272–2130.

The subject matter of the open meeting scheduled for Wednesday, May 2, 1984, at 10:00 a.m., will be:

1. Consideration of whether to adopt or withdraw proposed Rule 205–3 under the Investment Advisers Act of 1940 relating to certain advisory contracts providing for compensation based on a share of capital gains upon or capital appreciation of a client's account. For further information, please contact Forrest R. Foss at (202) 272–3038.

2. Consideration of whether to transmit a letter to the National Association of Insurance Commissioners suggesting the establishment of a formal procedure for exchanging information on insurance products subject to concurrent state/federal jurisdiction. For further information, please contact Thomas P. Lemke at (202) 272–2061.

3. Consideration of whether to propose for public comment amendments to Rule 2a–5 (to be renumbered Rule 2a19–1) under the Investment Company Act of 1940 to exempt certain investment company directors from the definition of "interested person". The Commission will also consider proposed Rule 10b–1 to define the term "regular broker or dealer." For further information, please contact Brian M. Kaplowitz at (202) 272–3024.

4. Consideration of whether to comment on the proposal of the Board of Governors of the Federal Reserve System to provide for automatic marginability of National Market System Securities. For further information, please contact John F. Connolly at (202) 272–2368.

5. Consideration of whether to publish for comment amendments to Item 401 of

Regulation S–K, relating to the disclosure of certain legal proceedings information about management. The proposed amendments would add commodities proceedings to the legal proceedings currently required to be disclosed with respect to directors and executive officers and would require new registrants to disclose the same legal proceedings involving promoters and control persons that they must disclose with respect to directors and executive officers. For further information, please contact Betsy Callicott Goodell at (202) 272–2589.

At time changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: JoAnn Zuercher at (202) 272–2014.

George A. Fitzsimmons,

Secretary.

April 25, 1984.

[FR Doc. 84–11593 Filed 4–25–84; 4:33 pm]

BILLING CODE 8010–01–M

federal register

Monday
April 30, 1984

Part II

Department of Justice

Bureau of Prisons

28 CFR Part 551

Marriages of Inmates and Victim and Witness Notification; Final and Interim Rule

Modification of List of Bureau of Prisons Institutions; Notice

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 551

Control, Custody, Care, Treatment, and Instruction of Inmates; Marriages of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Prisons is publishing its final rule on marriages of inmates. The rule is intended to discuss Bureau of Prisons policy on marriages of inmates and on the use of institution facilities for an inmate's marriage ceremony.

EFFECTIVE DATE: June 1, 1984.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: In this document, the Bureau is publishing its final rule on marriages of inmates. A proposed rule on this subject was published in the **Federal Register** January 3, 1984 (at 49 FR 195 et seq.). Interested persons were invited to submit comments on the proposed rule. Members of the public may submit comments concerning the final rule by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register.**

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. The Bureau of Prisons has determined that E.O. 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

1. Section 551.10—A comment that § 551.10(a) is unnecessarily vague and provides insufficient guidance fails to recognize that the intent of this section is to broadly define the rule's purpose and scope. The sections of eligibility and on application to marry offer the necessary specificity. We do not consider it realistic to more narrowly define the terms "threat to security or good order" or "protection of the public". While these phrases are by necessity broad in their scope, they are not overly broad. The presumption of the Bureau's rule is that the Warden shall approve an inmate's request to marry. If the Warden disapproves a marriage request, the inmate will be notified in writing of that decision. This notification will include a statement of reasons for the denial. An inmate who disagrees with the denial may file a complaint using the Administrative Remedy Procedure (see Part 542, Subpart B). This procedure offers the inmate subsequent review(s), with written response(s), to the contested action. As revised, the Bureau considers its rule on marriages of inmates to be consistent with existing case law. Further, the rule's specificity, and the appeal procedure, dilutes the likelihood, as suggested by a commenter, that staff will impose their own personal views, theories, and prejudices.

2. Section 551.12—The Bureau concurs with a comment that the language of § 551.12(e), pertaining to an inmate's "good adjustment", could be subject to overly broad interpretation. For this reason, proposed § 551.12(e) is deleted.

3. Section 551.14—A comment that the Bureau's example in § 551.14(a) is rather remote does not detract from the possible occurrence of that situation, and the ramifications it might have on some pending legal action. A subsequent comment that the relevance of this section to the "security, order, discipline, rehabilitation, or even protection of the public is similarly remote if not obscure" fails to recognize that the intent of § 551.14(a) is to assess the effect, if any, of the marriage on the pending legal action. A marriage which would affect the status of litigation could impact on the protection of the public. In conducting its assessment, the Bureau agrees with, and conceivably would use an approach suggested by the commenter, specifically, that staff contact the prosecutor for help in "clearing up" possible problems relating to the legal implications of the marriage.

Proposed § 551.14(b), concerning marriages between inmates in federal institutions is deleted, with such requests being considered within the same framework as other applications to marry. Based on the deletion of § 551.14(b), proposed § 551.14(c)-(d) becomes final § 551.14(b)-(c). For clarity, the term "detaining" in proposed § 551.14(d) becomes "confining" in final § 551.14(c).

4. Section 551.16—Several changes are made to § 551.16(b). The final rule states that upon request of the inmate, Bureau of Prisons or community clergy, or a justice of the peace may be authorized to assist in a marriage ceremony. The marriage ceremony may also be performed by one of these individuals. In this regard, the final rule recognizes that because of ecclesiastical constraints a Bureau chaplain may decline to perform a marriage ceremony. When this occurs, and the marriage is authorized, either community clergy or a justice of the peace may be requested. The rule also states that, when requested by an inmate, a Bureau chaplain will assist that inmate in preparing for an approved marriage, for example, by providing, or arranging for an inmate to receive, pre-nuptial marriage counseling.

A commenter objects to the prohibition in § 551.16(c) to "media publicity", alleging "serious First Amendment implications". The commenter suggests an absence of significant governmental interest, and states that, even if such interests are identified, the rule is unnecessarily broad, involving "restriction of both constitutionally protected as well as unprotected activities". The commenter acknowledges the Bureau's right to establish time, place, and manner restrictions, including proscribing the number in attendance, but believes the rule is not narrowly enough drawn to meet these considerations.

We do not agree that the Bureau's rule adversely impacts on First Amendment rights. Section 551.16 authorizes the Warden to approve the use of institution facilities for an inmate's marriage ceremony. To insure the orderly and safe operation of the institution, the Bureau considers it warranted to require that the ceremony be conducted in private, and without media publicity. While the media ordinarily is not permitted to attend the actual ceremony, members of the media may still obtain information on the marriage and the ceremony in accordance with the Bureau of Prisons rule on Contact with the News Media (Part 540, Subpart E).

List of Subjects in 28 CFR Part 551

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR § 0.96(q), 28 CFR, Chapter V is amended as set forth below.

Dated: April 23, 1984.

Norman A. Carlson,

Director, Bureau of Prisons.

I. In Subchapter C, Part 551 is amended by adding a new Subpart B to read as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 551—MISCELLANEOUS

* * * * *

Subpart B—Marriages of Inmates

Sec.

551.10 Purpose and scope.
551.11 Authority to approve a marriage.
551.12 Eligibility to marry.
551.13 Application to marry.
551.14 Special circumstances.
551.15 Furloughs.
551.16 Marriage ceremony in the institution.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart B—Marriages of Inmates

§ 551.10 Purpose and scope.

The Warden shall approve an inmate's request to marry except where a legal restriction to the marriage exists, or where the proposed marriage presents a threat to the security or good order of the institution, or to the protection of the public.

The Warden may approve the use of institution facilities for an inmate's marriage ceremony. If a marriage ceremony poses a threat to the security or good order of the institution, the Warden may disapprove a marriage ceremony in the institution.

§ 551.11 Authority to approve a marriage.

(a) The Warden may approve the marriage of a federal inmate confined in a federal institution. This authority may not be delegated below the level of Acting Warden.

(b) The appropriate Regional Director may approve the request to marry of a federal inmate who is not confined in a federal institution (for example, an inmate who is in U.S. Marshal's custody or who is in state custody).

§ 551.12 Eligibility to marry.

An inmate's request to marry shall be approved provided:

(a) The inmate is legally eligible to marry;

(b) The inmate is mentally competent;

(c) The intended spouse has verified, ordinarily in writing, an intention to marry the inmate; and

(d) The marriage poses no threat to institution security or good order, or to the protection of the public.

§ 551.13 Application to marry.

(a) A federal inmate confined in a Bureau institution who wants to get married shall submit a request to marry to the inmate's unit team. The unit team shall evaluate the request based on the criteria identified in §551.12. A written report of the unit team's findings, and its recommendation, shall be forwarded to the Warden for a final decision.

(b) The Warden shall notify the inmate in writing whether the inmate's request to marry is approved or disapproved. A copy of this notification shall be placed in the inmate's central file. When the Warden's decision is to disapprove the inmate's request, the notification to the inmate shall include a statement of reason(s) for that action. The Warden shall advise the inmate that the decision may be appealed through the Administrative Remedy Procedure.

(c) All expenses of the marriage (for example, a marriage license) shall be paid by the inmate, the inmate's intended spouse, the inmate's family, or other appropriate source approved by the Warden. The Warden may not permit appropriated funds to be used for an inmate marriage.

§ 551.14 Special circumstances.

(a) Detainers and Pending Charges—Staff review of a marriage request from an inmate who has a detainer(s) and/or a pending charge(s) shall include an assessment of the legal effects of the marriage on these actions. For example, an inmate could request to marry a potential witness in litigation pending against that inmate. Approving this marriage could affect the status of this litigation.

(b) Pretrial Inmates—A pretrial inmate may request permission to marry in accordance with the provisions of this rule. Staff shall contact the court, U.S. Attorney, and in the case of an alien, the Immigration and Naturalization Service, to advise of the marriage request of the pretrial inmate and to request their comments.

(c) Federal Inmates not in Federal Institutions—The appropriate Regional Director may approve the request to marry of a federal inmate who is not confined in a federal institution (for example, an inmate who is in U.S. Marshal's custody or who is in state custody). Prior to making a decision on the inmate's request, the Regional Director shall advise the confining authority of the inmate's request and ask that information on the criteria identified in §551.12 be furnished.

§ 551.15 Furloughs.

An inmate whose request to marry is approved, and who also meets the Bureau's criteria for furlough (see Part 570, Subpart C), may be considered for a furlough for the purpose of getting married.

§ 551.16 Marriage ceremony in the institution.

(a) The Warden may approve the use of institution facilities for an inmate's marriage ceremony. If a marriage ceremony poses a threat to the security or good order of the institution, the Warden may disapprove a marriage ceremony in the institution. The Warden may not delegate the authority to approve or to disapprove a marriage ceremony in the institution below the level of Acting Warden.

(b) Expenses for a marriage ceremony in the institution shall be paid by the inmate, the inmate's intended spouse, the inmate's family, or other appropriate source approved by the Warden. The Warden may not permit appropriated funds to be used for the marriage ceremony, except for those inherent in providing the place and supervision for the event. Upon request of the inmate, Bureau of Prisons or community clergy, or a justice of the peace may be authorized to assist in a marriage ceremony at the institution.

(1) The marriage ceremony may be performed by Bureau of Prisons or community clergy, or by a justice of the peace.

(2) Because of ecclesiastical constraints, Bureau of Prisons chaplains may decline to perform the marriage ceremony. Upon request of the inmate, a Bureau chaplain will assist that inmate in preparing for an approved marriage; for example, by providing, or arranging for an inmate to receive, pre-nuptial marriage counseling.

(c) The Warden shall requre that a marriage ceremony at the institution be a private ceremony conducted without media publicity.

[FR Doc. 84–11539 Filed 4–29–84; 8:45 am]

BILLING CODE 4410–05–M

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28 CFR Part 551

Control, Custody, Care, Treatment, and Instruction of Inmates; Victim and Witness Notification

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim rule.

SUMMARY: In this document, the Bureau of Prisons is publishing an interim rule on victim and witness notification. This rule was developed as a result of Pub. L.

97-291, Victim and Witness Protection Act of 1982, and the Attorney General Guidelines for Victim and Witness Assistance.

EFFECTIVE DATE: May 1, 1984. Public comment must be received on or before June 29, 1984.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534. Comments received will be available for examination by interested persons at the above address.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: In this document, the Bureau of Prisons is publishing an interim rule on notifying an approved victim and/or witness of a serious crime, who requests to be notified, with information on the release from prison of the inmate convicted of that serious crime. This rule is developed as a result of the Victim and Witness Protection Act of 1982 (VWPA) and the July 9, 1983 Attorney General Guidelines for Victim and Witness Assistance (see 48 FR 33774 et seq.). Specifically, § 6(a)(4) of the VWPA states:

> Prompt Notification to Victims of Major Serious Crimes.—Victims, witnesses, relatives of those victims and witnesses who are minors, and relatives of homicide victims should, if such persons provide the appropriate official with a current address and telephone number, receive prompt advance notification, if possible, of judicial proceedings relating to their case, including—
>
> * * *
>
> (D) proceedings in the prosecution of the accused (including entry of a plea of guilty, trial, sentencing, and, where a term of imprisonment is imposed, the release of the accused from such imprisonment).

The Bureau of Prisons rule defines the terms "victim", "witness", "serious crime" and "release". The rule describes the procedures to be followed for either a victim or witness to request this notification (through the U.S. Attorney in the district where the prosecution occurred), and the applicable procedures for cancelling the notification request.

This rule in not intended to place an increased burden on the inmate. Pub. L. 97-291 provides victims and witnesses with the opportunity to be notified of an inmate's release, when they provide an appropriate official with a current address and telephone number. The Bureau's rule is intended to fulfill this requirement. For these reasons, the Bureau of Prisons finds good cause under 5 U.S.C. 553 to publish this document as an interim rule, without a notice of proposed rulemaking, an opportunity for public comment, or a delay in the effective date. Publishing as an interim rule allows the Bureau to assess the effectiveness of its procedures, while providing the public an opportunity to comment. Public comment on the interim rule received on or before June 29, 1984 will be considered before publication of a final rule on this subject.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 551

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR, Chapter V is amended as set forth below.

Dated: April 23, 1984.

Norman A. Carlson,

Director, Bureau of Prisons.

I. In Subchapter C, add a new Subpart M to Part 551 to read as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 551—MISCELLANEOUS

* * * * *

Subpart M—Victim and Witness Notification

Sec.

551.150 Purpose and scope.
551.151 Definitions.
551.152 Procedures.
551.153 Cancelling the notification request.

Authority: 5 U.S.C. 301; 18 U.S.C. 1512, 4001, 4042, 4082, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subpart M—Victim and Witness Notification

§ 551.150 Purpose and scope.

The Bureau of Prisons provides a requesting victim and/or witness of a serious crime with information on the release from prison of the inmate convicted of that serious crime. This information is released pursuant to Pub. L. 97-291, Victim and Witness Protection Act of 1982, and to the Attorney General's July 9, 1983 Guidelines for Victim and Witness Assistance.

§ 551.151 Definitions.

(a) For purpose of this rule, "victim" is generally defined as someone who suffers direct or threatened physical, emotional, or financial harm as the result of the commission of a crime. The term "victim" also includes the immediate family of a minor or a homicide victim.

(b) For purpose of this rule, "witness" is defined as someone who has information or evidence concerning a crime, and provides information regarding this knowledge to a law enforcement agency. Where the witness is a minor, the term "witness" includes an appropriate family member. The term "witness" does not include defense witnesses or those individuals involved in the crime as a perpetrator or accomplice.

(c) For purpose of this rule, "serious crime" is defined as a criminal offense that involves personal violence, attempted or threatened personal violence or significant property loss.

(d) For purpose of this rule, the term "release" refers to an inmate's furlough, parole (including appearance before the Parole Commission), transfer to a community treatment facility, mandatory release, expiration of sentence, escape (including apprehension), death, and other such release-related information.

§ 551.152 Procedures.

(a) A victim and/or witness of a serious crime who wants to be notified of a specific inmate's release must make this request to the United States Attorney in the district where the prosecution occurred. Requests for notification received by the Bureau of Prisons directly from a victim and/or witness will be referred to the U.S. Attorney in the district of prosecution for approval.

(b) Institution staff shall promptly notify the victim and/or witness when his or her approved request for notification has been received. Staff shall advise each approved victim or witness of that person's responsibility for notifying the Bureau of Prisons of any address and/or telephone number changes.

§ 551.153 Cancelling the notification request.

(a) A victim and/or witness may request cancellation of the notification by contacting either the Bureau of Prisons or the U.S. Attorney from the prosecuting district. The Bureau of

Prisons shall notify the victim and/or witness that his or her request for notification has been cancelled.

(b) Bureau of Prisons staff may cancel a notification request when the victim and/or witness has not responded within 60 calendar days to a Bureau of Prisons inquiry concerning whether the victim and/or witness wishes to continue receiving notification of the inmate's release(s).

(c) A notification request by a victim and/or witness ordinarily terminates when the inmate has completed service of the sentence for the serious crime which resulted in the request for notification.

[FR Doc. 84-11537 Filed 4-29-84; 8:45 am]

BILLING CODE 4410-05-N

DEPARTMENT OF JUSTICE

Bureau of Prisons

Modification to List of Bureau of Prisons Institutions

AGENCY: Department of Justice, Bureau of Prisons.

ACTION: Notice.

SUMMARY: Attorney General Order No. 646–76 (41 FR 14805), as amended, classifies and lists the various Bureau of Prisons institutions. Attorney General Order No. 960–81, Reorganization Regulations, published in the **Federal Register** October 27, 1981 (at 46 FR 52339 et seq.) delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(r), the authority to establish and designate Bureau of Prison institutions. A consolidated listing of Bureau institutions was published in the **Federal Register** March 5, 1982 (at 47 FR 9754). An amendment to this listing was published in the **Federal Register** October 21, 1983 (at 48 FR 48975). The present document is intended to further modify this listing by redesignating the Federal Prison Camp, Safford, Arizona as the Federal Correctional Institution, Safford, Arizona.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, 320 First Street N.W., Washington, D.C. 20534 (202–724–3062).

SUPPLEMENTARY INFORMATION: This notice is not a rule within the meaning of the Administrative Procedure Act, 5 U.S.C. 551(4), the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, Sec. 1(a).

The redesignation of the Federal Prison Camp, Safford, Arizona as the Federal Correctional Institution, Safford, Arizona will help the Bureau of Prisons to meet the need for a higher security level institution in the western portion of the United States.

By virtue of the authority vested in the Attorney General in 18 U.S.C. 4001, 4003, 4042, 4081, and 4082 and delegated to the Director, Bureau of Prisons by 28 CFR 0.96(r), the Notice on Modification to List of Bureau of Prisons Institutions as published in the **Federal Register** March 5, 1982, is amended as follows:

(1) In paragraph C, delete subsection (6).

(2) In paragraph B, add a new subsection (25), Safford, Arizona.

Dated: April 23, 1984.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 84–11538 Filed 4–27–84; 8:45 am]

BILLING CODE 4410–05–M

federal register

Monday
April 30, 1984

Part III

Department of Education

34 CFR Part 326

Secondary Education and Transitional Services for Handicapped Youth; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 326

Secondary Education and Transitional Services for Handicapped Youth

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to issue regulations under section 626 of Part C of the Education of the Handicapped Act, as amended. This program provides support for research, development, demonstration, evaluation, and other types of projects that improve secondary special education and other services for handicapped youth in order to assist them in the transition from secondary school to postsecondary environments such as competitive or supported employment. The Secondary Education and Transitional Services to Handicapped Youth program, authorized by section 626 of Part C of the Education of the Handicapped Act, provides grants to, and cooperative agreements and contracts with, institutions of higher education, State educational agencies (SEAs), local educational agencies (LEAs), and other appropriate public and private nonprofit institutions or agencies to meet the program's purposes.

These proposed regulations include information about the kinds of projects supported under this program, the application requirements, and the selection criteria for judging applications.

DATE: Comments must be received on or before May 30, 1984.

ADDRESSES: Comments should be addressed to: Dr. Martin Kaufman, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3078), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. William Halloran. Telephone: (202) 732–1064.

SUPPLEMENTARY INFORMATION: The Secondary Education and Transitional Services for Handicapped Youth program is authorized by section 626 of Part C of the Education of the Handicapped Act, as added by the Education of the Handicapped Act Amendments of 1983, Pub. L. 98–199. This program supports research, development, domonstration, evaluation, and other types of projects that (1) strengthen and coordinate activities to assist in the transition to postsecondary education, vocational training, competitive employment, continuing education, or adult services for handicapped youth; and (2) stimulate the improvement and development of programs for secondary special education. The projects assisted under this program may included, but are not limited to, the following priority areas:

- Transition Strategies and Techniques;
- Service Demonstration Models;
- Demographic Studies;
- Service Delivery Research Projects;
- Cooperative Models for Planning and Developing Transitional Services;
- Procedures for Evaluation of Vocational Training, Placement, and Transitional Services; and
- Program Evaluation.

A summary of the proposed regulations follows.

(a) *Subpart A—General.*

Section 326.1 contains the purpose for the Secondary Education and Transitional Services for Handicapped Youth program, which is to assist handicapped youth in the transition from secondary school to postsecondary environments such as competitive or supported employment, postsecondary education, vocational training, continuing education, or adult services, and also to ensure that secondary special education and transitional services result in competitive or supported employment for handicapped youth.

Section 326.2 identifies the parties that are eligible to receive grants.

A definition of "supported employment" is added at § 326.45(c).

(b) *Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?*

Section 326.10 identifies the types of projects that the Secretary supports. This section identifies the particular activities that the Secretary believes will most effectively achieve the purposes of this program.

(c) *Subpart C—How Does One Apply for Grant?*

Section 326.20 contains application requirements that an applicant must meet in addition to the requirements in the Education Department General Administrative Regulations (EDGAR). The information required by this section is needed to ensure that funded projects will meet statutory requirements and will provide effective transition services.

(d) *Subpart D—How Does the Secretary Make a Grant?*

Section 326.30 describes the priority areas that the Secretary may select for funding. These priorities are needed to ensure that the Secretary can meet program needs as they change from year to year.

Section 326.32 and 326.33 contain the selection criteria the Secretary uses to evaluate applications and award new grants. The Secretary proposes weighted criteria that reflect the relative importance of the elements of an application in order to ensure that the most promising projects are selected. The Secretary proposes different selection criteria for research and evaluation projects and for model projects to reflect the difference in the nature of those projects.

(e) *Subpart E—What Conditions Must Be Met by a Grantee?*

Section 326.40 and 326.41 contain requirements that applicants must meet, including participation of handicapped students and the parents of handicapped students in the planning, development, and implementation of the project; and coordination with the State educational agency. These provisions are required by section 626 (c) and (d) of the Act.

Executive Order 12291

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

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

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The application procedures in the proposed regulations will not place undue burdens on small entities submitting applications under this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations to the address given at the beginning of this document. All comments received on or before May 30, 1984 will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3529, 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.

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.

Paperwork Reduction Act

The information collection requirements contained in these proposed rules will be sent to OMB for review under the provisions of section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Comments concerning information collection requirements *only* should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503. Attention: Desk Officer for the U.S. Department of Education. All other comments regarding these proposed regulations should be sent to the Department of Education at the address given at the beginning of this preamble.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 326

Education, Education of handicapped, Education—research, Grants program—education, Local educational agency, School, State educational agencies.

Citation of Legal Authority

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

(Catalog of Federal Domestic Assistance No. 84.158; Secondary Education and Transitional Services for Handicapped Youth)

Dated: April 25, 1984.

T. H. Bell,

Secretary of Education.

The Secretary proposes to add a new Part 326 to Title 34 of the Code of Federal Regulations to read as follows:

PART 326—SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH PROGRAM

Subpart A—General

Sec.

326.1 What is the secondary Education and Transitional Services for Handicapped Youth Program?
326.2 Who is eligible to apply for an award under this program?
326.3 What regulations apply to this program?
326.4 What definitions apply to this program?
326.5–326.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?

326.10 What kinds of projects are authorized under this part?
326.11–326.19 [Reserved]

Subpart C—How Does One Apply for a Grant?

326.20 What must an applicant include in its application?
326.21–326.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

326.30 What priorities are considered for support by the Secretary under this part?
326.31 How does the Secretary establish priorities?
326.32 What are the selection criteria for evaluating applications for research and evaluation projects?
326.33 What are the selection criteria for evaluating applications for model projects?
326.34–326.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

326.40 What is the requirement for participation of handicapped students and their parents?
326.41 What coordination requirement must a grantee meet?
326.42–326.49 [Reserved]

Authority: Sec. 626 of the Education of the Handicapped Act (20 U.S.C. 1425), unless otherwise noted.

Subpart A—General

§ 326.1 What is the Secondary Education and Transitional Services for Handicapped Youth program?

(a)(1) The purpose of this program is to assist handicapped youth in the transition from secondary school to postsecondary environments such as competitive or supported employment.

(2) The Secretary carries out this purpose by providing assistance for projects that—

(i) Strengthen and coordinate education, training, and related services that assist handicapped youth in the transition to competitive or supported employment, postsecondary education, vocational training, continuing education, or adult services; or

(ii) Stimulate the improvement and development of programs for secondary special education.

(b) The purpose of this program is also to ensure that secondary special education and transitional services result in competitive or supported employment for handicapped youth.

(20 U.S.C. 1425)

§ 326.2 Who is eligible to apply for an award under this program?

The Secretary may provide assistance under this program by grants to, or contracts with—

(a) Institutions of higher education;

(b) State educational agencies;

(c) Local educational agencies; and

(d) Other public and private nonprofit institutions or agencies (including the State job training coordinating councils and service delivery area administrative entities established under the Job Training Partnership Act (29 U.S.C. 1501 *et seq.)).*

(20 U.S.C. 1425(a))

§ 326.3 What regulations apply to this program?

The following regulations apply to awards under the Secondary Education and Transitional Services for Handicapped Youth program:

(a) The regulations in this Part 326.

(b) The Education Department General Administrative Regulations (EDGAR) in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions);

(4) Part 78 (Education Appeal Board); and

(5) Part 79 (Intergovernmental Review).

(20 U.S.C. 1425; 20 U.S.C. 3474(a))

§ 326.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
EDGAR
Fiscal year
Grant

Grantee
Local educational agency
Nonprofit
Private
Project
Project period
Public
Secondary school
Secretary
State
State educational agency

(20 U.S.C. 1425; 20 U.S.C. 3474(a))

(b) *Definitions in 34 CFR Part 300.* The following terms used in this part are defined in 34 CFR 300.5, 300.13, and 300.14:

Handicapped children
Related services
Special education

(20 U.S.C. 1401(a)(1), (16), (17))

(c) *Other definitions.* In addition to the definitions referred to in paragraphs (a) and (b) of this section, the following definitions apply to this part:

(1) "Handicapped youth" means any handicapped child who—

(i) Is twelve years of age or older; or

(ii) Is enrolled in the seventh or higher grade in school.

(20 U.S.C. 1401(b))

(2) "Supported employment" is paid work in a variety of settings, particularly regular work sites, especially designed for handicapped individuals—

(i) For whom competitive employment at or above the minimum wage is unlikely; and

(ii) Who, because of their disability, need intensive on-going support to perform in a work setting.

(20 U.S.C. 1425)

§§ 326.5–326.9 [Reserved]

Subpart B—What Kinds of Projects Does The Secretary Assist Under the Program?

§ 326.10 What kinds of projects are authorized under this part?

(a) This program supports research, development, demonstration, evaluation, and other types of projects for the following purposes:

(1) To improve secondary education programs for handicapped youth.

(2) To coordinate with other Federal activities serving this population.

(3) To provide training and related services to assist handicapped youth in the transitional process to postsecondary education, vocational training, competitive employment, continuing education, or adult services.

(4) To conduct research, innovation, training, or dissemination activities, consistent with the purposes of Section 624 of the Act and the requirements in 34 CFR Part 315.

(b) Projects funded under this part must serve handicapped youth and may also include other handicapped individuals who have recently left special education programs.

(20 U.S.C. 1425)

§§ 326.11–326.19 [Reserved]

Subpart C—How Does One Apply for a Grant?

§ 326.20 What must an applicant include in its application?

(a) Each applicant must include in its application information demonstrating how the activities it proposes will lead to competitive or supported employment of handicapped individuals.

(b) Each applicant must include in its application information demonstrating how it has met, and will meet, the requirements of § 326.40.

(c) Each applicant for activities described in § 326.30 (a) and (b) that is not an educational agency must include in its application information demonstrating how it has met, and will meet, the requirements of § 326.41.

(20 U.S.C. 1425)

(Approved by the Office of Management and Budget under Control Number 1820–0028—Expires 2/28/87)

§§ 326.21–326.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 326.30 What priorities are considered for support by the Secretary under this part?

The Secretary may select annually one or more of the following priority areas for funding:

(a) *Transition Strategies and Techniques.* This priority supports research projects designed to develop strategies and techniques for transition to competitive or supported employment through improvements in independent living skills, secondary and postsecondary education, vocational preparation, and availability of work opportunities.

(b) *Service Demonstration Models.* This priority supports projects that develop and establish exemplary models for services and programs, including specific vocational training and job placement, that result directly in paid employment in regular work settings for handicapped youth leaving school, or that enhance the effectiveness of secondary and postsecondary services which lead to employment.

(c) *Demographic Studies.* This priority supports demographic studies of the numbers, locations, age levels, types and degrees of disabilities of handicapped youth, and anticipated transition and adult services needed by those youth to obtain competitive or supported employment.

(d) *Service Delivery Research Projects.* This priority supports research projects, including field testing and evaluation of innovative service approaches to service delivery models or components to assist handicapped youth in secondary school and in other services that assist transition to employment. These service delivery approaches can be replicated and disseminated.

(e) *Cooperative Models for Planning and Developing Transitional Services.* This priority supports projects designed to plan and develop cooperative models for activities among State or local educational agencies and adult service agencies, including vocational rehabilitation, mental health, mental retardation, public employment, and private employers, which will facilitate effective planning for services to meet the employment needs of handicapped youth as they leave school.

(f) *Procedures for Evaluation of Secondary Education, Vocational Training, and Placement Services.* This priority supports projects that will develop appropriate procedures for evaluating secondary special education, vocational training, placement, and other transitional services that lead to employment for handicapped youth.

(g) *Program Evaluation.* This priority supports projects that will evaluate the effectiveness of the program carried out under this part to assist handicapped children and youth in the transition from secondary school to postsecondary environments such as competitive or supported employment.

(20 U.S.C. 1425)

§ 326.31 How does the Secretary establish priorities?

For any fiscal year, the Secretary may select a priority or combination of priorities from among those listed in § 326.30 by publishing a notice in the Federal Register.

(20 U.S.C. 1425)

§ 326.32 What are the selection criteria for evaluating applications for research and evaluation projects?

The Secretary uses the criteria in this section to evaluate applications for research and evaluation projects, including projects submitted under § 326.30 (a), (c), (d), (f), and (g). The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used); (ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(*See* 34 CFR 75.590, *Evaluation by the grantee.*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Importance.* (10 points)

(1) The Secretary reviews each application for information demonstrating that the proposed project addresses national concerns in light of the purposes of this part.

(2) The Secretary looks for information that shows—

(i) The significance of the problem or issue to be addressed;

(ii) The importance of the proposed project in increasing the understanding of the problem or issue;

(iii) The experiences of service providers related to the problem or issue; and

(iv) Previous research findings related to the problem or issue.

(g) *Impact.* (10 points)

The Secretary reviews each application for information that shows the probable impact of the proposed project in educating handicapped youth, including—

(1) The contribution that the project findings or products will make to current knowledge or practice; and

(2) The extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups.

(h) *Technical soundness.* (40 points)

The Secretary reviews each application for information demonstrating the technical soundness of the research or evaluation plan, including—

(1) The design (10 points);

(2) The proposed sample (10 points);

(3) Instrumentation (10 points); and

(4) Data analysis procedures (10 points).

(20 U.S.C. 1425)

§ 326.33 What are the selection criteria for evaluating applications for model projects?

The Secretary uses the criteria in this section to evaluate applications for model projects, including projects submitted under § 326.30(b) and (e). The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (10 Points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.
(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.
(c) *Budget and cost effectiveness.* (10 points)
(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.
(2) The Secretary looks for information that shows—
(i) The budget for the project is adequate to support the project activities; and
(ii) Costs are reasonable in relation to the objectives of the project.
(d) *Evaluation plan.* (10 points)
(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(See 34 CFR 75.590, *Evaluation by the grantee.)*

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.
(e) *Adequacy of resources.* (5 points)
(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
(2) The Secretary looks for information that shows—
(i) The facilities that the applicant plans to use are adequate; and
(ii) The equipment and supplies that the applicant plans to use are adequate.
(f) *Importance.* (10 points)
The Secretary reviews each application for information that shows—
(a) The service delivery problem addressed by the proposed project is of concern to others in the Nation, and;
(b) The importance of the project in solving the problem.
(g) *Impact.* (10 points)
The Secretary reviews each application for information that shows the probable impact of the proposed model in educating handicapped youth, including—
(1) The contribution that the project findings or products will make to current knowledge or practice; and
(2) the extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups.
(h) *Innovativeness.* (10 points)
(1) The Secretary reviews each application for information that shows the innovativeness of the proposed project.
(2) The Secretary looks for information that shows a conceptual framework that—
(i) Is founded on previous theory and research; and
(ii) Provides a basis for the unique strategies and approaches to be incorporated into the model.
(i) *Technical soundness.* (25 points)
The Secretary reviews each application for information demonstrating the technical soundness of the plan for the development, implementation, and evaluation of the model with respect to such matters as—
(1) The population to be served;
(2) The model planning process;
(3) Record keeping systems;
(4) Coordination with other service providers;
(5) The identification and assessment of students;
(6) Interventions to be used, including proposed curricula;
(7) Individualized educational program planning; and
(8) Parent and family participation.

(20 U.S.C. 1425)

§§ 326.34–326.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 326.40 What is the requirement for participation of handicapped students and their parents?

Each grantee shall, to the extent appropriate, provide for the direct participation of handicapped students and the parents of handicapped students in the planning, development, and implementation of its project.

(20 U.S.C. 1425(d))

§ 326.41 What coordination requirement must a grantee meet?

A grantee that is not an educational agency shall coordinate with the State educational agency of each affected State in the planning, development, and implementation of any activities described in § 326.30(a) or (b).

(20 U.S.C. 1425(c))

§§ 326.42–326.49 [Reserved]

[FR Doc. 84–11544 Filed 4–27–84; 8:45 am]
BILLING CODE 4000–01–M

federal register

Monday
April 30, 1984

Part IV

Department of Education

34 CFR Part 338

Postsecondary Education Programs for Handicapped Persons; Proposed Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Part 338

Postsecondary Education Programs For Handicapped Persons

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to issue regulations under Section 625 of Part C of the Education of the Handicapped Act, as amended. Recent amendments to the Act and a review of the existing regulations necessitate the changes incorporated in the proposed regulations. The Postsecondary Education Programs for Handicapped Persons provide support, through competitive awards to State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies, to develop, operate, and disseminate specially designed model programs of postsecondary, vocational and technical, continuing, or adult education for handicapped persons. These proposed regulations, among other things, describe funding priorities and specify numerical weightings for the modified section criteria.

DATE: Comments must be received on or before May 30, 1984.

ADDRESS: Comments should be addressed to: Dr. Thomas R. Behrens, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 4605), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph Rosenstein. Telephone: (202) 732-1176.

SUPPLEMENTARY INFORMATION: Authority for the Postsecondary Education Programs for Handicapped Persons was established under Pub. L. 91-230 on April 13, 1970. This authority is currently set out at Section 625 of Part C of the Education of the Handicapped Act (EHA) (20 U.S.C. 1424a).

Regulations for this program were initially published on June 15, 1976 (41 FR 24126). Technical amendments to the regulations were published on April 3, 1980 (45 FR 22533) and the regulations were redesignated on November 21, 1980 (45 FR 77368).

The proposed regulations implement Section 625 of Part C of the EHA, as recently amended by Pub. L. 98-199, the Education of the Handicapped Act Amendments of 1983; and incorporate the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79). The proposed regulations also include:

(a) *Subpart A—General.*

Section 338.1 of the proposed regulations describes the scope and purpose of the program.

Section 338.2 identifies the parties eligible for assistance under this program. It amends current regulations (§ 338.4) to expressly include State educational agencies.

Section 338.3 indicates what regulations apply to these programs, and includes regulations under this Part 338, and Parts 74, 75, 77, 78, and 79 of EDGAR.

Section 338.4 provides the definitions that apply to this program. It incorporates certain definitions under EDGAR and defines the terms "handicapped individuals" and "specific learning disability." Use of the latter definition, taken from regulations for the Assistance to States for Education of Handicapped Children program (34 CFR Part 300, § 300.5(b)(9)), conforms the regulations to added statutory language.

(b) *Subpart B—What Kinds of Projects Does the Secretary Assist Under these Programs?*

Section 338.10 describes the development of demonstration, inservice training, outreach, research, and dissemination activities supported under this program. Proposed § 338.10(a) (1) and (2) reflect activities specifically authorized by the amended statute. The other provisions in this section provide guidance to applicants on the types of activities consistent with the statutory purposes that may be assisted under this part.

(c) *Subpart C—How Does an Applicant Apply for a Grant?*

The application requirements for awards are described in § 338.20. These added requirements are necessary to ensure that handicapped individuals receive the types of services that they require in postsecondary educational settings.

(d) *Subpart D—How Does the Secretary Make a Grant?*

Section 338.30 describes the priorities considered for support by the Secretary under this program. Proposed regulations include priorities in addition to those specified in the statute. The additional priorities further describe the kinds of activities to be supported by this program. These activities benefit the general public, educational institutions, and professionals working with handicapped students in the institutions of higher education specified in the statute.

The proposed selection criteria used to award a grant are contained in §338.31. This section modifies and provides weights to the unweighted selection criteria listed in the current regulations (§338.18) and adds two new weighted criteria relating to importance and impact. These new criteria will ensure that projects selected through the competitive process account for appropriate participation of handicapped individuals and for the effective use of Federal dollars.

Executive Order 12291

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

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

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The application procedures in the proposed regulations will not place undue burdens on small entities submitting applications under this program.

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 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 regulations. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before May 30, 1984 will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 4084, Switzer Building, 330 C Street, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday

through Friday of each week except Federal holidays.

Paperwork Reduction Act

The information collection requirements contained in these proposed rules will be sent to OMB for review under the provisions of Section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Comments concerning information collection requirements *only* should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503. Attention: Desk Officer for the U.S. Department of Education. All other comments regarding these proposed regulations should be sent to the Department of Education at the address given at the beginning of this preamble.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 338

Education, education of handicapped, education-research, grants program-education, and postsecondary.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parenthesis on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance Number 84.078; Postsecondary Education Programs for Handicapped Persons)

Dated: April 30, 1984.

T. H. Bell,

Secretary of Education.

The Secretary proposes to revise Part 338 of Title 34 of the Code of Federal Regulations to read as follows:

PART 338—POSTSECONDARY EDUCATION PROGRAMS FOR HANDICAPPED PERSONS

Subpart A—General

Sec.

338.1 What are the Postsecondary Education Programs for Handicapped Persons?
338.2 Who is eligible to apply for an award under these programs?
338.3 What regulations apply to these programs?
338.4 What definitions apply to these programs?
338.5–338.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under These Programs?

338.10 What kind of activities may be supported under this part?
338.11–338.19 [Reserved]

Subpart C—How Does an Applicant Apply for a Grant?

338.20 What are the application requirements under this part?
338.21–338.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

338.30 What are the priorities considered for support by the Secretary under this part?
338.31 What are the selection criteria used to make awards?
338.32–338.39 [Reserved]

Authority: Sec. 625 of the Education of the Handicapped Act (20 U.S.C. 1424a), unless otherwise noted.

Subpart A—General

§ 338.1 What are the Postsecondary Education Programs for Handicapped Persons?

The Postsecondary Education Programs for Handicapped Persons provide assistance for the devleopment, operation, and dissemination of specially designed model programs of postsecondary, vocational, technical, continuing, or adult education for handicapped individuals.

(20 U.S.C. 1424a)

§ 338.2 Who is eligible to apply for an award under these programs?

State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other nonprofit educational agencies are eligible to apply for awards under this part.

(20 U.S.C. 1424a)

§ 338.3 What regulations apply to these programs?

The following regulations apply to awards under the Postsecondary Education Programs for Handicapped Persons—

(a) The regulations in this Part 338; and

(b) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions);

(4) Part 78 (Education Appeal Board); and

(5) Part 79 (Intergovernmental Review).

(20 U.S.C 1424a; 20 U.S.C 3474(a))

§ 338.4 What definitions apply to these programs?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
EDGAR
Fiscal year
Grant
Nonprofit
Project
Secretary
State eductional agency

(20 U.S.C. 3474 (a))

(b) *Definitions in 34 CFR Part 300.* The following term used in this part is defined in 34 CFR 300.5(b) (9):

Specific learning disability

(20 U.S.C 1401(a) (15))

(c) *Other definitions.* "Handicapped individuals" means individuals who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired individuals, or individuals with specific learning disabilities who by reason thereof require special education and related services.

(20 U.S.C 1424a(b))

§§ 338.5–338.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under These Programs?

§ 338.10 What kinds of activities may be supported under this part?

(a) The Secretary may support projects and activities under this part including but not limited to—

(1) The operation of centers for deaf students, including models of comprehensive supportive services to those students;

(2) Model projects of supportive services to students with handicapping conditions other than deafness that focus on—

(i) Specially adapted or designed educational programs that coordinate, facilitate, and encourage education of handicapped students with their nonhandicapped peers;

(ii) Expansion of the educational resources and services available to handicapped students in postsecondary programs;

(iii) Establishment of outreach activities to provide technical assistance and program information concerning access and support services for handicapped individuals; or

(iv) Development and dissemination of strategies and materials for the inservice training of faculty and administrative personnel involved in the integration of handicapped students in postsecondary institutions in order to improve their understanding of, and attitudes toward, those students;

(3) Evaluation of the effectiveness of programs carried out under this part to increase access of postsecondary education for handicapped students;

(4) Establishment of projects to stimulate and develop model statewide, regional, and national programs to improve access for handicapped students, including the fostering of cooperative and consortia arrangements; and

(5) Conducting research, innovation, training, or dissemination activities, consistent with the purposes of Section 624 of the Act and the requirements in 34 CFR Part 315.

(b) The following is an illustrative list of the types of supportive services which may be provided (in whole or in part) in model projects supported under this part:

(1) Interpreters.
(2) Tutors.
(3) Notetakers and readers.
(4) Wheelchair attendants.
(5) Guidance counselors.
(6) Speech and auditory training.
(7) Job placement and follow-up.
(8) Preparatory and orientation services.
(9) Supplementary learning experiences.
(10) Instructional media adaptations.
(11) Inservice training for teachers and other educational staff relating to the handicapped participants in the program.
(12) Administrtive expenses, including employment of a director, administrator, or coordinator of the program.
(13) Planning and evaluation activities.

(c) Recipients may not use funds provided under this part of the payment of tuition or subsistence allowances.

(20 U.S.C. 1424a)

§§ 338.11-338.19 [Reserved]

Subpart C—How Does an Applicant Apply for a Grant?

§ 338.20 What are the application requirements under this part?

Applications for funds under this part must contain—

(a) A description of the handicapping condition(s) of the persons to be served; and

(b) The estimated number of handicapped individuals to be served annually in the program and specification of the resources and services needed to enable them to benefit from an educational program.

(20 U.S.C. 1424, 1424a)

(Approved by the Office of Management and Budget under Control Number 1820-0028—Expires 2/28/87)

§§ 338.21-338.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 338.30 What are the priorities considered for support by the Secretary under this part?

(a) For each fiscal year, the Secretary gives priority consideration to four regional centers for deaf students.

(b) For any fiscal year, the Secretary may select priorities from among those activities listed in § 338.10(a) (2)–(5).

(c) The Secretary may identify one or more handicapping conditions as a priority for assistance under this part by publishing a notice in the **Federal Register**.

(20 U.S.C. 1424a(a)(2))

§ 338.31 What are the selection criteria used to make awards?

The Secretary uses the weighted criteria in this section to evaluate applications for new awards. The maximum score for all the criteria is 100 points.

(a) *Plan of operation.* (25 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority group;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications of a person, the Secretary considers experience and training, in fields related to the objectives of the project as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application for information that shows

the quality of the evaluation plan for the project.

(*See* 34 CFR 75.590, *Evaluation by the grantee.*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Continuation of program.* (5 points)

(1) The Secretary reviews each application for information that shows that the activities to be supported are likely to be continued after Federal funding ends.

(2) The Secretary looks for information that shows the likelihood that the services provided under the proposed program will be continued by the applicant following the expiration of Federal funding, as measured by evidence of financial and other commitment of the applicant to the program.

(g) *Importance.* (10 points)

(1) The Secretary reviews each application for information demonstrating that the proposed project is nationally important in light of the purpose of this part.

(2) The Secretary looks for information that shows—

(i) The significance of the problem or issue to be addressed;

(ii) The importance of the proposed project in increasing the understanding of the problem or issue; and in remediating or compensating for it;

(iii) The experiences of service providers related to the problem or issue; and

(iv) Previous research findings related to the problem or issue.

(h) *Impact.* (15 points)

The Secretary reviews each application for information that shows the probable impact of the proposed research or demonstration activities in improving postsecondary education for handicapped individuals, including—

(1) The contribution that the research or demonstration findings or products will make to current knowledge or practice; and

(2) The extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups.

(20 U.S.C. 1424a)

§§ 338.32–338.39 [Reserved]

[FR Doc. 84–11543 Filed 4–27–84; 8:45 am]

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federal register

Monday
April 30, 1984

Part V

Department of Education

34 CFR Part 318

Training Personnel for the Education of the Handicapped; Proposed Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Part 318

Training Personnel for the Education of the Handicapped

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to issue regulations under Sections 631, 632 and 634 of Part D of the Education of the Handicapped Act, as amended. The Training Personnel for the Education of the Handicapped program provides financial assistance through grants to institutions of higher education, other nonprofit agencies, and State educational agencies to increase the quantity and improve the quality of personnel available to educate handicapped children and youth. The existing regulations were reviewed to determine whether changes are needed in light of amendments to Part D recently made by the Education of the Handicapped Act Amendments of 1983, Pub. L. 98-199. These proposed regulations are issued as a result of that review.

DATES: Comments must be received on or before May 30, 1984.

ADDRESSES: Comments should be addressed to: Dr. Max Mueller, Division of Personnel Preparation, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 4628), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Max Mueller. Telephone: (202) 732-1068.

SUPPLEMENTARY INFORMATION: The Training Personnel for the Education of the Handicapped program is authorized under Part D of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, and 1434).

Current regulations for this program were published on May 24, 1983 (48 FR 23206).

These proposed regulations establish the following eight priorities: preparation of special educators; preparation of leadership personnel; preparation of related services personnel; State educational agency programs; special projects; transition of handicapped youth to adult and working life; preparation of personnel to provide services to newborn and infant handicapped children; and parent organization projects.

The proposed regulations to implement the provisions of Section 631, 632, and 634 of Part D of the Education of the Handicapped Act, as amended, are based on the program regulations adopted on May 24, 1983 (noted above); and incorporate the Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74, 75, 77, and 78.

The proposed regulations also include:

(a) *Subpart A—General*

The scope and purpose of the program are described under § 318.1. The proposed provisions establish a program of discretionary financial assistance to eligible grantees under Sections 631 and 632 of Part D of the Education of the Handicapped Act (EHA) (20 U.S.C. 1431 and 1432).

Section 318.2 of the proposed regulations identifies those institutions and agencies eligible for assistance under the Training Personnel for the Education of Handicapped program. As provided in the existing regulations (§ 318.2), eligible entities include (a) institutions of higher education, (b) other nonprofit agencies, and (c) State educational agencies.

Those parts of the Education Department General Administrative Regulations (EDGAR) applicable to the Training Personnel for the Education of the Handicapped program are listed in proposed § 318.3.

EDGAR definitions that are applicable to the Training Personnel for the Education of the Handicapped program are listed in proposed § 318.4.

(b) *Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?*

Section 318.10 of the proposed regulations describes the kinds of training projects that may be funded.

Section 318.11(a) describes the scope of training allowed under any funded priority and is identical to § 318.10(a) of the existing regulations. Proposed § 318.11(b) establishes eight funding priorities, from which the Secretary may select annually. These eight priorities consolidate the existing seven priorities into six priorities (see current § 318.10(b)) and establish two new priorities. The existing priority for specialized training of regular educators (§ 318.10(b)(6)) is consolidated with the proposed priority for special projects (§ 318.11(b)(5)). The existing priority for preparation of trainers of volunteers including parents (§ 318.10(b)(7)), is consolidated with the proposed priority for parent organization projects (§ 318.11(b)(8)). These priorities either parallel the specific types of projects listed in the statute or describe other authorized projects that the Secretary anticipates may merit special attention in the next few years. Establishing a list of possible priorities in the program regulations will allow the Secretary to meet personnel training needs as they change from year to year.

Proposed § 318.12 states that activities proposed by eligible applicants which do not address a selected annual priority will not be considered for funding.

(c) *Subpart D—How Does the Secretary Make a Grant?*

The proposed selection criteria used to award a grant are contained in § 318.30. The section incorporates the selection criteria in the current § 318.30 but has been rewritten to make the criteria weighted rather than unweighted. The criteria in § 318.30 (f) and (g), relating to the need for the project and the program content, are designed to ensure that selected projects will effectively meet the purposes of this program and address identified areas of personnel shortages. The criteria relating to participation, evaluation design, and contributions in existing § 318.30(g), (h), and (j), respectively, have been deleted from the proposed § 318.30.

(d) *Subpart E—What Conditions Must Be Met by a Grantee?*

Proposed §§ 318.40-318.44 incorporate the student financial assistance provisions of the current §§ 318.40-318.44. Proposed § 318.45 has been added to specify certain duties of a board of directors or a special governing committee of a parent organization. Proposed § 318.46 has been added to specify certain information to be provided in the reports required of grantees.

Executive Order 12291

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

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

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These proposed regulations revise existing regulations to implement recently enacted statutory amendments, and to make necessary changes for better program administration. The changes will not have a significant impact on small entities participating in the program.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding the proposed regulations. 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 final regulations. The Secretary is particularly interested in public comment as to the appropriateness of the proposed three new priorities in § 318.11(b) (6), (7), and (8).

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 4625, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Paperwork Reduction Act of 1980

The information collection requirements contained in these proposed rules will be sent to the OMB for review under the provisions of Section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Comments concerning information collection requirements *only* should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503. Attention: Desk Officer for the U.S. Department of Education. All other comments regarding these proposed regulations should be sent to the Department of Education at the address given at the beginning of this preamble.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 318

Education, Education of handicapped, Grant programs-education, Student aid, Teachers.

Citation of Legal Authority

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

(Catalog of Federal Domestic Assistance Number 84.029, Training Personnel for the Education of the Handicapped)

Dated: April 25, 1984.

T. H. Bell,

Secretary of Education.

The Secretary proposes to revise Part 318 of Title 34 of the Code of Federal Regulations to read as follows:

PART 318—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

Subpart A—General

Sec.

318.1 What is the Training Personnel for the Education of the Handicapped program?
318.2 Who is eligible for a grant under the Training Personnel for the Education of the Handicapped program?
318.3 What regulations apply to the Training Personnel for the Education of the Handicapped program?
318.4 What definitions apply to the Training Personnel for the Education of the Handicapped program?
318.4–318.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?

318.10 What kinds of training projects may be supported under this part?
318.11 What types of training priorities are considered for support by the Secretary under this part?
318.12 How does the Secretary use priorities?
318.13–318.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

318.30 What are the selection criteria used to award a grant?
318.31–318.39 [Reserved]

Subpart E—What Conditions Must be Met by a Grantee?

318.40 Is student financial assistance authorized?
318.41 What are the student financial assistance criteria?
318.42 What amount of assistance is authorized?
318.43 What financial assistance is authorized for part-time students?
318.44 What is required for a financially assisted student who withdraws or is dismissed?
318.45 What are the special requirements for a parent organization operating a program receiving assistance under this part?
318.46 What types of reports are required of grantees?

Authority: Sec. 631, 632, 634, Education of the Handicapped Act (20 U.S.C. 1431, 1432, 1434), unless otherwise noted.

Subpart A—General

§ 318.1 What is the Training Personnel for the Education of the Handicapped program?

This program serves to increase the quantity and improve the quality of personnel available to educate handicapped children and youth through the provision of awards to—

(a) Institutions of higher education and other appropriate nonprofit agencies to assist them in training personnel for careers in special education;

(b) Parent organizations (as defined in § 318.2(b)) to meet the unique training and information needs of parents of handicapped children and youth; and

(c) State educational agencies to assist them in establishing and maintaining programs for the preservice and inservice training of teachers of handicapped children and youth, or supervisors of such teachers.

(20 U.S.C. 1431, 1432)

§ 318.2 Who is eligible for a grant under the Training Personnel for the Education of the Handicapped program?

(a) In general, the following agencies are eligible for assistance under this part:

(1) State educational agencies.

(2) Institutions of higher education (including the university-affiliated facilities program under the Rehabilitation Act of 1973 and the satellite network of the developmental disabilities program).

(3) Other appropriate nonprofit agencies or organizations.

(b) For certain priorities under this part, assistance may be limited to a particular type of agency or organization such as a parent organization (see § 318.11(b)(8)). For the purpose of this part, a parent organization is a private nonprofit organization which—

(1) Is governed by a board of directors on which a majority of the members are parents of handicapped children and youth and which includes members who are professionals in the field of special education and related services who serve handicapped children and youth; or

(2) In the absence of such a board of directors, has a membership which represents the interests of individuals with handicapping conditions, and

which has established a special governing committee on which a majority of the members are parents of handicapped children and youth and which includes members who are professionals in the fields of special education and related services, to operate the parent training and information program for which assistance is sought;

(3) Will, in providing training and information under this part, serve the parents of children and youth with the full range of handicapping conditions; and

(4) Demonstrates the capacity and expertise to conduct effectively the training and information activities authorized by this part.

(c) In order to apply for a preservice training grant under § 318.11(b) (1), (2), (3), (6), and (7), an institution or agency must demonstrate that the proposed project will meet State and professionally recognized standards for the training of special education and related services personnel.

(20 U.S.C. 1431, 1432)

§ 318.3 What regulations apply to the Training Personnel for the Education of the Handicapped program?

The following regulations apply to assistance under the Training Personnel for the Education of the Handicapped program—

(a) The regulations in this Part 318; and

(b) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions); and

(4) Part 78 (Education Appeal Board).

(20 U.S.C. 1431, 1432; 20 U.S.C. 3474(a))

§ 318.4 What definitions apply to the Training Personnel for the Education of the Handicapped program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
Budget
Department
EDGAR
Fiscal year
Grant
Grantee
Nonprofit
Preschool
Private
Project
Public
Secretary
State
State education agency

(b) *Definition that applies to this part.* The following definition applies to this part:

The term "handicapped youth", as used in this part, is defined in Section 602(b) of the Education of the Handicapped Act.

(20 U.S.C. 1401(b), 1431, 1432; 20 U.S.C. 3474(a))

§ 318.5—318.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 318.10 What kinds of training projects may be supported under this part?

The Secretary may provide financial assistance under this part to support—

(a) Projects to train personnel for careers in—

(1) Special education, including speech, language, and hearing impaired services, and adaptive physical education;

(2) The provision of related services to handicapped children and youth in educational settings;

(3) Special education supervision and administration;

(4) Special education research; and

(5) Training of special education personnel and other personnel providing special services for the handicapped.

(b) Special projects to develop and demonstrate new approaches for—

(1) The preservice training purposes set forth in paragraph (a) of this section;

(2) The preservice training of regular educators; and

(3) The inservice training of special education personnel, including classroom aides, related services personnel, and regular education personnel who serve handicapped children and youth;

(c) The provision of training and information to—

(1) Parents of handicapped children and youth; and

(2) Volunteers who work with parents of handicapped children and youth; and

(d) Projects to assist State educational agencies in establishing and maintaining, directly or through grants to institutions of higher education, programs for the preservice and inservice training of teachers of handicapped children and youth, or supervisors of such teachers.

(20 U.S.C. 1431, 1432)

§ 318.11 What types of training priorities are considered for support by the Secretary under this part?

(a) Projects supported under this part may provide training to degree, non-degree, certified, and non-certified personnel.

(b) The Secretary may select annually one or more of the following priorities or any combination of these priorities for funding:

(1) *Preparation of special educators.* This priority supports projects designed to provide preservice training of personnel for careers in special education of handicapped children and youth. The priority includes the preparation of special educators of the handicapped, including personnel trained in speech, language, and hearing impairments, and adaptive physical educators.

(2) *Preparation of leadership personnel.* This priority supports doctoral and post-doctoral preservice preparation of professional personnel to conduct training of teacher trainers, researchers, administrators, and other specialists.

(3) *Preparation of related services personnel.* This priority supports the preservice preparation of individuals who provide developmental, corrective, and other supportive services as may be required to assist a handicapped child or youth to benefit from special education. The priority supports the preparation of paraprofessional personnel, career educators, recreation specialists, health services personnel, school psychologists, social service providers, counselors, physical therapists, occupational therapists, volunteers, and other personnel providing special services.

(4) *State educational agency programs.* This priority supports State educational agencies in establishing and maintaining, directly or through grants to institutions of higher education, programs for the preservice and inservice training indicated by the Secretary in the application notice, of teachers of handicapped children and youth, or supervisors of such teachers. Projects may deal with unique Statewide training in all or several of the areas of need identified by the State comprehensive system of personnel development under 34 CFR 300.380–300.387, and may include training in management and organizational design which enhances the ability of States to provide special education and related services to handicapped children and youth. Only State educational agencies are eligible to submit applications under this priority.

(5) *Special projects.* This priority supports projects to develop and demonstrate new approaches for the preservice training purposes set forth in §318.10(a), for the preservice training of

regular educators, and for the inservice training of special education personnel, including classroom aides, related services personnel, and regular education personnel who serve handicapped children and youth. Project activities assisted under this priority include development, evaluation, and distribution of imaginative or innovative approaches to personnel preparation, and development of materials to prepare personnel to educate handicapped children and youth.

(6) *Transition of handicapped youth to adult and working life.* This priority supports the preservice preparation of special education and related service personnel who will prepare handicapped youth to meet adult roles. Personnel may be prepared to provide either short-term transitional services, or to aid in the placement of handicapped youth in long-term employment, or both. Projects supported under this priority should prepare personnel for employment in programs designed to prepare handicapped youth for community placement and adjustment to the community setting.

(7) *Preparation of personnel to provide special education and related services to newborn and infant handicapped children.* This priority supports the preservice preparation of personnel who will serve newborn and infant handicapped children, or newborn and infant children who are determined to be a high risk of being handicapped, or both. Personnel may be prepared to provide short-term special education and related services as necessary in an intensive care nursery, or long-term special education and related services which extend into a preschool program. Projects supported under this priority prepare personnel for employment in programs characterized by strong interaction of the medical, educational, and related services communities, and by involvement of parents or guardians who are the primary care givers for their children.

(8) *Parent organization projects.* (i) This priority supports grants to parent organizations, as defined in §318.2(b), for the purpose of providing training and information to parents of handicapped children and youth, and to volunteers who work with parents to enable those individuals to participate more effectively with professionals in meeting the educational needs of handicapped children and youth. These projects must be designed to meet the unique training and information needs of parents of handicapped children and youth, including those who are members of groups that have been traditionally underrepresented, living in the area to be served by the grant.

(ii) In selecting projects under this priority, the Secretary ensures that grants will be—

(A) Distributed geographically to the greatest extent possible throughout all the States; and

(B) Targeted to parents of handicapped children and youth in both urban and rural areas, or on a State or regional basis.

(iii) Parent training and information projects assisted under this priority must assist parents to—

(A) Better understand the nature and needs of the handicapping conditions of their handicapped child or youth;

(B) Provide followup support for their handicapped child's or youth's educational programs;

(C) Communicate more effectively with special and regular educators, administrators, related services personnel, and other relevant professionals;

(D) Participate in educational decisionmaking processes including the development of their handicapped child's or youth's individualized education program under 34 CFR 300.340–300.349;

(E) Obtain information about the programs, services, and resources available to their handicapped child or youth, and the degree to which the programs, services, and resources are appropriate; and

(F) Understand the provisions for the education of handicapped children and youth as specified under Part B of the Education of the Handicapped Act and 34 CFR Part 300.

(20 U.S.C. 1431, 1432)

§ 318.12 How does the Secretary use priorities?

(a) The Secretary may establish a separate competition for each priority described in § 318.11(b) or combination of priorities selected for support in a given year.

(b) If an application contains activities which address both a priority and a non-priority area, the Secretary considers for support only those activities that address a selected priority.

(20 U.S.C. 1431, 1432)

§§ 318.13–318.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 318.30 What are the selection criteria used to award a grant?

The Secretary uses the weighted criteria in this section to evaluate applications for new awards. The maximum score for all the criteria is 100 points.

(a) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(*See* 34 CFR 75.590, *Evaluation by the grantee.*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the proejct and, to the extent possible, are objective and produce data that are qualifiable.

(c) *Quality to key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (c)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows—

(i) The applicant plans to devote adequate resources to the project;

(ii) The facilities that the applicant plans to use are adequate; and

(iii) The equipment and supplies that the applicant plans to use are adequate.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Extent of need for the project.* (25 points)

(1) The Secretary reviews each application for information that shows the project meets personnel training needs, consistent with the purposes of Part D of the Act.

(2) In conducting this review, the Secretary looks for information that—

(i) Describes the needs addressed by the project;

(ii) Describes how the project relates to—

(A) Identified personnel shortages in the field of special education, for projects proposing to provide preservice training of personnel for careers in the field of special education under § 318.10 (a) and (d); and

(B) Personnel training needs, for special projects under § 318.10(b), parent and volunteer projects under § 318.10(c), and inservice projects under § 318.10(d); and

(iii) Describes the benefits to be gained by meeting those personnel needs.

(g) *Program content.* (15 points)

(1) The Secretary reviews each application for information that shows—

(i) The extent to which the application includes a description of competencies that each program participant will acquire and how the competencies will be evaluated;

(ii) The extent to which substantive content and organization of the program—

(A) Are appropriate for the attainment of knowledge and competencies that are necessary for the provision of quality educational services to handicapped children and youth; and

(B) Demonstrate an awareness of relevant methods, procedures, techniques, and instructional media or materials that can be used in the preparation of personnel who serve handicapped children and youth;

(iii) The extent to which appropriate practicum facilities are accessible to the applicant and are used for such activities as observation, participation, practice teaching, laboratory or clinical experience, internship, or other supervised experiences of adequate scope, combination, and length; and

(iv) The extent to which program philosophy, program objectives, and program activities are related to the educational needs of handicapped children and youth.

(20 U.S.C. 1431, 1432; 20 U.S.C. 3474(a))

§§ 318.31–318.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 318.40 Is student financial assistance authorized?

A grantee may use any portion of a grant awarded under this part to pay direct financial assistance to students, including fellowships of traineeships with stipends and allowances that meet the requirements of this part.

(20 U.S.C. 1431, 1432)

§ 318.41 What are the student financial assistance criteria?

Direct financial assistance may be paid to students only if—

(a) The student is qualified for admission to the program of study;

(b) the student maintains acceptable progress in a course of study;

(c) The student demonstrates need for financial assistance as determined by criteria established by the grantee; and

(d) The student is a citizen or a national of the United States, or is legally in the United States for other than a temporary purpose and intends to become a permanent resident.

(20 U.S.C. 1431, 1432)

§ 318.42 What amount of assistance is authorized?

Subject to the limitations stated is §§ 318.43 and 318.44, grantees shall disburse financial assistance to students in amounts consistent with established grantee policies relevant to providing financial assistance to part-time and full-time students at various levels of study.

(20 U.S.C. 1431, 1432)

§ 318.43 What financial assistance is authorized for part-time students?

(a) Students enrolled for less than a full calendar year or a full-time academic year may receive a stipend. Such short-term students are not eligible for allowances for dependents.

(b) Students who are receiving calendar year of full-time academic year assistance at the time of their short-term study are not eligible for financial asistance under this section.

(20 U.S.C. 1431, 1432)

§ 318.44 What is required for a financially assisted student who withdraws or is dismissed?

A grantee shall make financial adjustments when a student withdraws or is dismissed before the end of the program. In those instances where students withdraw or are dismissed from graduate and undergraduate academic year or short-term programs, a grantee may give the remaining funds as a partial award to another student who is enrolled in the program assisted under this part. The Secretary considers the funds made available as a result of a financial adjustment as an overpayment, unless these funds are used as a partial award or are used in ways otherwise consistent with the requirements of this part.

(20 U.S.C. 1431, 1432)

§ 318.45 What are the special requirements for a parent organization operating a program receiving assistance under this part?

(a) The board of directors of a parent organization or any special governing committee established under §318.2(b) shall meet at least once in each calendar quarter to review the parent training and information program activities assisted under this part. Any special governing committee shall advise the governing board directly of its views and recommendations.

(b) Each parent organization operating a program receiving assistance under this part shall consult with appropriate agencies which serve or assist handicapped children and youth and are located in the jurisdictions served by the program.

(c) Whenever a parent organization requests the renewal of a grant awarded under § 318.11(b)(8), the board of directors must submit to the Secretary a written review of the training and information program conducted by that parent organization during the preceding fiscal year, which review must include the views and recommendations of any special governing committee established under § 318.2(b)

(20 U.S.C. 1431(c)(3), (c)(6))

§ 318.46 What types of reports are required of grantees?

Not more than 60 days after the end of any fiscal year, each recipient of a grant during that fiscal year must prepare and submit a report to the Secretary. Each report must be in such form and detail as the Secretary determines to be appropriate, and must include—

(a) The number of individuals trained under the grant, by category of training and level of training; and

(b) The number of individuals trained under the grant receiving degrees and certification, by category and level of training.

(20 U.S.C. 1434(a))

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federal register

Monday
April 30, 1984

Part VI

Department of Education

34 CFR Part 315

Auxiliary Activities; Proposed Rule

Auxiliary Activities; Innovative Programs for Severely Handicapped Children; Notice

DEPARTMENT OF EDUCATION

34 CFR Part 315

Auxiliary Activities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to issue regulations under Section 624 of Part C of the Education of the Handicapped Act, as amended. This program provides support through grants, contracts, or cooperative agreements to appropriate organizations and institutions for research, development or demonstration, training, and dissemination activities concerning the education of handicapped children and youth, including those who are severely handicapped. These proposed regulations will, among other things, clarify application requirements and procedures, identify the types of activities which are eligible for support, and describe weighted selection criteria. In addition, these regulations permit both profit and/or nonprofit organizations and institutions to compete for awards under the program.

DATES: Comments must be received on or before May 30, 1984.

ADDRESS: Comments should be addressed to: Dr. Thomas R. Behrens, Office of Special Education Programs, Department of Education, 330 C Street, SW. (Switzer Building, Room 4605), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: R. Paul Thompson. Telephone: (202) 732–1161.

SUPPLEMENTARY INFORMATION: The Auxiliary Activities program was established under Pub L. 91–230 on April 13, 1970 and is currently authorized by Section 624 of Part C of the Education of the Handicapped Act (20 U.S.C. 1424). Regulations for this program were published on February 20, 1975 (40 FR 7419).

These proposed regulations implement Section 624 of the Act as recently amended by Pub. L. 98–199, the Education of the Handicapped Act Amendments of 1983; and incorporate the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78). A summary of the proposed regulations follows:

(a) *Subpart A—General.*

Section 315.1 describes the scope and purpose of the program, and clarifies that the provision of services to the severely handicapped is authorized under the program.

Section 315.2 identifies those parties eligible for a grant under this program. It amends current regulations (§ 315.3) to allow both nonprofit and profit organizations and institutions to apply.

Section 315.3 lists the regulations that apply to the Auxiliary Activities program, including Parts 74, 75, 77, and 78 of EDGAR.

Section 315.4 provides definitions that apply to the program. it incorporates certain EDGAR definitions as well as the definition of "parent" used in the Assistance to States for Education of Handicapped Children program (34 CFR Part 300). It also includes a definition of "handicapped children and youth" based upon the definition found in section 602 (a) and (b) of the EHA. It also proposes a definition of "severely handicapped children and youth".

(b) *Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?*

Sections 315.10—315.14 describe the types of activities including the research, development or demonstration, training, and dissemination activities supported under this program.

(c) *Subpart C—How Does the Secretary Make a Grant?*

Section 315.20 explains how the Secretary selects and announces funding priorities.

The proposed selection criteria used to award a grant are contained in §315.21. The section assigns weights to the selection criteria in §315.4 of the current regulations and adds criteria relating to the applicant's capability, its dissemination plan, and its plan for cooperation and coordination with other agencies.

(d) *Subpart D—What Conditions Must Be Met by a Grantee Under this Program?*

The proposed regulations specify the coordination requirements that must be met by a grantee under the program.

Executive Order 12291

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

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

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These regulations clarify existing regulations and implement recent statutory amendments. Specific changes to the regulations are described in this preamble under supplementary information. These changes will not have any significant economic impact on small entities participating in the program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations to the address given at the beginning of this document. All comments received on or before the May 30, 1984 will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 4615, 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.

Paperwork Reduction Act

The information collection requirements contained in these proposed rules will be sent to OMB for review under the provisions of section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Comments concerning information collection requirements *only* should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503. Attention: Desk Officer for the U.S. Department of Education. All other comments regarding these proposed regulations should be sent to the Department of Education at the address given at the beginning of this preamble.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

Lists of Subjects in 34 CFR Part 315

Education, Education of handicapped, Education-research, Grants program-education, Teachers.

Citation of Legal Authority

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

(Catalog of Federal Domestic Assistance Number 84.086; Auxiliary Activities)

Dated: April 25, 1984.

T. H. Bell,

Secretary of Education.

The Secretary proposes to amend Part 315 of Title 34 of the Code of Federal Regulations to read as follows:

PART 315—AUXILIARY ACTIVITIES

Subpart A—General

Sec.

315.1 What is the Auxiliary Activities program?
315.2 Who is eligible to apply for a grant under this program?
315.3 What regulations apply to this program?
315.4 What definitions apply to this program?
315.5–315.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?

315.10 What types of activities are considered for support by the Secretary under this part?
315.11 What types of research activities are considered for support by the Secretary under this part?
315.12 What types of development or demonstration activities are considered for support by the Secretary under this part?
315.13 What types of training activities are considered for support by the Secretary under this part?
315.14 What types of dissemination activities are considered for support by the Secretary under this part?
315.15–315.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

315.30 How does the Secretary select and announce funding priorities under this program?
315.31 What are the selection criteria used to award a grant?
315.32–315.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee Under this Program?

315.40 What coordination requirement(s) must be met by a grantee?
315.41–315.49 [Reserved]

Authority: Sec. 624 of the Education of the Handicapped Act (20 U.S.C. 1424), unless otherwise noted.

Subpart A—General

§ 315.1 What is the Auxiliary Activities program?

This program supports research, development or demonstration, training, and dissemination activities which, consistent with the purpose of Part C of the Education of the Handicapped Act, meet the unique educational needs of handicapped children and youth, including those who are severely handicapped.

(20 U.S.C. 1424)

§ 315.2 Who is eligible to apply for a grant under this program?

Any public or private, profit or non-profit, organization or institution may apply for a grant under this program.

(20 U.S.C. 1424)

§ 315.3 What regulations apply to this program?

The following regulations apply to this program—

(a) The regulations in this Part 315; and

(b) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);
(2) Part 75 (Direct Grant Programs);
(3) Part 77 (Definitions); and
(4) Part 78 (Education Appeal Board).

(20 U.S.C. 1424; 20 U.S.C. 3474(a))

§ 315.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
EDGAR
Fiscal year
Grant
Grantee
Nonprofit
Preschool
Private
Project
Public
Recipient
Secretary
State

(20 U.S.C. 1424; 20 U.S.C. 3474(a))

(b) *Definition in 34 CFR Part 300.* The term "parent" as used in this part is defined in 34 CFR 300.10.

(c) *Handicapped children and youth.* The term "handicapped children and youth" as used in this part means those children and youth evaluated as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or as having specific learning disabilities, who because of those impairments need special education and related services.

(20 U.S.C. 1401(a) and (b))

(d) *Severely handicapped children and youth.* (1) As used in this part, the term "severely handicapped children and youth" refers to handicapped children and youth who, because of the intensity of their physical, mental, or emotional problems, need highly specialized educational, social, psychological, and medical services in order to maximize their full potential for useful and meaningful participation in society and for self-fulfillment.

(2) The term includes those children and youth who are classified as seriously emotionally disturbed (including children and youth who are schizophrenic or autistic), profoundly and severely mentally retarded, and those with two or more serious handicapping conditions, such as the deaf-blind, mentally retarded blind, and the cerebral-palsied deaf.

(3) Severely handicapped children and youth—

(i) May possess severe language and/or perceptual-cognitive deprivations, and evidence abnormal behaviors such as:

(A) Failure to respond to pronounced social stimuli;
(B) Self-multilation;
(C) Self-stimulation;
(D) Manifestation of intense and prolonged temper tantrums; and
(E) The absence of rudimentary forms of verbal control; and

(ii) May also have extremely fragile physiological conditions.

(20 U.S.C. 1424)

§§ 315.5—315.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?

§ 315.10 What types of activities are considered for support by the Secretary under this part?

The Secretary may provide financial assistance under this part to support the following activities:

(a) Research to identify and meet the full range of special needs of handicapped children and youth, as described in §315.11.

(b) The development or demonstration of new, or improvements in existing, methods, approaches, or techniques which would contribute to the

adjustment and education of handicapped children and youth, as described in $315.12.

(c) Training of professional and allied personnel engaged or preparing to engage in programs specifically designed for handicapped children and youth, as described in § 315.13.

(d) Dissemination of materials and information about practices found effective in working with handicapped children and youth, as described in § 315.14.

(20 U.S.C. 1424)

§ 315.11 What types of research activities are considered for support by the Secretary under this part?

(a) The Secretary may provide financial assistance under this part for the following research activities:

(1) Research to identify and meet the full range of special needs of handicapped children and youth.

(2) Research to identify and meet the instructional or counseling needs of parents, professionals, and others involved in the provision of services to handicapped children and youth, for the purpose of facilitating the delivery and improving the quality of these services.

(b) Each application for assistance under this part must—

(1) Specifically describe and justify the research activities which the applicant proposes to undertake;

(2) Fully describe how the applicant will develop and validate the effectiveness of procedures for applying the project's research findings to the provision of improved direct services to handicapped children and youth.

(20 U.S.C. 1424)

§ 315.12 What types of development or demonstration activities are considered for support by the Secretary under this part?

(a) The Secretary may provide financial assistance under this part for one or more of the following development and demonstration activities.

(1) Review, analysis, and evaluation of current educational practices and research findings.

(2) Diagnosis and evaluation of the learning capacities and limitations of handicapped children and youth and the identification of their specific learning needs and problems.

(3) Design and demonstration of innovative procedures for addressing the identified needs of handicapped children and youth in a variety of settings.

(4) Evaluation of the progress and achievement of handicapped children and youth who participate in project activities.

(b) Each application for assistance under this part must—

(1) Justify the need for the development or demonstration activities which the applicant proposes to undertake, particularly in consideration of related development or demonstration activities in the nation;

(2) Describe the nature and extent of the impact which the proposed activities are excepted to have on handicapped children and youth who will be served by the project; and

(3) Describe the impact, in terms of replicability, that the activities are expected to have upon children and youth not served by the project.

(20 U.S.C. 1424)

§ 315.13 What types of training activities are considered for support by the Secretary under this part?

(a) *Training.* Any training of professional and allied personnel under this part must be consistent with the purposes of Part C of the Act. Training may include staff meetings, seminars, workshops, demonstrations, and related activities.

(b) *Participants.* Participants in training activities may include present and potential project personnel and other teachers, administrators, child care workers, parents, and teacher aides.

(c) Each application for assistance under this part must—

(1) Justify the need for the training activities that the applicant proposes to undertake; and

(2) Describe the nature and extent of the impact that the proposed activities are expected to have on handicapped children and youth who will ultimately be served by the individuals who receive the training.

(20 U.S.C. 1424)

(Approved by the Office of Management and Budget under Control Number 1820-0028—Expires 2/28/87)

§ 315.14 What types of dissemination activities are considered for support by the Secretary under this part?

The Secretary may provide assistance under this part for dissemination activities including distribution of materials and information to educational institutions, parents, the general public, and members of professions engaged in the field of the education of the handicapped.

(20 U.S.C. 1424)

§§ 315.15-315.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 315.30 How does the Secretary select and announce funding priorities under this program?

(a) For any fiscal year, the Secretary may give priority to one or more of the activities listed in § 315.10 in conjunction with one of the authorities in Part C.

(b) The Secretary advises the public of these priorities through a notice published in the **Federal Register.**

(c) The Secretary may establish other priorities through publication of one or more notices in the **Federal Register** in accordance with 34 CFR 75.105, *Annual priorities.*

(20 U.S.C. 1424)

§ 315.31 What are the selection criteria used to award a grant?

The Secretary uses the weighted criteria in this section to evaluate applications for new awards. The maximum score for all the criteria is 100 points.

(a) *Plan of operation.* (40 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the qualifications of key personnel the applicant plans to use in the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of project personnel, the Secretary considers their experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (*See* 34 CFR 75.590, *Evaluation by the grantee.*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Capability of organization or institution.* (10 points)

The Secretary reviews each application for information that shows the capability of the applicant in conducting activities which are particularly relevant to its proposed activities.

(g) *Dissemination plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the dissemination plan for the project.

(2) The Secretary looks for information that shows—

(i) An effective plan that ensures proper and efficient dissemination of project information within the State in which the project is located and throughout the Nation; and

(ii) A clear description of the content, intended audiences, and timelines for production of all project documents and other products which the applicant will disseminate.

(h) *Cooperation and coordination with other organizations and institutions.* (10 points)

(1) The Secretary reviews each application for information that ensures that activities funded under this section will be coordinated with—

(i) Similar activities assisted under Part C of the Act; and

(ii) Other organizations or institutions conducting or eligible to conduct activities essential to the effective implementation of the proposed project.

(2) The Secretary looks for information that shows the nature, extent, and timelines for coordination proposed by the applicant.

(20 U.S.C. 1424(b); 20 U.S.C. 3474(a))

§§ 315.32–315.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee Under this Program?

§ 315.40 What coordination requirement(s) must be met by a grantee?

Each recipient shall coordinate the activities assisted under this part with similar activities assisted under other sections of the Act.

(20 U.S.C. 1424)

[FR Doc. 84–11548 Filed 4–27–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Auxiliary Activities; Innovative Programs for Severely Handicapped Children

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed annual funding priorities.

SUMMARY: The Secretary proposes annual funding priorities for the Auxiliary Activities; Innovative Programs for Severely Handicapped Children program. To ensure wide and effective use of program funds, the Secretary proposes seven priorities to direct funds to the areas of greatest need for fiscal year 1984. A separate competition will be established for each priority.

DATE: Comments must be received on or before May 30, 1984.

ADDRESS: Comments should be addressed to: R. Paul Thompson, Special Needs Section, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW., (Switzer Building, Room 4615), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: R. Paul Thompson. Telephone: (202) 732–1161.

SUPPLEMENTARY INFORMATION: The Auxiliary Activities program, authorized by Section 624 of the Education of the Handicapped Act, supports research, development or demonstration, training, and dissemination activities which meet the unique educational needs of handicapped children and youth, and are consistent with the purposes of Part C of the Act. The Education of the Handicapped Act Amendments of 1983 (Pub. L. 98–199) included amendments to the provisions of Section 624. In response to those amendments, the Secretary is publishing, in this issue of the **Federal Register**, proposed regulations for the Auxiliary Activities program.

Under Section 624(c) of the Act, as amended by Pub. L. 98–199, the Secretary is expressly authorized to address the needs of the severely handicapped. In accordance with this authority and with § 315.30 of the proposed regulations, the Secretary proposes to use the priorities listed in the following paragraphs to make fiscal year 1984 awards.

Priorities

(A) *Independent Living Skills Training for Severely Handicapped Youth.* This priority supports projects which design, implement, evaluate, and disseminate information about innovative, cost-effective methods for providing training in independent living skills to severely handicapped youth, age 16 through 21, making the transition from "educational" to home/community environments. These projects are to be longitudinal in nature and lead, over a period of time, to the highest possible level of independent, active, and cooperative functioning of these youth in a variety of integrated school and community settings. These projects are to be designed to increase both quality and frequency of meaningful interactions of severely handicapped youth with handicapped and nonhandicapped peers and adults. In addition, these projects must: (1) Promote positive familial relationships between severely handicapped youth and their parents, siblings, and extended family members; (2) encourage the involvement of parents in the development, establishment, and evaluation of independent living skills training in the development, establishment and evaluation of individualized education programs for these youth; and (3) emphasize the training of these youth to generalize skills learned in school settings to normal, adult environments, including preparation for and participation in community employment options. Approximately $862,000 is expected to be available for this competition.

(B) *Parent Involvement in Provision of Educational Services and Life-Long Planning for Severely Handicapped Children and Youth.* This priority supports projects designed to increase the involvement of parents in the development, establishment, and evaluation of individualized educational programs for severely handicapped children and youth, and in the life-long planning for these persons. Projects must promote the organization and effective operation of parent groups in the identification and utilization of fiscal and personnel resources for ensuring quality educational services to severely handicapped children and youth. Approximately $240,000 is expected to be available for this competition.

(C) *Non-directed Demonstration Projects for Severely Handicapped Children and Youth.* This priority supports projects designed to demonstrate specific, viable procedures for meeting significant educational needs of severely handicapped (other than deaf-blind) children and youth. The content of the demonstration projects is limited only by the overall mission of the program—to demonstrate innovative and effective approaches to the education of severely handicapped children in the least restrictive environment. Applicants proposing to conduct the projects must fully describe and justify the selection of the focus and particular approach to be demonstrated. Approximately $460,000 is expected to be available for this competition.

(D) *Approaches to Total Life Planning for Deaf-Blind Children and Youth.* This priority supports projects which implement innovative procedures for the development of total life planning for deaf-blind children and youth. The planning must include: (1) Assessment of cognitive, linguistic, affective, and psychomotor skills and capacities of project participants; (2) identification of services which are essential to meet the needs of the participants and which will provide for the maximization of their potential as they approach adulthood; (3) development of strategies for individualized life planning for each project participant, with provision for modifying the planning on at least an annual basis; and (4) development of strategies for applying individualized planning to deaf-blind children and youth not served by the project. These projects: (1) May begin activities from the time children are identified as handicapped and should include planning for preschool eduction through vocational education and rehabilitation services as appropriate, emphasizing the transition of such children from educational to home/school environments; and (2) encourage the active involvement of parents in promoting the implementation of total life planning for these children. Approximately $240,000 is expected to be available for this competition.

(E) *Pre-vocational and Vocational Training for Deaf-Blind Children and Youth.* This priority supports projects which design, implement, and disseminate information about innovative practices in the pre-vocational and vocational education of deaf-blind children and youth. The practices must extend beyond, expand upon, complement, or supplement the best existing practices. These projects may also include feasible applications of practices still in the developmental stage in research and other experimental programs. Approximately $655,000 is expected to be available for this competition.

(F) *Identification of At-Risk Deaf-Blind Children and Youth.* This priority supports projects which design and implement innovative strategies for the early identification and evaluation of handicapped children and youth with apparent visual and auditory

impairments who are at-risk of being identified as deaf-blind. These projects are encouraged to devise strategies for: (1) Providing relevant information to, and gaining the cooperation of, educational, medical, health, and social service providers; and (2) initiating educational placement and services for these children which might avert the need for serving them as deaf-blind persons. Projects must include procedures for identification of handicapped children and youth such as those procedures mandated under Part B of the Education of the Handicapped Act. Approximately $120,000 is expected to be available for this competition.

(G) *Non-directed Demonstration Projects for Deaf-Blind Children and Youth.* This priority supports projects designed to demonstrate specific, viable procedures for meeting significant educational needs of deaf-blind children and youth. The content of the demonstration projects is limited only by the overall mission of the program—to demonstrate innovative and effective approaches to the education of deaf-blind children and youth in the least restrictive environment. Each applicant proposing to conduct a project must fully describe and justify the selection of the focus and particular approach to be demonstrated. Approximately $360,000 is expected to be available for this competition.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed priorities. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before May 30, 1984 will be considered before the Secretary issues final priorities. All comments submitted in response to these proposed priorities will be available for public inspection, during and after the comment period, in Room 4615, Switzer Building, 330 C Street, SW., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 1424)

(Catalog of Federal Domestic Assistance No. 84.086; Innovative Programs for Severely Handicapped Children)

Dated: April 25, 1984.

T. H. Bell,

Secretray of Education.

[FR Doc. 84-11549 Filed 4-27-84; 8:45 am]

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federal register

Monday
April 30, 1984

Part VII

Department of Education

34 CFR Part 307

Services for Deaf-Blind Children and Youth; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 307

Services for Deaf-Blind Children and Youth

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to issue regulations under section 622 of Part C of the Education of the Handicapped Act, as amended by Pub. L. 98–199. The program authorized by section 622 provides support to public or nonprofit private agencies, institutions, or organizations for projects to enhance services to deaf-blind children and youth. The proposed regulations, among other things, identify the types of activities which are eligible for support, describe weighted selection criteria, and identify priorities for funding.

DATES: Comments must be received on or before May 30, 1984.

ADDRESSES: Comments should be addressed to: Dr. Thomas R. Behrens, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 4605), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Charles W. Freeman. Telephone: (202) 732–1165.

SUPPLEMENTARY INFORMATION: The Services for Deaf-Blind Children and Youth program was established under Pub. L. 90–247 on January 2, 1968 and is currently authorized by section 622 of Part C of the Education of the Handicapped Act (20 U.S.C. 1422).

Regulations for this program were published on February 20, 1975 (40 FR 7414), and are currently codified at 34 CFR Part 307. These proposed regulations implement section 622 of the Act, as recently amended by Pub. L. 98–199, the Education of the Handicapped Act Amendments of 1983; and incorporate the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

A summary of the proposed regulations follows:

(a) *Subpart A—General.*

Section 307.1 describes the program.

Section 307.2 provides that public or nonprofit private agencies, institutions, and organizations are eligible for an award under this program.

Section 307.3 lists the regulations that apply to the Services for Deaf-Blind Children and Youth program, including Parts 74, 75, 77, 78, and 79 of EDGAR.

Section 307.4 provides definitions that apply to the program. It incorporates certain EDGAR definitions as well as the definitions of "counseling services," "evaluation," "parent," "parent counseling and training," "public agency," "related services," "special education," "handicapped children," and "deaf-blind children" used in the Assistance to States for Education of Handicapped Children program (34 CFR Part 300). These definitions in 34 CFR Part 300 are adopted to ensure consistency among programs under the Education of the Handicapped Act.

(b) *Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?*

Section 307.10 describes the activities, including services for deaf-blind children and youth, technical assistance, collection of data, and dissemination activities, that are supported under this program.

Section 307.11 describes the types of services to deaf-blind children and youth, and certain technical assistance to State educational agencies, supported under this part. The several provisions of this section are needed to advise applicants of specific program activities which may be provided under this section and of various requirements applicable to those activities. The listed activities are those which the Secretary believes are particularly appropriate to meet the needs of deaf-blind children and youth.

Section 307.11(b) requires that funds made available under this section be used first to provide services to deaf-blind children to whom States are not obligated to make available a free appropriate public education and to whom the State is not providing services under some other authority. This paragraph further provides that the second priority for the use of funds is the provision of technical assistance to State educational agencies. Finally, this paragraph allows grantees to use any remaining funds to provide services to deal-blind children and youth not covered by the first priority. The Secretary proposes these priorities to ensure effective use of program funds. States participating in the Assistance to States for Education of Handicapped Children program (under Part B of the Act) are required to provide some of the same services authorized by the Services for Deaf-Blind Children and Youth program to handicapped children, including those who are deaf-blind. The proposed priorities are designed to: (a) ensure the provision of services to deaf-blind children and youth while phasing down Federal support for provision of direct services under this program, and (b) provide technical assistance to States to build their capacity to expand services to deaf-blind children formerly served through other means.

The project evaluation requirements set forth in §§ 307.11(c) and 307.13(e) are proposed in order to carry out program evaluations consistent with section 627 of Part C of the Act.

Section 307.11 (d) and (e) establishes geographical regions for the conduct of projects, and permits the Secretary to make more than one award in any one region. These provisions ensure that all States will receive services in a cost-efficient manner, while providing the flexibility to any State or combination of States to elect to receive services under this section independently from other States in the region.

Section 307.12 identifies the types of technical assistance to be provided to grantees under § 307.11. The provisions of this section are designed to ensure that productive technical assistance is provided to those grantees.

Section 307.13 specifies the types of technical assistance for transitional services that may be supported under this part. The provisions of this section are designed to ensure that transitional services provided to deaf-blind youth facilitate their transition from education to employment and other services.

Section 307.14 describes the data analysis activities that may be supported under this part.

Section 307.15 describes the dissemination activities that may be supported under this part. Examples of matters on which information may be disseminated are included to provide guidance to prospective applicants.

(c) *Subpart C—How Does One Apply for a Grant?*

Section 307.20 describes the content of an application under this program. This section explains the relationship that must exist between a grantee and a State educational agency to which the grantee provides technical assistance. The requirements in this section are designed to ensure that the efforts of grantees to provide technical assistance to States will be effective and that necessary coordination will take place to facilitate the transition of deaf-blind youth, 22 years of age and older, from education to employment and other services.

(d) *Support D—How Does the Secretary Make a Grant?*

Section 307.30 specifies priorities that are considered for support under this program. The Secretary proposes this section to ensure that program needs can effectively be met as they change from year to year.

Section 307.31 describes the selection criteria to be used to make awards under this program. The Secretary proposes weighted criteria that reflect the relative importance of project elements and which will ensure the selection of the most promising projects.

(e) *Subpart E—What Conditions Must Be Met by a Grantee Under This Program?*

Section 307.40 explains the information that must be reported by a grantee under this program. This section is taken directly from section 622(c)(1) of the Act and will assist the Secretary in meeting the annual reporting requirements under section 618 of the Act.

Section 307.41 describes the advisory committee that must be established by each grantee under this program. Advisory committees are needed to assist grantees in developing and implementing project activities that meet the needs of deaf-blind children and youth, their parents, and professionals eligible for services under this program.

Section 307.42 requires SEAs that receive awards under § 307.11 or § 307.13 to obtain technical assistance from outside sources if the SEA will not be providing technical assistance to other agencies or organizations. This section is designed to ensure that each State receives the technical assistance it needs to improve services to deaf-blind children and youth.

Executive Order 12291

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

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

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The application procedures and other requirements in the proposed regulations are minimal and will not place undue burdens on small entities participating in this program or have a significant economic impact on these entities.

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 to the address given at the beginning of this document. All comments received on or before May 30, 1984 will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 4615, Switzer Building, 330 C Street, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Paperwork Reduction Act

The information collection requirements contained in these proposed rules will be sent to OMB for review under the provisions of section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Comments concerning information collection requirements *only* should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503. Attention: Desk Officer for the U.S. Department of Education. All other comments regarding these proposed regulations should be sent to the Department of Education at the address given at the beginning of this preamble.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 307

Education, Education of handicapped, Education—research, Grants program—education, Teachers.

Citation of Legal Authority

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

(Catalog of Federal Domestic Assistance Program Number 84.025, Services for Deaf-Blind Children and Youth)

Dated: April 25, 1984.

T. H. Bell,

Secretary of Education.

The Secretary proposes to revise Part 307 of Title 34 of the Code of Federal Regulations to read as follows:

PART 307—SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH

Subpart A—General

Sec.

307.1 What is the Services for Deaf-Blind Children and Youth program?
307.2 Who is eligible to apply for an award under the Services for Deaf-Blind Children and Youth program?
307.3 What regulations apply to the Services for Deaf-Blind Children and Youth program?
307.4 What definitions apply to the Services for Deaf-Blind Children and Youth program?
307.5–307.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?

307.10 What types of activities are considered for support under this part?
307.11 What types of services to deaf-blind children and youth and technical assistance are considered for support under this part?
307.12 What types of technical assistance to grantees under Section 307.11 are considered for support under this part?
307.13 What types of technical assistance for transitional services are considered for support under this part?
307.14 What types of data analysis activities are considered for support under this part?
307.15 What types of dissemination activities are considered for support under this part?
307.16–307.19 [Reserved]

Subpart C—How Does One Apply for a Grant?

307.20 What is the content of an application under this program?
307.21–307.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

307.30 What priorities are considered for support by the Secretary?
307.31 What are the selection criteria used to award a grant?

Sec.
307.32–307.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee Under this Program?

307.40 What is the reporting responsibility of a grantee under this program?
307.41 What advisory committees are to be established under this program?
307.42 What responsibility does an SEA grantee have to obtain technical assistance?
307.43–307.49 [Reserved]

Authority: Sec. 622 of the Education of the Handicapped Act (20 U.S.C. 1422), unless otherwise noted.

Subpart A—General

§ 307.1 What is the Services for Deaf-Blind Children and Youth program?

This program supports projects that enhance services to deaf-blind children and youth, particularly by providing technical assistance to State educational agencies and others who are involved in the education of deaf-blind children and youth.

(20 U.S.C. 1422)

§ 307.2 Who is eligible to apply for an award under the Services for Deaf-Blind Children and Youth program?

Public or nonprofit private agencies, institutions, or organizations may apply for an award under this part.

(20 U.S.C. 1422)

§ 307.3 What regulations apply to the Services for Deaf-Blind Children and Youth program?

The following regulations apply to this program—

(a) The regulations in this Part 307; and

(b) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);
(2) Part 75 (Direct Grant Programs);
(3) Part 77 (Definitions);
(4) Part 78 (Education Appeal Board); and
(5) Part 79 (Intergovernmental Review of Federal Programs).

(20 U.S.C. 1422; 20 U.S.C. 3474(a))

§ 307.4 What definitions apply to the Services for Deaf-Blind Children and Youth program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
EDGAR
Grant
Grantee
Nonprofit
Private
Project
Public
Secretary
State

(20 U.S.C. 3474(a))

(b) *Definitions in 34 CFR Part 300.* The following terms used in this part are defined in 34 CFR Part 300:

Counseling services (§ 300.13(b)(2))
Deaf-Blind (§ 300.5(b)(2))
Evaluation (§ 300.500(c))
Free appropriate public education (§ 300.4)
Handicapped children (§ 300.5)
Parent (§ 300.10)
Parent counseling and training (§ 300.13(b)(6))
Public agency (§ 300.11)
Related services (§ 300.13)
Special education (§ 300.14)

(20 U.S.C. 1401 (1), (16), (17), (18))

§ 307.5–307.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?

§ 307.10 What types of activities are considered for support under this part?

The Secretary may provide financial assistance under this part to support the following activities:

(a) Services to deaf-blind children and youth, and technical assistance to SEAs, as described in § 307.11;

(b) Technical assistance to grantees under § 307.11, as described in § 307.12;

(c) Technical assistance for transitional services, as described in § 307.13;

(d) Data analysis activities, as described in § 307.14; and

(e) Dissemination activities, as described in § 307.15.

(20 U.S.C. 1422)

§ 307.11 What types or services to deaf-blind children and youth and technical assistance are considered for support under this part?

(a) The Secretary may provide financial assistance under this part to support the following projects:

(1) Special education and related services, as well as vocational and transitional services, to deaf-blind children and youth to whom States are not obligated to make available a free appropriate public education under Part B of the Education of the Handicapped Act and to whom the State is not providing those services under some other authority. These services may include the following:

(i) Diagnosis and educational evaluation of children and youth at risk of being identified as deaf-blind.

(ii) Programs of adjustment, education, and orientation for deaf-blind children and youth.

(iii) Consultative, counseling, and training services for families of those deaf-blind children and youth being served under this part.

(2) Technical assistance to State educational agencies so that they may more effectively—

(i) Provide special education and related services, as well as vocational and transitional services, to those deaf-blind children and youth to whom they are obligated to make available a free appropriate public education under Part B of the Education of the Handicapped Act;

(ii) Provide preservice or inservice training to paraprofessionals, professionals, or related services personnel preparing to serve, or serving, deaf-blind children or youth;

(iii) Replicate successful, innovative approaches to providing educational or related services to deaf-blind children and youth;

(iv) Facilitate parental involvement in the education of their deaf-blind children and youth; and

(v) Provide consultative and counseling services for professionals, paraprofessionals, parents, and others who play a direct role in the lives of deaf-blind children and youth, to enable them to understand the special problems of those children and youth, and to assist in the provision of appropriate services to those children and youth.

(3) The services described in paragraph (a)(1) of this section to deaf-blind children and youth to whom a State is obligated to make available a free appropriate public education under Part B of the Education of the Handicapped Act and to whom the State is providing those services under some other authority.

(b)(1) Each grantee under this section shall—

(i) Give first priority in the use of project funds to the provision of services described in paragraph (a)(1) of this section; and

(ii) Give second priority in the use of project funds to the provision of technical assistance to State educational agencies, as described in paragraph (a)(2) of this section.

(2) Any remaining funds may be used by the grantee, upon request of the State educational agency, for the services described in paragraph (a)(3) of this section.

(c) Each grantee under this section shall—

(1) Develop and implement procedures to evaluate the effectiveness of services

to deaf-blind children and youth which it provides under paragraph (a)(1) of this section; and

(2) Provide technical assistance to the State educational agencies served under paragraph (a)(2) of this section in the development and implementation of procedures for evaluating the effectiveness of services provided by those agencies to deaf-blind children and youth.

Region	States included in region
1	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Vermont, and the Virgin Islands.
2	Delaware, District of Columbia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.
3	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas.
4	Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin.
5	Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.
6	Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, the Northern Mariana Islands, Oregon, the Trust Territory of the Pacific Islands, and Washington.

(e) The Secretary may make more than one award within any region described in paragraph (d) of this section.

(20 U.S.C. 1422)

§ 307.12 What types of technical assistance to grantees under Section 307.11 are considered for support under this part?

(a) The Secretary may provide financial assistance under this part for projects that establish and support programs for the provision of technical assistance, on a regional basis, to grantees under § 307.11 with respect to the provision of direct services to deaf-blind children and youth under § 307.11(a)(1).

(b) Each grantee under this section shall assist grantees under § 307.11 to—

(1) Enhance personnel training programs by, for example, making available the combined expertise of highly trained and experienced professionals from the fields of education for deaf-blind and severely handicapped children and youth;

(2) Apply effective and relevant educational research findings; and

(3) Replicate effective methodology and curricula in educating deaf-blind children and youth.

(20 U.S.C. 1422)

§ 307.13 What types of technical assistance for transitional services are considered for support under this part?

(a) The Secretary may provide financial assistance under this part to provide technical assistance to State educational agencies in making available to deaf-blind youth, upon attaining the age of 22, programs and services to facilitate their transition from education to employment and other services.

(b) Each grantee under this section must provide each of the following services:

(1) Technical assistance to agencies, institutions, and organizations (in addition to State educational agencies) providing, or proposing to provide, transitional services to deaf-blind youth who have attained the age of 22.

(2) Training to paraprofessionals serving, or preparing to serve, those youth.

(3) Assistance in the development or replication of successful innovative approaches to providing rehabilitative, semi-supervised, or independent living programs.

(c) As used in this section, the term "transitional services" includes—

(1) Counseling, training, and other services to assist deaf-blind youth to adjust to work environments and employment options;

(2) Information concerning relevant public services available to assist deaf-blind youth in transition from educational to other services, including recreational and leisure time resources and services, and the procedures for assessing those services; and

(3) Assistance to relevant agencies in the development of individualized work-related plans for deaf-blind youth.

(d) Each grantee under this section shall develop and implement strategies to promote coordination between State and local agencies providing services to deaf-blind youth 22 years of age and older, including agencies providing rehabilitative, vocational, health, career planning and development, and social services.

(e) Each grantee under this section shall assess the effectiveness of the project in facilitating the transition of deaf-blind children and youth from education to employment and other services.

(20 U.S.C. 1422)

§ 307.14 What types of data analysis activities are considered for support under this part?

(a) The Secretary may provide financial assistance under this part to support projects that—

(1) Analyze the data reported annually by grantees under this part and under other provisions of the Education of the Handicapped Act; and

(2) Provide an unduplicated count of the number of deaf-blind children and youth directly served under § 307.11(a)(1) and by State educational agencies receiving technical assistance under § 307.11(a)(2) and § 307.12.

(b)(1) The grantee must compare the count with the number of deaf-blind children and youth reported by the States under Part B of the Education of the Handicapped Act; the Deaf-Blind Registry; and subpart 2 of Part B, Title I of the Elementary and Secondary Education Act of 1965 (as modified by Chapter 1 of the Education Consolidation and Improvement Act of 1981).

(2) The grantee must then revise the count to reflect the most accurate data.

(20 U.S.C. 1422(c)(2))

§ 307.15 What types of dissemination activities are considered for support under this part?

The Secretary may provide financial assistance under this part to support projects that disseminate materials and information to parents, professionals, and other interested parties concerning effective practices in working with deaf-blind children and youth, including information on—

(a) Special education, related, vocational, and transitional services and resources;

(b) Options for training and experience in daily living skills programs;

(c) The nature of various conditions of deaf-blindness and their educational and employment implications; and

(d) Legal issues affecting deaf-blind children and youth.

(20 U.S.C. 1422(d))

§§ 307.16–307.19 [Reserved]

Subpart C—How Does One Apply for a Grant?

§ 307.20 What is the content of an application under this program?

(a) Each applicant for a grant under § 307.11 must include in its applications—

(1) A statement from each State the applicant proposes to serve indicating the State's desire to cooperate with, and receive services from, the applicant; and

(2) For each State in which the applicant proposes to provide services, information on the State's progress in developing a comprehensive plan for the delivery of special education and related services, as well as vocational and transitional services, to all deaf-blind children and youth in the State to whom it is required to make available a free appropriate public education under Part B of the Education of the

Handicapped Act. This information may include—

(i) An explanation of how relevant activities proposed in the State's plan under Part B of the Education of the Handicapped Act have been and will be taken into account in the proposed project; and

(ii) A description of activities proposed and other relevant planning activities in the State supported under Section 624 of the Education of the Handicapped Act.

(b) Each applicant for a grant under § 307.13 must include in its application a statement from each State the applicant proposes to serve indicating the State's desire to cooperate with, and receive services from, the applicant in order to facilitate the transition of deaf-blind youth from education to employment and other services.

(20 U.S.C. 1422)

(Approved by the Office of Management and Budget under Control Number 1820-0028—Expires 2/28/87)

§§ 307.21-307.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 307.30 What priorities are considered for support by the Secretary?

(a) The Secretary may select as annual priorities one or more of the types of projects listed in § 307.10.

(b) The Secretary advises the public of these priorities through an application notice published in the **Federal Register.**

(20 U.S.C. 1422)

§ 307.31 What are the selection criteria used to award a grant?

The Secretary uses the weighted criteria in this section to evaluate applications for new awards. The maximum score for all the criteria is 100 points.

(a) *Plan of operation.* (40 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(*See* 34 CFR 75.590, *Evaluation by the grantee.*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Capability of applicant agency.* (10 points)

The Secretary reviews each application for information that shows the capability of the applicant public or nonprofit agencies, organizations, or institutions in conducting activities which have significant relevance to the proposed project.

(g) *Dissemination plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the dissemination plan for the project.

(2) The Secretary looks for information that shows—

(i) An effective plan to disseminate project information within the State in which the project is located and to make available to the relevant grantee under § 307.15 significant project information for appropriate dissemination of such information throughout the Nation; and

(ii) A clear description of the content, intended audiences, and timelines for production of all documents and other products proposed for development by the project.

(h) *Cooperation and coordination with other organizations and institutions.* (10 points)

(1) The Secretary reviews each application for information that ensures that activities funded under this section will be coordinated with—

(i) Similar activities funded from grants, contracts, and cooperative agreements awarded under Parts C, D, and E of the Act;

(ii) Other agencies, organizations, and institutions conducting or eligible to conduct activities essential to the effective implementation of the application being considered; and

(iii) The dissemination of materials and information concerning the education of deaf-blind children and youth required under the clearinghouses authorized under Section 633 of Part D of the Act.

(2) The Secretary looks for information that shows the nature, extent, and timelines for coordinated interaction which the applicant has had and proposes to have to facilitate

implementation of project activities and continuation of these activities after termination of Federal funding.

(20 U.S.C. 1422)

§§ 307.32–307.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee Under this Program?

§ 307.40 What is the reporting responsibility of a grantee under this program?

Each grantee under §§ 307.11 and 307.12 of this part must report annually to the Secretary—

(a) The numbers, age, severity, and nature of deaf-blindness of deaf-blind children and youth served by the project;

(b) The number of professionals, paraprofessionals, and family members directly served by the project; and

(c) The types of services provided.

(20 U.S.C. 1422(c)(1))

§ 307.41 What advisory committees are to be established under this program?

Each grantee under this part shall establish and maintain an advisory committee for the project. Each committee must include at least one parent of a deaf-blind child or youth, a limited number of professionals with training and experience in serving deaf-blind children and youth, and other individuals representing related agencies and organizations. These committees may participate in such activities as—

(a) Planning, development, and operation of the project; and

(b) Dissemination of information regarding the project's activities.

(20 U.S.C. 1422)

§ 307.42 What responsibility does an SEA grantee have to obtain technical assistance?

A State educational agency that receives a grant under § 307.11 of this part, and that is not providing technical assistance to other agencies or organizations under the grant, must obtain from an outside source any technical assistance that it needs to carry out its project.

(20 U.S.C. 1422)

§§ 307.43–307.49 [Reserved]

[FR Doc. 84–11580 Filed 4–29–84; 8:45 am]
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federal register

Monday
April 30, 1984

Part VIII

Department of Education

34 CFR Part 305

Regional Resource Centers; Proposed Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Part 305

Regional Resource Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to issue regulations under section 621 of Part C of the Education of the Handicapped Act. This program supports Regional Resource Centers that assist State and local educational agencies in developing quality programs and services for handicapped children. These proposed regulations include amended provisions relating to eligible applicants and the services to be provided by Regional Resource Centers in accordance with revisions to the statute made by the Education of the Handicapped Act Amendments of 1983.

DATES: Comments must be received on or before May 30, 1984.

ADDRESSES: Comments should be addressed to: Dr. David Rostetter, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3607), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Etta Waugh, Telephone: (202) 732–1052.

SUPPLEMENTARY INFORMATION: The Regional Resource Centers program was established under Pub. L. 91–230 on April 13, 1970 and is currently authorized by section 621 of Part C of the Education of the Handicapped Act (20 U.S.C. 1421). Regulations for this program were published on February 20, 1975 (40 FR 7413) and redesignated on November 21, 1980 at 45 FR 77368.

These proposed regulations implement the amendments to section 621 of the Act made by the Education of the Handicapped Act Amendments of 1983, Pub. L. 98–199, which expanded eligibility to include private nonprofit organizations and amended the list of services to be provided by the Regional Resource Centers.

The Regional Resource Centers, through a variety of multi-state activities, provide States with information regarding the most recent developments in special education research, technology, and practices to meet identified needs and link States experiencing similar needs for joint problem solving. This linking role is intended to broaden the range of expertise for all State educational agencies.

The description of the services to be provided by the Regional Resource Centers has been amended to reflect the recent statutory amendments. Services to State educational agencies such as information dissemination and training for professionals and parents of handicapped children were not previously required by the statute. Two selection criteria, in addition to the EDGAR selection criteria, have been added at § 305.31 to reflect new statutory requirements.

A summary of the proposed regulations follows:

(a) *Subpart A—General.*

The scope and purpose of the program are described under § 305.1. Section 305.2 includes a list of eligible applicants, including private nonprofit organizations.

Parts of the Education Department General Administrative Regulations (EDGAR) applicable to the Regional Resource Centers program are listed in § 305.3.

Definitions in EDGAR that are applicable to the Regional Resource Centers are contained in § 305.4. No additional terms are defined specifically for this part.

(b) *Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?*

Section 305.10(a) describes the kinds of services to be made available by each Regional Resource Center.

Section 305.11 describes the composition of the region to be served by each Center. This provision is necessary in order to notify prospective applicants and program beneficiaries of the number and composition of the regions to be established.

Section 305.12 authorizes the establishment of a Coordinating Center to ensure effective coordination of the Regional Resource Centers with each other and with other Departmental programs and projects.

(c) *Subpart D—How Does the Secretary Make a Grant?*

Section 305.30 permits the Secretary to require the Centers to give priority to one or more of the services listed in § 305.10.

The proposed selection criteria used to award a grant are contained in § 305.31. The section incorporates the selection criteria from the Education Department General Administrative Regulations (EDGAR) and adds two criteria (need for the project and capability of applicant), in accordance with section 621(b) of the Act.

(d) *Subpart E—What Conditions Must Be Met by a Grantee?*

Section 305.40 describes the coordination and reporting requirements applicable to grantees.

Executive Order 12291

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

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

Regulatory Flexibility Act Certification

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

These regulations impose minimal application, reporting, and recordkeeping requirements and will not have a significant economic impact on any small entities that participate in the program.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (49 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 to the address given at the beginning of this document. All comments received on or before May 30, 1984 will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3529, Switzer Building, 330 C Street, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Paperwork Reduction Act

The informatioin collection requirements contained in these proposed rules will be sent to OMB for review under the provisions of Section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Comments concerning information collection requirements *only* should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503. Attention: Desk Officer for the U.S. Department of Education. All other comments regarding these proposed regulations should be sent to the Department of Education at the address given at the beginning of this preamble.

Assessment of Education Impact

The Secretary particularly requests comments on whether these proposed regulations would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 305

Education, Education of handicapped, Grant programs—education.

Citation of Legal Authority:

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

(Catalog of Federal Domestic Assistance No. 84.028, Handicapped Regional Resource Centers)

Dated: April 25, 1984.

T. H. Bell,

Secretary of Education.

The Secretary proposes to revise Part 305 of Title 34 of the Code of Federal Regulations to read as follows:

PART 305—REGIONAL RESOURCE CENTERS

Subpart A—General

Sec.

305.1 Regional Resource Centers.
305.2 Who is eligible to apply for an award under the Regional Resource Centers program?
305.3 What regulations apply to the Regional Resource Centers program?
305.4 What definitions apply to the Regional Resource Centers program?
305.5–305.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

Sec.

305.10 What kinds of services are required under this part?
305.11 What is the composition of the regions?
305.12 What is a Coordinating Center?
305.13–305.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

305.30 May the Secretary require the Centers to give priority to certain services?
305.31 What are the selection criteria for evaluating applications under the Regional Resource Centers program?
305.32–305.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

305.40 What additional activities must each Regional Resource Center perform?
305.41–305.49 [Reserved]

Authority: Sec. 621 of the Education of the Handicapped Act (20 U.S.C. 1421), unless otherwise noted.

Subpart A—General

§ 305.1 Regional Resource Centers

This program supports the establishment and operation of Regional Resource Centers that assist State educational agencies and, through those State agencies, local educational agencies, in developing quality programs and services for all handicapped children, by providing consultation, technical assistance, and training.

(20 U.S.C. 1421)

§ 305.2 Who is eligible to apply for an award under the Regional Resource Centers program?

The Secretary may provide assistance under this part through a grant to, or cooperative agreement or contract with—

(a) Institutions of Higher education;

(b) Private nonprofit organizations;

(c) State educational agencies; or

(d) Combinations of those agencies and institutions. Such a combination may include one or more local educational agencies within particular regions of the United States.

(20 U.S.C. 1421)

§ 305.3 What regulations apply to the Regional Resource Centers program?

The following regulations apply to grants and cooperative agreements under the regional Resource Centers program—

(a) The regulations in this Part 305;

(b) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions);

(4) Part 78 (Education Appeal Board); and

(5) Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(20 U.S.C. 1421; 20 U.S.C. 3474(a))

§ 305.4 What definitions apply to the Regional Resource Centers program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
Budget period
Contract
EDGAR
Fiscal Year
Grant
Grant period
Local educational agency
Nonprofit
Private
Project
Project period
Public
Secretary
State
State educational agency

(20 U.S.C. 1421; 20 U.S.C. 3474(a))

§§ 305.5–305.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 305.10 What kinds of services are required under this part?

(a) Each Regional Resource Center must—

(1) Assist States, through services such as consultation, technical assistance, and training, to provide more effectively special education and related services to handicapped children and youth;

(2) Assist in identifying and solving persistent problems in providing quality special education and related services to handicapped children and youth;

(3) Assist in developing, identifying, and replicating successful programs and practices which will improve special education and related services to handicapped children and youth and their families;

(4) Gather and disseminate information to all State educational agencies in the region and coordinate activities with other Regional Resource Centers and with other relevant projects conducted by the Department of Education; and

(5) Assist in the improvement of information dissemination to, and training activities for, professionals and parents of handicapped children.

(b) A Regional Resource Center may conduct research, innovation, training, or dissemination activities, consistent with the purposes of Section 624 of the Act and the requirements in 34 CFR Part 315.

(20 U.S.C. 1421)

§ 305.11 What is the composition of the regions?

The Secretary establishes the following regions:

(a) Region 1: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey.

(b) Region 2: Maryland, Delaware, Virginia, West Virginia, Washington, D.C., Kentucky, Tennessee, North Carolina, and South Carolina.

(c) Region 3: Georgia, Alabama, Florida, Mississippi, Puerto Rico, the Virgin Islands, New Mexico, Texas, Oklahoma, Arkansas, and Louisiana.

(d) Region 4: Illinois, Ohio, Indiana, Pennsylvania, Wisconsin, Minnesota, and Michigan.

(e) Region 5: Montana, Wyoming, North Dakota, South Dakota, Utah, Colorado, Nebraska, Kansas, Iowa, Missouri, and the Bureau of Indian Affairs.

(f) Region 6: Oregon, Idaho, Washington, Alaska, California, Arizona, Nevada, the Trust Territory of the Pacific Islands, Guam, American Samoa, Hawaii, and the Northern Mariana Islands.

(20 U.S.C. 1421)

§ 305.12 What is Coordinating Center?

(a) The Secretary may establish a Coordinating Center to ensure the coordination of activities and services of the Regional Resource Centers with—

(1) The other Regional Resource Centers; and

(2) Other relevant projects carried out or assisted by the Department of Education.

(b) The Coordinating Center may include any combination of the regions, States, or territories listed in § 305.11.

(20 U.S.C. 1421, 1424)

§§ 305.13–305.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 305.30 May the Secretary require the Centers to give priority to certain services?

For any fiscal year, the Secretary may, in the application notice, require the Centers to give priority to one or more of the services listed in § 305.10.

(20 U.S.C. 1421)

§ 305.31 What are the selection criteria for evaluating applications under the Regional Resource Centers program?

The Secretary uses the criteria in this section to evaluate applications for new grants. The maximum number of points for each criterion is stated in parentheses. The maximum score for all of the criteria is 100 points.

(a) *Need for the project.* (5 points)

(1) The Secretary reviews each application for information that shows the need for a Center in the region to be served by the applicant.

(2) In making this determination, the Secretary considers information that shows the support for the applicant's project by the agencies to be served by the project.

(b) *Capability of applicant.* (5 points)

(1) The Secretary reviews each application for information that shows the capability of the applicant to fulfill the responsibilities of a Center under this part.

(2) In making this determination, the Secretary considers evidence of relevant experience which demonstrates the capacity to provide technical assistance to State educational agencies, commitment to the accomplishment of the project, and timely completion of previous comparable work.

(c) *Plan of operation.* (40 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(d) *Quality of key personnel.* (25 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d) (1) and (2) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(*See* 34 CFR 75.590, *Evaluation by the grantee.*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project, and to the extent possible, are

objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 1421)

(Approved by the Office of Management and Budget under Control Number 1820-0028—Expires 2/28/87)

§§ 305.32-305.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 305.40 What additional activities must each Regional Resource Center perform?

Each Regional Resource Center must—

(a) Report a summary of materials produced or developed in the manner and at the time the Secretary may establish; and

(b) Assist in the evaluation of the effectiveness of Regional Resource Center activities through cooperation with other projects under this part and with other appropriate projects such as the program evaluations under section 627 of the Act.

(20 U.S.C. 1421(c))

§§ 305.41-305.49 [Reserved]

[FR Doc. 84-11547 Filed 4-27-84; 8:45 am]
BILLING CODE 4000-01-M

federal register

Monday
April 30, 1984

Part IX

Department of Education

34 CFR Part 300

Assistance to States for Education of Handicapped Children; Proposed Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Part 300

Assistance to States For Education of Handicapped Children

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations for the Assistance to States for Education of Handicapped Children program authorized by Part B of the Education of the Handicapped Act (EHA–B). These proposed regulations implement certain provisions of the EHA–B added by the Education of the Handicapped Act Amendments of 1983 relating to: (1) the annual report of children served in programs assisted under this part; and (2) new authority for the Secretary to by-pass the State educational agency to provide services to private school handicapped children, in accordance with the requirements of Section 613(a)(4)(A) of the EHA–B, if the State educational agency is prohibited by law from doing so.

DATES: Comments must be received on or before July 30, 1984.

ADDRESS: Comments should be addressed to: Dr. David Rostetter, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, S.W. (Switzer Building, Room 3607) Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. William Tyrrell. Telephone: (202) 732–1025.

SUPPLEMENTARY INFORMATION: Pub. L. 98–199, enacted on December 2, 1983, substantially revised certain provisions of Part B of the Education of the Handicapped Act (20 U.S.C. 1401, 1411 *et seq.*). Part B authorizes formula grants to States and, through States, to local educational agencies and intermediate educational units to assist them in the education of handicapped children. The purposes of the Act, according to section 601(c), are to ensure that a free appropriate public education is made available to all handicapped children; to ensure that the rights of handicapped children and their parents are protected; to assist States and localities to provide for the education of handicapped children; and to assess and ensure the effectiveness of efforts to educate those children. Part B of the Act provides, as well, for services to handicapped children voluntarily enrolled in private schools by their parents.

Counting and Reporting of Handicapped Children

Section 611(a) of Part B of the Act provides for an annual count of the number of handicapped children ages three through twenty-one in each State who are receiving special education and related services. This information is used to determine each State's allocation of funds under this program and the Incentive Grants program authorized by section 619. As amended by Pub. L. 98–199, section 618(b)(1) requires the Secretary to obtain data concerning the number of handicapped children and youth in those States receiving special education and related services by disability category and by four special age groups (3–5, 6–11, 12–17, and 18–21). The change proposed to the current regulations at 34 CFR 300.751(a)(3) established these age groups for State reports of child count data, in contrast to the three age groups (3–5, 6–17, and 18–21) specified in the current regulations.

The legislative history accompanying Pub. L. 98–199 cites Congressional concerns about the unmet needs of secondary age students, and the inability of current reporting methods to accurately reflect the number of secondary school handicapped students served. These changes in data collection and reporting could result in improved and better-targeted special education programs and services for secondary school students. More precise information about the numbers of secondary age students, as obtained from this proposed regulatory change, may lead to greater coordination between the educational system and other social service agencies to ensure that appropriate services are available to handicapped persons when they leave school. *See* S. REP. NO. 191. 98th Cong. 1st Sess. 12 (1983).

Services to Private School Handicapped Children

Section 613(d) of Part B, as added by section 7 of the Education of the Handicapped Act Amendments of 1983, Pub. L. 98–199, requires the Secretary to arrange for the provision of services to handicapped children who are voluntarily enrolled in private schools by their parents, in accordance with section 613(a)(4)(A) of the Act, if the State educational agency was prohibited by law from doing so on December 2, 1983, the date of enactment of Pub. L. 98–199. Regulations are proposed to implement the by-pass provisions, including provisions to clarify the due process procedures by which the affected State educational agency may challenge the Secretary's determination that a by-pass must be implemented. Current regulations governing services to private school handicapped children are set out at 34 CFR 300.450–300.452. The Education Department General Administrative Regulations (EDGAR) which govern services to students enrolled in private schools (34 CFR 76.651–76.662) also apply to this program.

A discussion of the proposed regulations follows:

A. Technical Amendment

This notice of proposed rulemaking (NPRM) includes a technical amendment to the language in 34 CFR 300.450 which extends the definition of the term "private school handicapped children" to apply to the by-pass procedures set out at proposed §§ 300.480–300.486 and the child count provision at proposed §§ 300.705. This definition serves to distinguish the population of children served under a by-pass arrangement from those handicapped children who are referred to or placed in private schools or facilities by a public agency to ensure that they have available a free appropriate public education. *See* 20 U.S.C. 1413(a)(4)(B) and 34 CFR 300.400–300.403.

B. Procedures for By-Pass

The Secretary proposes new provisions which include procedures for the Secretary to implement and operate a by-pass in order to provide services to private school handicapped children. The secretary interprets section 613 (a)(4)(A) and (d) of the Act as allowing the Secretary to decide, after consultation with appropriate public and private school officials, which private school handicapped children will receive special education and related services under a by-pass. This determination will be based on the needs of the handicapped private school students in the State. The Secretary does not read section 613(a)(4)(A) as creating an individual entitlement to services for each private school handicapped child, nor is it likely that the limited amount of funds available under the Act for a by-pass will make it possible to serve all private school handicapped children under a by-pass.

• Proposed § 300.705(a) provides that, for the purpose of determining a State's allocation (from which the by-pass amount is deducted) for the first year of a by-pass, the Secretary includes in the State's child count the number of private school handicapped children who, as of the previous year, had been identified and evaluated in accordance with Part B

requirements, whether or not they received special education and related services. This provision ensures that after the by-pass amount is deducted from the State's allocation, the amount of money remaining for the State to spend on children served by public agencies is approximately the same as it would be in the absence of a by-pass. For succeeding years of a by-pass, the Secretary would, under proposed § 300.705(b), include in the State's child count only those private school handicapped children who had been served in the previous year.

• Proposed § 300.480, consistent with section 613(d)(1) of the Act, authorizes the Secretary to implement a by-pass where a State is prohibited by law from meeting the requirements under section 613(a)(4)(A) of the Act.

• Proposed § 300.481(a) implements the requirement of section 613(d)(2)(A) of the Act that the Secretary consult with appropriate public and private school officials prior to arranging for a by-pass. Examples are given of the matters subject to such consultation, including the establishment of policies and procedures to ensure that the State is fulfilling its obligation to identify, locate, and evaluate handicapped children in nonpublic schools and facilities and to ensure that other procedural safeguards for such children are implemented. Discussion of the scope and nature of the services to be provided under the by-pass will assist the Secretary in determining an adequate funding level.

• Proposed § 300.481(b) includes the statutory requirements for implementing services under a by-pass.

• Proposed § 300.481(c) sets out the approach for determining the amount of the by-pass. Under section 611(a)(1)(A) and 611(a)(3) of the Act, a State's grant for any fiscal year is based on the number of handicapped children in the State receiving special education and related services as of December 1 of the preceding fiscal year. In a State subject to a by-pass, section 613(d)(2)(A) directs the Secretary to pay to the service provider an amount per child which may not exceed the amount per child provided by the Secretary under Part B of the Act for the preceding fiscal year. The reason for the by-pass is that the State cannot serve (and, thus, cannot include in its count) handicapped private school children who are eligible to receive services under Part B. For example, the legislative history for Pub. L. 98-199 states that, as a result of State law restrictions in Missouri, "only 275 of an estimated 3,500 handicapped children enrolled in private schools [are] receiving needed special education and related services." H.R. REP. NO. 410, 98th Cong., 1st Sess. 22 (1983). If the amount of the by-pass is based only on the number of private school handicapped children who actually received special education and related services in the preceding fiscal year, it is unlikely that an adequate amount of money will be available, especially for the first year of a by-pass.

The Secretary therefore proposes to base the amont of the by-pass on the number of private school handicapped children who have been identified and evaluated, as determined by the Secretary on the basis of the most satisfactory data available to the Department, and following consultations with public and private school officials on the scope of services to be provided (including the number of children to be served).

• Proposed § 300.481(d) provides that the Secretary pays the by-pass service providers by deducting the amount of the by-pass from the State's allocation. It also implements the statutory authority that permits the Secretary to withhold the amount needed to implement a by-pass from the State's allocation pending final resolution of any investigation or complaint that may result in a determination to implement a by-pass.

• The statute provides the State with due process protections (written notice, opportunity for a show cause hearing, judicial appeal of an administrative decision) when the Secretary proposes that a by-pass be implemented. Proposed §§ 300.482–300.486 describe these protections and provide the following additional requirements:

1. Proposed § 300.482 (*Notice of intent to implement a by-pass*) describes the content of the written notice and the procedures for sending the notice to the State educational agency.

2. Proposed § 300.484 (*Show cause hearing*) states the qualifications of the hearing official, gives examples of the matters to be considered at such a hearing, and describes the scope of authority and the responsibilities of the hearing official.

3. Proposed § 300.485 (*Decision*) provides procedures for reaching and issuing a decision after the show cause hearing.

These proposed provisions are consistent with the due process provisions of the Department's by-pass regulations under Chapter 1 of the Education consolidation and Improvement Act of 1981. *See* 34 CFR 200.81–200.84. Additional procedures not included in the Chapter 1 regulations are consistent with the Education Appeal Board rules governing show cause hearings (34 CFR 78.27–78.28) and the scope of authority and responsibilities of the official conducting the hearing (34 CFR 78.61(a)). These specific provisions clarify the procedures to be followed, the rights of the parties, and the duties of the hearing official. The Secretary believes that these proposed provisions will help to ensure that show cause hearings under these by-pass provisions are conducted in a manner consistent with the procedures followed by the Department in similar proceedings.

Executive Order 12291

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

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

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. To the extent that these regulations affect States and State agencies, they will not have an impact on small entities because States and State agencies are not considered small entities under the Regulatory Flexibility Act. The small entities affected would be small local educational agencies. The proposed change in reporting the child count affects small entities, who will need to adhere to State procedures for collecting and reporting these data. These proposed provisions would not impose any requirements on small entities if a by-pass is implemented.

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 regulations. In particular, the Secretary invites comments on two issues:

• Whether other methods should be used to determine the number of private school handicapped children to be: (1) Included in a State's child count for purposes of calculating its allocation, (2) included in calculating the amount of a by-pass, and (3) served under a by-pass.

• How the Secretary should determine which private school handicapped children receive services under a by-pass.

Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before July 30, 1984, will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3531, Switzer Building, 330 C Street, SW., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Paperwork Reduction Act

The information collection requirements contained in these proposed rules will be sent to OMB for review under the provisions of Section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Comments concerning information collection requirements only should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503. Attention: Desk Officer for the U.S. Department of Education. All other comments regarding these proposed regulations should be sent to the Department of Education at the address given at the beginning of this preamble.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulation in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 300

Administrative practice and procedures, Education, Education of handicapped, Grant program—education, Privacy, Private schools.

Citation of Legal Authority

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

(Catalog of Federal Domestic Assistance Number 84.027; Assistance to States for Education of Handicapped Children)

Dated: April 25, 1984.

T. H. Bell,

Secretary of Education.

PART 300—[AMENDED]

The Secretary proposes to amend Part 300 of Title 34 of the Code of Federal Regulations as follows:

1. Section 300.751 is amended by revising pargraph (a)(3) (ii), (iii), and (iv) to read as follows:

§ 300.751 Annual report of children served—information required in the report.

(a) * * *

(3) * * *

(ii) Six through eleven;

(iii) Twelve through seventeen; and

(iv) Eighteen through twenty-one.

* * * * *

2. Section 300.450 is revised to read as follows:

§ 300.450 Definition of "private school handicapped children."

As used in this part, "private school handicapped children" means handicapped children enrolled in private schools or facilities other than handicapped children covered under §§ 300.400–300.402.

(20 U.S.C. 1413(a)(4)(A))

3. Section 300.705 is revised to read as follows:

§ 300.705 Allocation for State in which by-pass is implemented for private school handicapped children.

In determining the allocation under §§ 300.700–300.703 of a State in which the Secretary will implement a by-pass for private school handicapped children under §§ 300.451–300.486, the Secretary includes in the State's child count—

(a) For the first year of a by-pass, the number of private school handicapped children (as defined in §§ 300.5(a) and 300.450) in the State, as of the preceding December 1; and

(b) For succeeding years of a by-pass, the number of private school handicapped children who received special education and related services under the by-pass in the preceding year.

(20 U.S.C. 1411(a)(1)(A), 1411(a)(3), 1413(d))

4. New §§ 300.480–300.486 and two new center headings are added to Subpart D to read as follows:

Procedures for by-pass

§ 300.480 By-pass—General.

(a) The Secretary implements a by-pass if a State educational agency is, and was on December 2, 1983, prohibited by law from providing for the participation of private school handicapped children in the program assisted or carried out under this part, as required by Section 613(a)(4)(A) of the Act and by §§ 300.451–300.452 of this part.

(b) The Secretary waives the requirement of Section 613(a)(4)(A) of the Act and of 34 CFR 300.451–300.452 of this part if the Secretary implements a by-pass.

(20 U.S.C. 1413(d)(1))

§ 300.481 Provisions for services under a by-pass.

(a) Before implementing a by-pass, the Secretary consults with appropriate public and private school officials in the affected State to consider matters such as—

(1) The prohibition imposed by State law which results in the need for a by-pass;

(2) The scope and nature of the services required by private school handicapped children in the State, and the number of children to be served under the by-pass; and

(3) The establishment of policies and procedures to ensure that private school handicapped children receive services consistent with the requirements of Section 613(a)(4)(A) of the Act and §§ 300.451–300.452 of this part.

(b) After determining that a by-pass is required, the Secretary arranges for the provision of services to private school handicapped children in the State in a manner consistent with the requirements of section 613(a)(4)(A) of the Act and §§ 300.451–300.452 of this part by providing services through one or more agreements with appropriate parties.

(c) For any fiscal year in which a by-pass is implemented, the Secretary determines the maximum amount to be paid to the providers of services by multiplying—

(1) A per child amount which may not exceed the amount per child provided by the Secretary under this part for all handicapped children in the State for the preceding fiscal year; by

(2) The number of private school handicapped children (as defined by

§§ 300.5(a) and 300.450) in the State, as determined by the Secretary on the basis of the most recent satisfactory data available.

(d) The Secretary deducts from the State's allocation under this part the amount the Secretary determines is necessary to implement a by-pass and pays that amount to the provider of services. The Secretary may withhold this amount from the State's allocation pending final resolution of any investigation or complaint that could result in a determination that a by-pass must be implemented.

(20 U.S.C. 1413(d)(2))

Due Process Procedures

§ 300.482 Notice of intent to implement a by-pass.

(a) Before taking any final action to implement a by-pass, the Secretary provides the affected State educational agency with written notice.

(b) In the written notice, the Secretary—

(1) States the reasons for the proposed by-pass in sufficient detail to allow the State educational agency to respond;

(2) Advises the State educational agency that it has a specific period of time (at least 45 days) from receipt of the written notice to submit written objections to the proposed by-pass and that it may request in writing the opportunity for a hearing to show cause why a by-pass should not be implemented.

(c) The Secretary sends the notice to the State educational agency by certified mail with return receipt requested.

(20 U.S.C. 1413(d)(3)(A))

§ 300.483 Request to show cause.

A State educational agency seeking an opportunity to show cause why a by-pass should not be implemented shall submit a written request for a show cause hearing to the Secretary.

(20 U.S.C. 1413(d)(3)(A))

§ 300.484 Show cause hearing.

(a) If a show cause hearing is requested, the Secretary—

(1) Notifies the State educational agency and other appropriate public and private school officials of the time and place for the hearing; and

(2) Designates a person to conduct the show cause hearing. The designee shall not have had any responsibility for the matter brought for a hearing.

(b) At the show cause hearing, the designee considers matters such as—

(1) The necessity for implementing a by-pass;

(2) Possible factual errors in the written notice of intent to implement a by-pass; and

(3) The objections raised by public and private school representatives.

(c) The designee may regulate the course of the proceedings and the conduct of parties during the pendency of the proceedings. The designee takes all steps necessary to conduct a fair and impartial proceeding, to avoid delay, and to maintain order, including procedures such as those established in 34 CFR 78.61(a), *Authority and responsibilities of Panels.*

(d) The designee may interpret applicable statutes and regulations, but may not waive them or rule on their validity.

(e) The designee arranges for the preparation, retention, and, where appropriate, dissemination of the record of the hearing.

(20 U.S.C. 1413(d)(3)(A))

§ 300.485 Decision.

(a) The designee who conducts the show cause hearing—

(1) Issues a written decision which includes a statement of findings; and

(2) Submits a copy of the decision to the Secretary.

(b) The Secretary adopts, reverses, or modifies the designee's decision and notifies the State educational agency of the Secretary's final action. Such notice will be sent by certified mail with return receipt requested.

(20 U.S.C. 1413(d)(3)(A))

§ 300.486 Judicial review.

If dissatisfied with the Secretary's final action, the State educational agency may, within 60 days after notice of such action, file a petition for review with the United States court of appeals for the circuit in which the State is located. The procedures for judicial review are described in Section 613(d)(3)(B)–(D) of the Act.

(20 U.S.C. 1413(d)(3) (B)–(D))

[FR Doc. 84-11546 Filed 4-27-84; 8:45 am]
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federal register

Monday
April 30, 1984

Part X

Department of Agriculture

Agricultural Marketing Service

Wheat and Wheat Foods Research and Nutrition Education; Wheat Industry Council Budget for Fiscal Year 1985; Notice

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. WR-1]

Wheat and Wheat Foods Reserach and Nutrition Education; Wheat Industry Council Budget for Fiscal Year 1985

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of the Wheat Industry Council Budget for fiscal year 1985.

SUMMARY: This notice presents the proposed July 1984 through June 1985 budget of the Wheat Industry Council. Publication of budget information in the **Federal Register** is required by the Wheat and Wheat Foods Research and Nutrition Education Act. The purpose is to allow the wheat end product manufacturers, who are required to pay assessments on purchases of processed wheat to fund a wheat research and nutrition education program, an opportunity to reserve the right to seek a refund of assessments paid.

FOR FURTHER INFORMATION CONTACT: Lowry Mann, Livestock Division, AMS, USDA, Washington, D.C. 20250, Phone: 202/447-2650.

SUPPLEMENTARY INFORMATION: The Wheat and Wheat Foods Reserach and Nutrition Education Act of 1977 (7 U.S.C. 3401-17) authorized a research and nutrition education program for wheat and wheat foods. Formal rulemaking procedures, including a public hearing, were followed in developing the Wheat and Wheat Foods Research and Nutrition Education Order which provides the framework for the program.

In a March 1980 referendum wheat end product manufacturers approved the Wheat and Wheat Foods Research and Nutrition Education Order. The Order provides for a program of research and nutrition education for wheat and wheat-based foods to be administered by a 20-member Wheat Industry Council. The Order requires that all nonexempt wheat end product manufacturers be assessed up to 5 cents per hundredweight of processed wheat purchased to finance the program. The Order limits the assessments to 1 cent per hundredweight during the first 2 years of the program. The assessment will remain at the 1 cent level for fiscal year 1985 (July 1984–June 1985). Wheat end product manufacturers who purchase less than 2,000 hundredweight of processed wheat per year, those who are defined as retail bakers, and processed wheat used in the manufacture of exempt end products are not assessed.

The Wheat and Wheat Foods Research and Nutrition Education—Rules and Regulations require all nonexempt wheat end product manufacturers to register with the Wheat Industry Council; 1333 H Street, NW., Suite 1200; Washington, D.C. 20005 (Phone: 202/682-2130). Assessments are due and payable to the Wheat Industry Council on or before the 30th day following the end of each firm's quarterly reporting period.

Wheat end product manufacturers who wish to reserve the right to request refunds of assessments paid during the Council's upcoming fiscal year must submit such notification to the Wheat Industry Council by registered or certified mail within 60 days after publication of this notice in the **Federal Register**. In order to receive a refund of assessments paid, an end product manufacturer must first reserve that right, then pay the assessment on or before the 30th day following the end of the quarterly reporting period. The refund must then be requested on the appropriate form within 60 days following the end of the quarterly reporting period.

This document includes a summary of the Wheat Industry Counsil's plans and projects for research and nutrition education to communicate factual information to consumers as well as nutrition and health professionals about the nutritional properties of wheat-based foods, to improve and enhance the quality, and to make the most efficient use of American wheat, processed wheat, and wheat end products to ensure an adequate diet for the people of the United States.

The Council's activities will emphasize the inclusion of wheat foods as part of a balanced diet. The primary audiences for the Council's nutrition education messages are: (1) The consumer—with emphasis on women 18 to 49 years of age and consumers 55 and older and (2) the nutrition and health professionals. Information will be disseminated to target audiences via the following general and special media outlets:

—Network, syndicated cable, and major market (local) television.
—Daily newspapers, news wires, feature syndicates, and suburban press.
—Magazines (news, womens, mens, senior citizens, and trade).

Information will continue to be communicated by nutritionists and food scientists appearing on major market radio and television programs and giving newspaper interviews. Other key communication elements include: video news segments, a cable television feature, a consumer oriented 16 mm film on wheat foods nutrition, a 35 mm slide series on wheat foods nutrition for nutrition and health professionals, as well as nutrition leaflets and product brochures.

The Wheat Industry Council budget for fiscal year 1985 is as follows:

WHEAT INDUSTRY COUNCIL BUDGET

[July 1, 1984 to June 30, 1985]

Income	$1,000,000
Program Expenses	
Nutrition Education—Consumer:	
Program costs:	
Film (16mm), "Wheat Foods Nutrition" (120 prints) (Placement on National, State, and local levels—Includes writing, producing, and placement; Discussion Guide)	100,000
Media tour: (Placement of regional advisors in 10 markets; Includes booking, travel and honoraria)	50,000
Nutrition leaflelts: (Includes writing and printing of three leaflets on: Wheat foods and calories; starch and fiber; protein, vitamins and minerals)	15,000
Media features:	
Video news segments (2, 90-second) (Includes writing, producing, transmission via satellite)	20,000
Radio series, (13), 2-minute spots (Includes writing, producing, transmission via satellite)	14,000
Cable segment, one-half hour (Includes writing, producing, transmission via satellite	17,000
Newspaper releases: Mailings to newspaper food editors (Includes black and white photography (3), color photography (2), color mat release (1), to suburban papers)	30,000
Press clippings: (Includes pickup of all WIC food releases)	3,500
Nutrition education—Health and nutrition professionals:	
Slide presentation (Includes writing, production of slide presentation for health and nutrition professionals' nutrition talks. Includes discussion guide, script, and duplication of 120 sets for purchase)	17,200
Special events: Wheat foods symposia for nutrition and health education; nutrition speakers; special projects; meetings, extension food and nutrition specialists, consumer affairs specialists	10,200
Ad Hoc Consumer Education Advisory Committee	1,000
Ad Hoc Industry Scientific Advisory Committee	1,000
Scientific Advisory Committee:	
One meeting (Includes meeting expenses, honoraria, travel expenses, staff travel)	30,000
Symposium supplement "Journal of Clinical Nutrition"	15,000
Materials and staff exponses	5,000
Research fund	50,000
Other expenses:	
Telephone	8,600
Postage	4,800
Office supplies	5,200
Printing/artwork	4,500
Travel	25,000
Professional memberships and subscriptions	5,000
Personnel costs:	
Salaries	193,295
Fringe benefits	23,020
Total	648,315

WHEAT INDUSTRY COUNCIL BUDGET—
Continued

[July 1, 1984 to June 30, 1985]

Industry Communications/Relations:	
Industry communications/relations costs:	
Communications:	
Council newsgram (26 issues) (Printing, postage, mailing)	11,775
Reporter newsletter (6 issues) (Printing, postage, mailing)	19,000
Special industry mailings	10,500
Council meetings	26,400
Industry relations/travel	15,000
Industry Relations Committee	1,000
Trade publications/memberships	700
Telephone	2,200
Postage	2,400
Office supplies	1,525
Personnel costs:	
Salaries	14,575
Fringe benefits	1,965
Total	107,040
Administrative Expenses:	
Administrative costs:	
Rent	53,275
Insurance, liability	2,700
Telephone	3,600
Office equipment/rentals and maintenance	18,510
Assessments/registration:	
Printing	9,600
Postage	8,900
Lockbox	640
Office supplies/copying	2,675
Assessment/record processing	2,000
Professional services:	
Legal	2,000
Audit	5,000
Travel/reference materials/memberships	3,770
Personnel costs:	
Salaries/temporary	44,690
Fringe benefits	7,285
USDA—Oversight charges	50,000
Repayment of Referendum Costs	30,000
Total	244,645
Total expenses	1,000,000

Done at Washington, D.C., April 23, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

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Part XI

Department of the Interior

National Park Service

36 CFR Parts 1, 2 and 7

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

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 1, 2 and 7

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

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This rule amends general National Park Service regulations dealing with trapping, the use and possession of weapons, definitions and information collection. These amendments correct and clarify certain points in the final regulations published on June 30, 1983 (48 FR 30252), and temporarily relax, for certain park areas, the regulation governing trapping.

This rule also includes special regulations for individual park areas that authorize special uses such as aircraft operations, snowmobiling, fishing, hunting and trapping. The proposed rule was published in the **Federal Register** on December 27, 1983 (48 FR 56971).

EFFECTIVE DATE: These regulations will become effective on April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Dan Sholly, Chief, Branch of Ranger Activities, National Park Service, Washington, D.C. 20240. Telephone (202) 343–3227.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 1983, the National Park Service published final regulations for areas administered as part of the National Park System (48 FR 30252). These rules provide guidance and controls for public use and recreation activities such as camping, fishing, boating, hunting, and winter sports. The original effective date of these regulations was October 3, 1983. This date has been postponed to April 30, 1984 (49 FR 7124).

This rule changes sections of the general regulations dealing with trapping and weapons. It also makes changes in the definitions section, and in the regulation on information collection. The nature of these changes is discussed in the Section-by-Section Analysis, below.

The new general regulations, which were published on June 30, 1983, establish requirements that individual park areas promulgate special regulations if certain activities are to be permitted. Section 2.2(b)(2) authorizes superintendents to allow hunting in park areas where hunting is authorized as a discretionary activity under Federal law, as in the enabling legislation. The determination to allow hunting in these cases must be based upon public safety and enjoyment and sound resource management principles. Hunting is to be conducted pursuant to special regulations. Hunting is now taking place, based upon this discretionary authority, in two park areas: Padre Island National Seashore and Cape Cod National Seashore.

Of these, only Padre Island National Seashore allows hunting pursuant to special regulations already in effect. This rule contains a provision to authorize hunting at Cape Cod National Seashore by special regulation also.

Other regulations in this rulemaking authorize hunting in the Amistad, Coulee Dam, Curecanti, and Lake Meredith Recreation Areas. These areas were not established by statute. They are administered by the National Park Service under cooperative agreements with other Federal agencies. In each of these areas, hunting predates the cooperative agreement and is an established recreational use of the area. The authorization of hunting by regulation is consistent with the cooperative agreements with other Federal agencies and Federal laws generally applicable to the management of public lands.

Trapping is an ongoing activity at the Curecanti Recreation Area and Lake Meredith Recreation Area. Trapping occurred previously in these areas and is consistent with the cooperative agreement by which the Service manages these areas. Therefore, this rule contains special regulations to authorize trapping at Curecanti Recreation Area and Lake Meredith Recreation Area.

Section 2.17(a)(1) of the new general regulations prohibits the use of aircraft at locations other than those designated pursuant to special regulations. The new regulations define aircraft as including powerless flight vehicles, thereby applying the overall restriction to devices such as hang gliders and balloons. Ultralight aircraft, powered hang gliders, and similar craft also are covererd by the regulation.

In addition to the regulations to allow the continuation of powerless flight activities, this rulemaking contains special regulations to authorize operation of aircraft at specified locations in six areas.

The fourth activity for which special regulations are required by the new general regulations is snowmobile use. Section 2.18(c) limits use of these vehicles to designated routes on land and water used by motorized craft during other seasons. These locations must be designated by special regulations for each park area. There is a special regulation authorizing limited snowmobile use in Sequoia and Kings Canyon National Parks in this rulemaking.

A final component of this rulemaking is special regulations to authorize recreational fishing methods that are prohibited by the general regulations in certain park areas. In order to relax restrictions on fresh water recreational fishing, these regulations allow fishing by methods that are permitted under State laws, as appropriate.

The effective date for these revisions is being set for April 30, 1984. This date is less than the normal period of 30 days between the publication of a final rule and its effective date. The reason for this shortened period is that these revisions must be placed in effect on the same date as the comprehensive general regulations for areas of the National Park System which were adopted on June 30, 1983 (48 FR 30252). Those regulations have an effective date of April 30, 1984. The revisions included in this notice have received extensive public review and, moreover, are primarily clarifying or technical in nature, relax restrictions, or authorize the continuation of existing activities. In view of these facts, the National Park Service has found that good cause exists for these revisions to become effective in less than 30 days, as provided by 5 U.S.C. 553(d)(3).

Summary of Comments

These amendments were published in proposed form for public comment on December 27, 1983 (48 FR 56971), with the comment period extended until February 25, 1984 (49 FR 3492). The National Park Service received 3,850 timely written comments regarding the proposed amendments. Comments were received from 3,628 individuals, 144 organizations, 11 agencies of State governments, and 67 offices or areas within the National Park Service.

The National Park Service also received 16 petitions with 358 signatures regarding several portions of the amendments.

These comments are discussed in further detail in the Analysis of Comments section. These comments, however, may be summarized as follows:

Whether or not trapping is an appropriate activity in National Park System areas.

Whether or not the deadline for terminating trapping in the 11 areas should be extended to January 15, 1985.

Whether or not trapping is an appropriate public land management practice.

Whether loaded firearms should be possessed in private residences within park areas.

Whether or not additional options should be provided the public in transporting firearms through park system areas.

Whether or not plinking and/or firearms ranges should be permitted in park areas.

Whether or not the definition of loaded firearms should be amended to separate the ammunition from the weapon.

Whether or not the policies of the National Park Service, reflected in these final regulations, should be further modified or adjusted.

Whether or not there should be airplane landings in certain park areas.

Analysis of Comments

PART 1—GENERAL PROVISIONS

Section 1.4 Definitions

The proposal to remove the definition of "livestock" was the subject of only five comments. Of these, two agreed with the proposal and three indicated a feeling that there was a need to retain a definition of this term.

The expanded definition of "operator" was commented on only twice, with both commenters agreeing with the proposed revision.

The review of the comments on these two definitions did not indicate that any change in the proposal was appropriate. Accordingly, this final rule deletes the definition of "livestock" and expands the definition of "operator" to include the person in charge of any type of mechanical equipment.

Many commenters were concerned about the proposed change in the definition of the term "unloaded". More than 500 comments were received on this issue, with over 85% of these stating opposition to the proposal to require that only the chamber of a firearm be empty of ammunition in order for that weapon to be considered unloaded.

All commenters who opposed the proposal and stated reasons for their opposition expressed concern that deletion of the word "magazine" from the definition would have the effect of allowing the possession of firearms in a condition normally considered to be loaded. It was also frequently pointed out that this proposed definition would be in conflict with the laws of many states that define what constitutes a loaded firearm. Another commonly expressed concern involved how the proposed definition would apply to revolvers, which do not have a readily identifiable chamber, or to certain other specialized weapons. Commenters were concerned with the public safety aspects of this proposal, with the possibility that poaching or other resource violations would be more difficult to control, and with increased danger to law enforcement officers in park areas.

One comment pointed out a potential difficulty with the original definition, requiring that a firearm's chamber and magazine both be empty of ammunition. This comment stated that it was important to clarify that a detachable magazine, when not inserted in the firearm, need not be cleared of ammunition for the firearm to be considered unloaded, if indeed that was the intent of the original definition. This was not the intent of the original definition, and, as a result of public comment, the Service has clarified this issue.

In view of the comments received on this issue and after consideration of the potential impacts of the proposed change in this definition, the Service has determined that the original definition of the term "unloaded", which appeared in the June 30, 1983, **Federal Register** (48 FR 30277), is more appropriate. However, the definition is being revised to indicate clearly that a magazine or clip not inserted in or attached to a firearm will not be considered in determining whether a firearm is unloaded and that the cylinder of a weapon, if so equipped, must be empty.

PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION

Section 2.2 Wildlife Protection

There was little controversy in the public comment concerning the proposal to delete § 2.2(a)(4) relating to nonhunting discharges of weapons. The 68 comments favoring this proposal merely agreed with the withdrawal of this subparagraph as an unnecessary duplication of provisions existing in the weapons regulation in § 2.4. A comment opposing the proposal stated that removal of this provision would weaken protection for wildlife resources in the parks. The Service does not agree with this latter position and believes that § 2.4 clearly and adequately articulates the firearms possession and use restrictions needed to provide for both public safety and resource protection.

The largest number of comments on the proposed regulation related to a provision added to subparagraph (b)(3) on trapping. As proposed, this provision delays the effective date of this subparagraph until January 15, 1985 for 11 park areas. These areas are as follows:

Assateague Island National Seashore
Bighorn Canyon National Recreation Area
Buffalo National River
Cape Cod National Seashore
Delaware Water Gap National Recreation Area
John D. Rockefeller, Jr. Memorial Parkway
New River Gorge National River
Ozark National Scenic Riverways
Pictured Rocks National Lakeshore
Saint Croix National Scenic Riverway
Sleeping Bear Dunes National Lakeshore

Of the comments received, 1,809 objected to the proposed delay in the effective date and 84 supported it. Those objecting to the proposal frequently pointed out that the Service had established, in the final rule of June 30, 1983, a position that trapping could be allowed only in those park areas where specifically authorized by Federal statutory law. Commenters stated that the Service lacked authority to suspend the applicability of this regulation to the above areas merely because it was a practice predating establishment of the areas and because there was a possibility of statutory authorizations in the near future. The majority of commenters argued generally, that trapping was an inhumane method of taking wildlife and did not address the specific issue of unauthorized trapping.

Comments favoring the proposal, including several from wildlife management agencies of the states in which the affected park areas are located, generally stated that trapping was a necessary and acceptable means of managing wildlife populations and should not be halted in these areas. Commenters also expressed feelings that wildlife should be managed by the appropriate State agencies within these park areas. A number of comments also took the position that the Service had erred in its policy that hunting and trapping were activities for which specific legislative authority is required. These commenters felt that such activities should be allowed, as a matter of policy, in park areas unless prohibited by statute.

As a result of these comments, the National Park Service has carefully and critically reviewed its proposal to allow trapping in these 11 areas through January 15, 1985. The Service, as a result of these comments, also reexamined the rationale set forth in the June 30, 1983, rulemaking for restricting trapping, and has concluded that trapping should not occur unless specifically authorized by

Congress, for the following policy reasons.

The National Park Service has long abided by an administrative policy which treats System units as enclaves where the sport and commercial taking of wildlife is prohibited. Since 1964, changes in the composition of the National Park System have been extensive. A variety of areas with differing management objectives were quickly established and minimally staffed. This rapid expansion and change contributed to some inconsistencies in the management of park areas. Individual park managers were faced with setting priorities to phase out a number of uses that were contrary to established Service policies.

One major objective of the Service's efforts in revising its general regulations on March 17, 1982 (42 FR 11598) was to clarify conflicting interpretations of regulations and policies, and to resolve inconsistencies in the management of park areas. One issue needing clarification was trapping. It has been the long-standing policy of the National Park Service that, absent express congressional authorization, trapping will not be permitted. The 1975 *Management Policies* noted that trapping is not permitted unless specifically authorized by Congress.

This policy was affirmed by the Department of the Interior in 1971 (36 FR 21034) and reaffirmed on March 18, 1983 (48 FR 11642). This policy is codified at 43 CFR § 24.4(f) as follows:

"(f) Units of the National Park System contain natural, recreational, historic, and cultural values of national significance as designated by executive and congressional action. Specific enabling legislation has authorized limited hunting, trapping or fishing activity within certain areas of the system. As a general rule, consumptive resource use is prohibited. Those areas which do *legislatively allow* trapping or fishing do so in conformance with applicable Federal and State laws." 43 CFR 24.4 (emphasis added).

In the 11 areas listed above, trapping activities were practiced before the areas were set aside for NPS management, and because of an inconsistency in management application, trapping continued in these areas after their establishment.

Trappers in these areas, however, were unaware of the long-standing policy and of the fact that the Service does not permit trapping in the absence of specific congressional authorization. Application of the regulation, without this amendment, would require the immediate cessation of trapping in these park areas thereby creating a hardship and inequity. Legislative proposals have been introduced specifically to authorize trapping in several of these areas. In order to avoid unnecessary hardship on affected persons and to allow Congress to address this issue, the Service has determined to allow trapping to be continued in these 11 areas until January 15, 1985. It is not expected that there would be any significant resource impact from a continuation of trapping in these areas. In the absence of congressional action, however, the National Park Service will terminate trapping in these 11 areas on January 15, 1985.

Section 2.4 Weapons, Traps and Net

Two proposed revisions of this section were commented on extensively. Revised § 2.2(a)(3)(ii), as proposed, would have authorized superintendents of park areas in which hunting is allowed to designate locations for target practice. Most of the comments expressed opposition to this proposal. Many of these comments simply opposed any relaxation of existing restrictions on weapons use; others gave further justifications relating to public safety and resource protection. The general position of the comments opposing this proposal was that target practice was a recreational activity inappropriate in park areas, that it would conflict with other visitor uses, that it posed a threat to public safety, and that adequate opportunities exist for target practice in other areas. A small number of the comments on this subparagraph favored the proposal as being appropriate.

The primary intent of the proposed change was to provide a clear authorization for the continued use of developed target practice facilities already in park areas and secondarily to allow hunters to sight in their weapons in conjunction with authorized hunting activities. The proposal was not intended to introduce recreational shooting, independent of established facilities or hunting, to park areas. Accordingly, and in view of the concerns expressed by many of the commenters, the Service has revised the language of this subparagraph to more clearly define the conditions under which target shooting may be authorized. The final regulations will permit recreational target practice only at those locations in park areas specifically designed and constructed for that purpose and designated by special regulation. The superintendent will publish a written determination in the proposed rulemaking that the establishment of the target facility is consistent with the purposes for which the park area was established, will not adversely affect park resources and that the design and operational procedures are in compliance with State and local laws relating to public ranges.

The second area of extensive concern in comments on proposed revisions to the weapons regulations was the authorization of loaded weapons in residential dwellings. Two form letters submitted by more than 1,500 individuals commented favorably on this proposal. Other comments generally were in agreement with the revised § 2.2(a)(4) as being of value and having no adverse effects.

Some comments on this proposal responded to the invitation to comment on the definition of "residential dwelling" included in this regulation. A suggestion was made to restrict the definition so that it would be limited to those situations where the occupant(s) hold a vested interest in the dwelling. Others suggested that the definition be expanded to include a variety of camping vehicles, vessels, and other temporary lodgings. After consideration of these comments, the Service has determined that the definition proposed, adequately describes the situations intended to be covered and should not be expanded or made more limited. However, in response to a suggestion, the word "only" has been added to the definition to emphasize that it is not intended to be applied to any other regulation.

Comments on this proposal pointed out a possible conflict between subparagraphs (1) through (3) of § 2.4(a) and subparagraphs (4) and (5) of this same regulation. As proposed, (1) through (3) appear to limit possession of weapons, traps and nets to *only* those situations involving authorized hunting, fishing and target practice activities. However, (4) and (5) are additional exceptions which authorize possession of these implements in situations not relating to these three activities. The Service believes that there was, indeed, a conflict between these subparagraphs as they were proposed and that misinterpretations could result. Since the intent of § 2.2(a) was to establish a general restriction, with the exceptions provided for in separate subparagraphs, the word "only" has been deleted from the final rule, and the rule has been restructured. This resolves the conflict by allowing each subparagraph to stand as an independent exception.

No comments were received favoring the proposed language of § 2.4(a)(5) which deleted the phrase "rendered inoperable" as regards the possession of traps, nets and unloaded weapons in

temporary lodgings or mechanical modes of conveyance. Comments in opposition to this deletion pointed out that temporarily disabling a firearm by means such as a trigger lock or partial disassembly was a desirable alternative in some situations where a visitor might find it impossible or impractical to "case, pack or store" the weapon. Without this alternative, some visitors might have difficulty in complying with the requirements of this regulation. This alternative has been restored. The proposed revision of § 2.4(b) to clarify the circumstances under which a loaded weapon could be possessed in a vessel was the subject of only a single comment, which agreed with the proposal.

PART 7—SPECIAL REGULATIONS

In this portion of the Analysis, comments on regulations are grouped by the subjects with which they deal, rather than by specific park area. Since the regulations on each subject are similar for each park area, the analysis is simplified by this arrangement.

Hunting

One commenter requested assurances that the National Park Service will monitor hunting activities within Cape Cod National Seashore. The Service intends to manage hunting within the Seashore to ensure public safety, visitor enjoyment, and resource protection. This rule specifies that hunting be allowed, subject to applicable Federal and State laws and any special restrictions that may be necessary to ensure public safety and protect resources. The National Park Service will also document any adverse impact hunting may have on wildlife populations.

That commenter further requested that the Service extend the "no hunting" season from August 31 until October 15, to protect fall uses of the Seashore. The National Park Service is not adopting this suggestion. The prohibition on hunting from March 1 through August 31 eliminates the problem of a year-round open season on certain species within Massachusetts such as English sparrow, starling, chipmunk, flying squirrel, red squirrel, weasel, porcupine, skunk, and woodchuck. The Service believes that opening the hunting season on September 1st coincides with the time of reduced visitation, and that conflicts among users will be minimal.

One commenter supported the special regulations authorizing hunting and trapping in Lake Meredith and Amistad Recreation Areas but suggested that language be included to differentiate recreational hunting and trapping from that necessary for disease control, nuisance animal management or animal translocation for conservation purposes. The Service responds that the authority provided in § 1.2(e) of the new general regulations is adequate. This paragraph provides that administrative activities undertaken by the National Park Service or its agents pursuant to approved management plans and in concert with existing policy will be allowed.

Hunting and Trapping

One organization objected to the special regulations authorizing hunting at Amistad, Coulee Dam, Curecanti, and Lake Meredith Recreation Areas, and trapping at Curecanti and Lake Meredith.

They stated: "Although these areas were established administratively and are managed through cooperative agreements . . . they should abide by long-standing National Park Service policy. Since NPS policy has been to conserve wildlife and forbid hunting and trapping unless specifically authorized by Congress, we question the appropriateness for the Service to become party to management agreements that permit hunting and trapping."

The Service responds that hunting and trapping in these areas predates the cooperative agreements and is an established recreational use of the area. The authorization of hunting and trapping by regulation is consistent with the cooperative agreements and Federal laws generally applicable to the management of public lands. Congress can specifically clarify its intent with regard to the management of these areas by enacting enabling legislation. The Service agrees, however, that it is necessary to review and update these cooperative agreements which were entered into in the 1960's.

Aircraft Use

One commenter requested that the National Park Service loosen restrictions on hang gliding to allow this activity whenever practical and to permit access at the discretion of the superintendent. Another individual suggested that powerless flight be allowed in park areas pursuant to a general regulation to ensure additional guarantees of public input over what is provided for in § 1.5 of the new Servicewide regulations.

The Service responds that there has always been and will likely continue to be, much public interest in the use of park areas for powerless flight. As such, the National Park Service will be consistent in its approach to authorizing special uses, such as powerless flight. Special uses will be allowed in park areas only through the rulemaking process which ensures full public involvement and appropriate policy reviews.

Several commenters opposed the special regulation proposing float plane landings on Lake Roosevelt in Coulee Dam Recreation Area. The Service responds that this has been an ongoing use which has no negative impacts on the environment or the visitor. It is considered a viable recreational use of the lake, and as such is retained in this final rulemaking. This landing site is limited specifically to the non-Indian zone side of the Lake.

A few comments were received in opposition to the special regulation opening Lake Chelan to aircraft use. The Service responds that this has been a longstanding practice and is not a new or expanded use of the area. It is not anticipated that this use will result in any adverse impacts. Concerns were also raised about the designation of the Stehekin landing field as a location for aircraft operation. The Stehekin landing field is operated by the Washington State Aeronautics Commission. In response to these concerns, the Service states that it does not intend to expand facilities, but to maintain the use of the air field at, or close to existing levels.

In response to the public comment on the operation of aircraft on the entire surface of Ross Lake, the Service has decided to withdraw this section of the proposed special regulation and retain the provision opening Diablo Lake to aircraft use. The total recreational use of Ross Lake will be reviewed and special regulations considered at a later date.

A few commenters suggested that Lake Hozomeen, within Ross Lake National Recreation Area, be opened to aircraft landing. Since this proposal was not part of the rule published on December 27, 1983, it has not been subject to notice and comment rulemaking procedures. Therefore, it cannot be acted upon in this final rule.

One organization objected to the special regulation authorizing powerless flight at Indiana Dunes National Lakeshore since this activity was not covered in the park's general management plan finalized in 1980. The Service recognizes this, but also realizes that this has been an ongoing activity at the Lakeshore with no significant adverse impacts. Its inclusion in the proposed rule satisfies the notice and comment requirements of the Administrative Procedure Act.

After a review of the comments on the proposed rule to allow aircraft use at Channel Islands National Park, the

Service has decided to withdraw this special regulation. This proposed use will undergo additional study, and may be the subject of a future rulemaking.

Snowmobiles

One organization requested that special regulations be promulgated to authorize snowmobile use at Lassen Volcanic and Yosemite National Parks. These requests were not part of the proposed rule, and as such were not subject to public comment. Therefore, they cannot be included in this final rule.

Fishing

A few individuals suggested that the special regulation authorizing digging for bait at Ozark National Scenic Riverways be modified to indicate that such bait must be for personal, and not commercial use. It was not the Service's intent to allow bait digging which is commercial in nature, as indicated in the preamble to the proposed rule (48 FR 56976). To remove any doubts, however, the Service has added clarifying language to the special regulation. In addition, the Service has clarified that the superintendent may establish conditions under which digging for bait is allowed. For example, the superintendent may require that all holes be filled in upon collection of the bait and the ground be returned to its original contour.

Section-by-Section Analysis

PART 1—GENERAL PROVISIONS

Section 1.4 Definitions

The definition of the term "operator" in the final rule published June 30, 1983, was narrower than was intended, in that it would apply only to a person in charge of a vehicle, not any other type of equipment. This definition is being revised to correct this error, by including those persons in charge of all types of mechanical modes of transportation and other mechanical equipment, such as power saws, generators, etc.

The definition of "unloaded" is being revised to clarify its requirements as applied to a variety of types of firearms. To meet these requirements, any firearm other than muzzle-loading weapons must be free of any type of ammunition within its internal mechanisms or within component parts which have been inserted in or attached to the firearm. Ammunition may be carried in a magazine, clip, or other device that is not attached to the firearm.

In addition, the definition of "livestock" has been deleted. As published in the final regulation, that term is limited to "domesticated animals that are personal property kept for commercial purposes." Because this definition could be interpreted to include animals that are not intended to be covered by § 2.60 (Livestock and Grazing), the term is being deleted from § 1.4. The term "livestock" has a generally accepted meaning and need not be clarified in these regulations.

Section 1.8 Information Collection

The final rule omitted reference to a section of the general regulations that authorizes a permit requirement and for which the Office of Management and Budget has approved information collection requirements. The omitted section, § 1.5, authorizes the use of permit, registration, or reservation systems to implement a public use limit. This change corrects this error by adding this section number to others listed in the final rule.

PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION

Section 2.2 Wildlife Protection

Paragraph (a)(4) of this section has been deleted as unnecessary and confusing. This paragraph prohibited discharging a weapon, except for the purpose of taking wildlife where hunting is allowed. As a control on firearms use, this restriction would more logically be placed in § 2.4, which deals with weapons. However, since paragraph (a) of § 2.4, as revised in this final rule, limits the use of weapons to authorized hunting, fishing, and target practice situations, there is no need to retain this duplicative and conflicting paragraph in the wildlife section.

The proposed revision of § 2.2(b)(3) that would have authorized trapping to continue in 11 park areas until January 15, 1985, has been retained. These areas are as follows:

Assateague Island National Seashore
Bighorn Canyon National Recreation Area
Buffalo National River
Cape Cod National Seashore
Delaware Water Gap National Recreation Area
John D. Rockefeller, Jr. Memorial Parkway
New River Gorge National River
Ozark National Scenic Riverways
Pictured Rocks National Lakeshore
Saint Croix National Scenic Riverway
Sleeping Bear Dunes National Lakeshore

In the absence of congressional authorization by this date, the National Park Service intends to terminate trapping in these 11 areas.

Section 2.4 Weapons, Traps and Nets

Changes have been made to § 2.4(a) of the final rule in order to distinguish the circumstances in which weapons, traps and nets may be possessed, carried and used, modify the restriction on the possession of weapons in residential dwellings, and make technical adjustments.

Section 2.4(a)(1) of the final rule, of June 30, 1983, included weapons, traps and nets in a single category and prohibited possessing, carrying, using or discharging them, except at designated times and locations in park areas where hunting, fishing or trapping are authorized by law and when actually used in the taking of fish or wildlife under § 2.2 or § 2.3. Changes to this paragraph were proposed to clarify the applicability of the regulation, but were not sufficiently clear to accomplish this purpose. Accordingly, further revisions have been made to § 2.4(a) to clearly delineate the circumstances under which weapons, traps and nets can be possessed, carried or used in park areas. In (a)(2)(i) there is a requirement that limits carrying, possession or use of these implements to designated times and locations. It is the intent of this requirement to authorize, through designation, only those activities that are essential to hunting and fishing activities authorized by law. Designations would be specific as to locations, times, equipment and activities. For instance, a portion of a park area within which waterfowl hunting is permitted during a fall hunting season would be designated as open to the possession and use of shotguns being used for hunting during that season. This designation would not authorize the possession or use of other types of weapons nor the possession or use of shotguns in other locations or at other times of the year.

A further exception for weapons use is provided in (a)(2)(ii), which authorizes target practice at facilities or locations designed and constructed specifically for this purpose and designated pursuant to special regulations. The Service anticipates that any proposed target ranges will first be identified in the general management plan process and then after addressing the written findings, be proposed as special regulations. The random discharge of weapons is not authorized. Target ranges which have been developed with adequate facilities to provide for public safety and which were in use prior to the effective date of this regulation, can be designated for continued use by a special regulation. This is not intended

to preclude the use of Service facilities by authorized National Park Service law enforcement personnel. Such facilities however, are not available for use by the public.

The regulation published June 30, 1983, authorized the possession of unloaded weapons, traps and nets within residential dwellings. After reconsideration of this matter, the National Park Service has determined that it is reasonable to change this authorization so that weapons, whether loaded or unloaded, may be kept in residential dwellings. The authorization will apply to those who live on federally owned land and to those who live on privately owned land located in areas that are under the legislative jurisdiction of the United States. It should be noted that paragraph (f) of this section prohibits possession of weapons in violation of Federal and State laws. Accordingly, this authorization must be subject to applicable laws.

This amendment is not intended to permit the possession of loaded weapons in temporary lodgings such as motel rooms, boats, or camping vehicles, or to limit the authority of park contractors or concessioners administratively to restrict weapons possession in quarters which they assign to their employees. To clarify this authorization, the proposed amendment includes a definition of the term "residential dwelling." This definition applies only to this regulation and not to any other regulation in Chapter I of 36 CFR that uses this or any similar term.

The phrase "rendered temporarily inoperable" has been placed in § 2.4(a)(3) so that an alternative means is available for the transportation of unloaded weapons through a park area. A weapon can meet this requirement by being equipped with a trigger locking device, by partial disassembly, and separation of parts, or by other means that do not involve a permanent alteration, but prevent ready use of the weapon while in the park area. Visitors may choose this option or may pack, case, or store the unloaded weapon while in a temporary lodging, such as a tent, motel room, or camping vehicle or while traveling in a motor vehicle, vessel or other mechanical transport. Weapons which have been made permanently inoperable through major modifications such as barrel plugs will also meet the requirements of this regulation.

An additional change in this section corrects an error in paragraph (b). The intent of this regulation is to permit legitimate hunting practices which prevail in certain locations and does not authorize the possession of loaded weapons in all vessels which are docked, anchored, or otherwise not underway. The revision authorizes loaded weapons only for those situations in which an anchored, beached, or drifting boat can, under State and Federal law, be used as a platform from which a hunter can shoot.

PART 7—SPECIAL REGULATIONS

In this portion of the Analysis, regulations are grouped by the subjects with which they deal, rather than by park area. Since the regulations on each subject are similar for each park area, the discussion is simplified by this arrangement.

Hunting

As described in the background material above, the new final rule, in § 2.2(b)(2), provides that in park areas where hunting *may* be allowed under Federal statutory law, special regulations will be required to implement hunting. This provision is intended to ensure that there is adequate opportunity for public review of proposed hunting in those situations where the Service has statutory discretion rather than a statutory requirement to permit this activity.

The authority to permit hunting at Cape Cod National Seashore is specifically set out in the legislation that established the Seashore (16 U.S.C. 459–6(c)). The four other areas for which hunting regulations are included in this rulemaking—the Amistad, Coulee Dam, Curecanti and Lake Meredith Recreation Areas—have not been established specifically by legislation but are managed on the basis of cooperative agreements between the National Park Service and other Federal agencies. Hunting is consistent with these agreements and Federal laws generally applicable to the management of public lands. This rule specifies that hunting be allowed, subject to applicable Federal and State laws and any special restrictions that may be necessary to ensure public safety and protect resources.

These regulations are similar in that they authorize the superintendents to designate appropriate locations where hunting is allowed, in accordance with all applicable Federal and State laws and the general regulations on wildlife protection and weapons. Locations available for hunting will be designated according to the procedures and requirements established by § 1.5 of the general regulations. This requires consideration of a wide range of public safety, resource protection, and visitor use concerns. Superintendents will have the authority to impose reasonable limits or restrictions necessary to address these concerns. Permits may also be required if necessary to control hunting authorized by these special regulations.

Limitations on hunting that may be imposed through the designation process must be made known to the public through appropriate notice procedures set forth in § 1.7. Section 2.2(c) of the general regulations requires that, except in emergencies, the superintendent will consult with appropriate State authorities prior to using the designation authority to restrict hunting or to impose a hunting closure.

In all five of the park areas covered by hunting regulations, hunting was practiced before the National Park Service assumed management responsibility. Planning documents for these areas have received extensive public review. The documents included hunting as an approved visitor activity. Hunting is managed jointly by the States and the National Park Service and has no known adverse resource impacts. It is not anticipated that implementation of these regulations will result in any significant change in the manner in which hunting is conducted in these areas.

Trapping

The two areas for which trapping regulations are being proposed are managed on the basis of cooperative agreements between the National Park Service and other Federal agencies. Trapping is consistent with these agreements and Federal laws generally applicable to the management of public lands. In the Curecanti and Lake Meredith Recreation Areas, trapping predates National Park Service management. These special regulations allow trapping, subject to applicable Federal and State laws and any special restrictions that may be necessary to ensure public safety and protect resources.

For both areas, the regulations are identical. They authorize the superintendents to designate appropriate locations where trapping is allowed in accordance with all applicable Federal and State laws and the general regulations on wildlife protection and weapons. Locations available for trapping will be designated according to the procedures and requirements established by § 1.5 of the general regulations. This requires consideration of a wide range of public safety, resource protection, and visitor use concerns. In addition to designation of locations, superintendents will have the authority to impose limits or

restrictions necessary to address these concerns. Limitations on trapping that may be imposed through the designation process must be made known to the public through appropriate notice procedures set forth in § 1.7. Section 2.2(c) of the general regulations requires that, except in emergencies, the superintendent will consult with appropriate State authorities prior to using the designation authority to restrict trapping or impose a trapping closure. Trapping in both of these areas is managed jointly by the States and the National Park Service. It is not anticipated that implementation of these regulations will result in a significant change in the manner in which trapping is conducted in these areas.

Aircraft Use

National Park Service regulations apply to the operation of aircraft while on the lands or waters of units of the National Park System. The Federal Aviation Administration has authority over airborne craft. Provisions of the new general regulations relating to the use of aircraft are based on the premise that aircraft often intrude upon the park experience of other visitors and adversely affect wildlife. Section 2.17(a) limits aircraft use to locations that have been designated pursuant to special regulations for a park area. The section prohibits air delivery of persons or objects, unless a permit has been issued. The definition of aircraft contained in § 1.4 is very broad. It includes any device used or intended to be used for human flight in the air. In addition to conventional airplanes and helicopters, this term includes hot air or gas balloons, gliders, ultralight aircraft, and hang gliders.

Several commenters raised the question of allowing aircraft use pursuant to designation as opposed to rulemaking. Since the use of aircraft, including helicopters and powerless flight is often damaging to park values and controversial in nature, the Service has taken the position that aircraft use should only be permitted pursuant to special regulation (48 FR 30285). The Service has limited the authority provided to the superintendents in § 2.17(a)(3) and § 13.13(f) to the authorization of short-term, nonrecreational and noncommercial use of aircraft, including helicopters and ultralights. The Service intends that other than emergency operations conducted under the authority of § 2.17(a)(3) the permitting authority of the superintendent be limited to the project requirements of a limited scope and nonrecreational nature conducted by a State or a political subdivision thereof, a Federal agency, or other person demonstrating a legitimate need that is compatible with park purposes and that the superintendent determines that the activity is authorized pursuant to existing law and can only be accommodated by the short-term use of an aircraft. Recurrent recreational or commercial use must be set forth for public deliberation as a proposed rule.

The regulations for 11 park areas authorize superintendents to allow powerless flight activities, such as hang gliding, subject to certain controls. In nine of these areas, identical special regulations authorize the superintendent to designate locations for powerless flight and require permits for such use. Two reservoir recreation areas, Lake Mead National Recreation Area and Lake Meredith Recreation Area, have regulations that permit powerless flight in any location except those specifically closed to this activity. For Lake Meredith, the superintendent also is given discretionary authority to impose a permit requirement.

Locations for use by hang gliders and other powerless flight vehicles will be designated in accordance with the criteria and requirements of § 1.5. These locations will be places within a park area where participants either take off or land. Restrictions on numbers of flights, types of equipment, authorized flight times, and other controls can be established by the superintendent through the designation process and through permit requirements. As with other permit requirements in National Park Service regulations, permits for powerless flight will be established and issued according to the requirements of § 1.6.

Special regulations are also included to authorize operating sites for all types of aircraft in five park areas. The two airstrips to be authorized at Death Valley National Monument and the single strip at Cape Lookout National Seashore have been in use for a number of years.

Aircraft are authorized to operate on the water surface of Lake Chelan within the Lake Chelan National Recreation Area, subject to the restrictions of § 2.17(a)(2). In addition, the Stehekin landing field operated by the Washington State Aeronautics Commission within Lake Chelan National Recreation Area is designated for aircraft operation. Although aircraft use of these locations is a long-standing practice, it was not previously authorized by special regulations. Float planes also have been landing on Lake Roosevelt in Coulee Dam Recreation Area. The landing site within Coulee Dam Recreation Area is limited specifically to the non-Indian zone side of the Lake.

The Pearce Ferry landing strip within Lake Mead National Recreation Area has been designated by special regulation in the past. The special regulation was deleted several years ago. It now has been determined appropriate to reauthorize this site as one of the Service's designated landing strips at Lake Mead.

Snowmobiles

This rulemaking document includes regulations to authorize use of snowmobiles within Sequoia and Kings Canyon National Parks. The authorization only provides a means of access to private property that is within the boundaries of these park areas. Permits will be required and will be issued solely to owners of such property. Only routes which serve as a means of access to these properties will be open to snowmobile use. Within the Wilsonia area, the designation of routes applies only to federally owned lands. It is not the intent of this regulation to require private landowners to allow snowmobile use on their property. As with other permit requirements contained in the general and special regulations of the National Park Service, permits for snowmobile use authorized by this regulation will be administered under the requirements of §1.6 of the general regulations which provide for criminal sanctions and revocation for violation of the terms and conditions of the permit. (*See* § 1.6(g) and (h)).

Fishing

The new general regulation governing fishing in park areas specifies the manner in which fishing can take place in fresh waters. Fishing must only be conducted through the use of a closely attended hook and line. The use of live bait is restricted; and chumming is prohibited. The purpose of these provisions is to ensure that fishing in park waters remains a sport and that resources are not adversely affected by the introduction of non-native species. Where such restriction are found to be unnecessary in order to accomplish Service management objectives, relief can be granted through the use of special regulations.

It is the policy of the National Park Service to manage fishing in park areas in a manner consistent with State fishing laws, to the extent consistent with Federal law and compatible with proper management of park resources. In many cases, States permit the use of fishing methods that vary from the

standards established by the general regulations. For several park areas where this is the case, the National Park Service has determined that allowing recreational fishing in accordance with all methods permitted by the State would be advantageous to visitor use and not incompatible with the protection of park resources. These situations include cases where non-native species have become well established and it is impractical to consider eradication in favor of native species. In addition, species taken by methods such as gigs or trot lines often are those not sought after by those sport fishing with rods or are species competing with more desirable fish. Commercial fishing methods allowed under State law are *not* included within the scope of this authorization.

The special regulation for Amistad Recreation Area, Apostle Islands National Lakeshore, Chickasaw Recreation Area, Grand Portage National Monument, Jean Lafitte National Historical Park, Indiana Dunes National Lakeshore, Lake Mead National Recreation Area, Lake Meredith Recreation Area, Pictured Rocks National Lakeshore, Sleeping Bear Dunes National Lakeshore, St. Croix National Scenic Riverway, Ozark National Scenic Riverways, and Voyageurs National Park will provide that recreational fishing can take place in a manner authorized under applicable State law. The regulations provide, however, that superintendents may, through the designation process, restrict these fishing methods. Such restrictions might be applied to specific locations within a park area or might deal with a fishing method which is found to be incompatible with management objectives for the park area. The National Park Service intends that superintendents will implement restrictions on methods of taking fish on a determination that such taking:

(1) Is consistent with the purposes for which the area was established; and

(2) Will not be detrimental to other park wildlife or the reproduction potential of the species to be taken; and

(3) Will not have an adverse effect on the ecosystem.

In another regulation, however, specific authority is given to take freshwater crayfish within Jean Lafitte National Historical Park, subject to other National Park Service regulations, State law and consistent with a written determination that the taking of crayfish is consistent with park purposes and will not adversely affect park resources. This is a traditional activity in the affected area, and Service findings indicate that no adverse resource effects can be expected.

A special regulation is also included for Ozark National Scenic Riverways to authorize the superintendent to designate locations in which bait may be dug for personal use. This is not intended to authorize bait digging which is commercial in nature. Digging for bait for recreational fishing only would be authorized. Another special regulation for Ozark National Scenic Riverways authorizes the superintendent to designate locations in which frog gigging is allowed. Prior to designation, the superintendent must make a written determination that the taking of frogs is consistent with park purposes and will not affect park resources. The National Park Service anticipates no detrimental effects from continued frog gigging.

Drafting Information

The primary authors of these regulations are Carl Christensen, Gulf Islands National Seashore, Michael Finley, Alaska Regional Office, and Maureen Finnerty, Everglades National Park.

Paperwork Reduction Act

This rulemaking adds no information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* In 36 CFR 1.8, the list of information requirements for which approval has already been obtained is merely being corrected in this rule to include a section inadvertently deleted from the final rule (48 FR 30252).

Compliance With Other Laws

As required by the National Environmental Policy Act (42 U.S.C. 4332, *et seq.),* the Service has prepared environmental assessments on those portions of this rulemaking which are other than correcting or clarifying in nature and has made a Finding of No Significant Impact (FONSI). Copies of the Environmental Assessment and FONSI are available at the address noted at the beginning of the rule or at the individual parks affected.

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 19, 1981). In accordance with the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601, *et seq.*), the Service has determined that the regulations proposed in this rulemaking will not have a significant economic effect on a substantial number of small entities, nor does it require the preparation of a regulatory analysis. The Service makes this finding because the proposed regulations will impose no significant costs on any class or group of small entities. Small businesses will generally benefit from these regulations because they will allow the continuation of existing activities within a number of park areas.

List of Subjects

36 CFR Part 1

National parks, Penalties.

36 CFR Part 2

National parks, Signs and symbols.

36 CFR Part 7

National parks.

Authority: The Service's authority for promulgating these regulations is 16 U.S.C. §§ 1 and 3 and statutes relating to specific park areas.

In consideration of the foregoing, 36 CFR Chapter I is amended as follows:

PART 1—GENERAL PROVISIONS

1. Amend § 1.4 by removing the definition of "livestock" and revising the definitions of "operator" and "unloaded" as follows:

§ 1.4 Definitions.

(a) * * *

"Operator" means a person who operates, drives, controls, or otherwise has charge of a mechanical mode of transportation or any other mechanical equipment.

* * * * *

"Unloaded," as applied to weapons and firearms, means that: (1) There is no unexpended shell, cartridge, or projectile in any chamber or cylinder of a firearm or in a clip or magazine inserted in or attached to a firearm; (2) A muzzle-loading weapon does not contain gun powder in the pan, or the percussion cap is not in place; and (3) Bows, crossbows, spear guns or any implement capable of discharging a missile or similar device by means of a loading or discharging mechanism, when that loading or discharging mechanism is not charged or drawn.

* * * * *

2. Revise § 1.8 as follows:

§ 1.8 Information collection.

The information collection requirements contained in § 1.5, § 2.4, § 2.5, § 2.10, § 2.12, § 2.17, § 2.33, § 2.38, § 2.50, § 2.51, § 2.52, § 2.60, § 2.61, § 2.62, § 3.3 and § 3.4 have been approved by the Office of Management and Budget under 44 U.S.C. § 3501 *et seq.*, and assigned clearance number 1024–0026. This information is being collected to solict information necessary for the superintendent to issue permits and

other benefits, and to gather information. This information will be used to grant administrative benefits. In all sections except § 2.33 and § 3.4, the obligation to respond is required to obtain a benefit. In § 2.33 and § 3.4, the obligation to respond is mandatory.

PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION

§ 2.2 [Amended]

3. In § 2.2 remove paragraph (a)(4).

4. In §2.4 revise paragraphs (a) and (b) as follows:

§ 2.4 Weapons, traps and nets.

(a) (1) Except as otherwise provided in this section and Parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited:

(i) Possessing a weapon, trap or net

(ii) Carrying a weapon, trap or net

(iii) Using a weapon, trap or net

(2) Weapons, traps or nets may be carried, possessed or used:

(i) At designated times and locations in park areas where:

(A) The taking of wildlife is authorized by law in accordance with § 2.2 of this chapter;

(B) The taking of fish is authorized by law in accordance with § 2.3 of this chapter.

(ii) When used for target practice at designated times and at facilities or locations designed and constructed specifically for this purpose and designated pursuant to special regulations.

(iii) Within a residential dwelling. For purposes of this subparagraph only, the term "residential dwelling" means a fixed housing structure which is either the principal residence of its occupants, or is occupied on a regular and recurring basis by its occupants as an alternate residence or vacation home.

(3) Traps, nets and unloaded weapons may be possessed within a temporary lodging or mechanical mode of conveyance when such implements are rendered temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use.

(b) Carrying or possessing a loaded weapon in a motor vehicle, vessel or other mode of transportation is prohibited, except that carrying or possessing a loaded weapon in a vessel is allowed when such vessel is not being propelled by machinery and is used as a shooting platform in accordance with Federal and State law.

* * * * *

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

5. In § 7.8 add a new paragraph (e) as follows:

§ 7.8 Sequoia and Kings Canyon National Parks.

* * * * *

(e) *Snowmobiles.* (1) The use of snowmobiles is allowed on the unplowed roads of Wilsonia, the Wilsonia parking lot, and the Mineral King road.

(2) Snowmobile use will be limited to providing access to private property within the exterior boundaries of the park area, pursuant to the terms and conditions of a permit issued only to owners of such private property.

6. In § 7.9 add a new paragraph (c) as follows:

§ 7.9 St. Croix National Scenic Rivers.

* * * * *

(c) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

7. In § 7.15 add a new paragraph (c) as follows:

§ 7.15 Shenandoah National Park.

* * * * *

(c) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

* * * * *

8. In § 7.16 add a new paragraph (c) as follows:

§ 7.16 Yosemite National Park.

* * * * *

(c) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

* * * * *

9. In § 7.26 add a new paragraph (e) as follows:

§ 7.26 Death Valley National Monument.

* * * * *

(e) *Aircraft.* The following are designated as locations where the operation of aircraft is allowed:

(1) Death Valley Airport, latitude 36°27'50" N., longitude 116°52'50" W.

(2) Stovepipe Wells Airport, latitude 36°36'15" N., longitude 117°09'30" W.

10. In § 7.32 add a new paragraph (b) as follows:

§ 7.32 Pictured Rocks National Lakeshore.

* * * * *

(b) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

11. Add a new § 7.33 as follows:

§ 7.33 Voyageurs National Park.

(a) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

12. In § 7.34 add a new paragraph (c) as follows:

§ 7.34 Blue Ridge Parkway.

* * * * *

(c) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

* * * * *

13. Add a new § 7.37 as follows:

§ 7.37 Jean Lafitte National Historical Park.

(a) *Fishing.* (1) Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(2) Within the Barataria Marsh unit, the superintendent may designate times and locations and establish conditions governing the taking of crayfish upon a written determination that the taking of crayfish:

(i) Is consistent with the purposes for which the unit was established; and

(ii) Will not be detrimental to other park wildlife or the reproductive potential of the species to be taken; and

(iii) Will not have an adverse effect on the ecosystem.

(3) Violation of established conditions or designations for the taking of crayfish is prohibited.

14. In § 7.48 add new paragraphs (a)(3)(b) and (e) as follows:

§ 7.48 Lake Mead National Recreation Area.

(a) *Aircraft, designated airstrips.*

* * * * *

(3) Pearce Ferry landing strip, located at approximate latitude 30°04'37" N., approximate longitude 114°02'44" W.

* * * * *

(b) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed except in harbors, swim beaches, developed areas, and in other

locations designated as closed to this activity.

* * * * *

(e) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

15. Add a new § 7.50 as follows:

§ 7.50 Chickasaw Recreation Area.

(a) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed on Arbuckle Reservoir and Veterans Lake.

16. Add a new § 7.51 as follows:

§ 7.51 Curecanti Recreation Area.

(a) *Hunting.* Hunting is allowed at times and locations designated as open for hunting.

(b) *Trapping.* Trapping is allowed at times and locations designated as open for trapping.

17. Add a new § 7.55 as follows:

§ 7.55 Coulee Dam Recreation Area.

(a) *Hunting.* Hunting is allowed at times and locations designated as open for hunting.

(b) *Aircraft.* Float planes may be operated on Lake Roosevelt on those waters not administered by Indians as part of the Indian Zone, *i.e.,* mid-channel to the shore of the non-Indian side of the Lake. A map showing the waters where aircraft may be operated will be available in the office of the superintendent.

18. In § 7.57 add new paragraphs (d), (e), (f), and (g) as follows:

§ 7.57 Lake Meredith Recreation Area.

* * * * *

(d) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed except in locations designated as closed to this activity. The superintendent may designate times and locations where such activity is allowed only under the terms and conditions of a permit.

* * * * *

(e) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(f) *Hunting.* Hunting is allowed at times and locations designated as open for hunting.

(g) *Trapping.* Trapping is allowed at times and locations designated as open for trapping.

19. In § 7.59 add a new paragraph (b) as follows:

§ 7.59 Grand Portage National Monument.

* * * * *

(b) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

20. Add a new § 7.62 as follows:

§ 7.62 Lake Chelan National Recreation Area.

(a) [Reserved]

(b) *Aircraft.* The following are designated as locations where the operation of aircraft is allowed:

(1) The entire water surface of Lake Chelan.

(2) The Stehekin landing field, located at approximate latitude 48°21'N, approximate longitude 120°43' W.

21. In § 7.67 add a new paragraph (i) as follows:

§ 7.67 Cape Cod National Seashore

* * * * *

(i) *Hunting.* (1) Hunting is allowed at times and locations designated as open for hunting.

(2) Only deer, upland game, and migratory waterfowl may be hunted.

(3) Hunting is prohibited from March 1 through August 31 of each year.

22. Add a new § 7.69 as follows:

§ 7.69 Ross Lake National Recreation Area.

(a) [Reserved]

(b) *Aircraft.* The operation of aircraft is allowed on the entire water surface of Diablo Lake.

23. In § 7.71 add a new paragraph (f) as follows:

§ 7.71 Delaware Water Gap National Recreation Area.

* * * * *

(f) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

24. In § 7.79 add new paragraphs (a) and (b) as follows:

§ 7.79 Amistad Recreation Area.

(a) *Hunting.* (1) Hunting is allowed at times and locations designated as open for hunting.

(2) The hunting season and species allowed to be taken will be designated on an annual basis by the superintendent.

(3) Deer, javelina, and turkey may be taken only by long bow and arrow. Water fowl and game birds may be taken only by shotguns and bird shot. The use of all other weapons for hunting is prohibited.

(b) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

* * * * *

25. Add a new § 7.80 as follows:

§ 7.80 Sleeping Bear Dunes National Lakeshore.

(a) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

(b) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

26. Add a new § 7.81 as follows:

§ 7.81 Point Reyes National Seashore.

(a) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

27. Add a new § 7.82 as follows:

§ 7.82 Apostle Islands National Lakeshore.

Fishing. Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

28. In § 7.83 add new paragraphs (d) and (e) as follows:

§ 7.83 Ozark National Scenic Riverways.

* * * * *

(d) *Fishing.* (1) Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(2) The superintendent may designate times and locations and establish conditions under which the digging of bait for personal use is allowed.

(e) *Frogging.* (1) The superintendent may designate times and locations and establish conditions governing the taking of frogs upon a written detrimination that the taking of frogs:

(i) Is consistent with the purposes for which the area was established; and

(ii) Will not be detrimental to other park wildlife or the reproductive potential of the species to be taken; and

(iii) Will not have an adverse effect on the ecosystem.

(2) Violation of established conditions or designations is prohibited.

29. Add a new § 7.88 as follows:

§ 7.88 Indiana Dunes National Lakeshore.

(a) *Fishing.* Unless otherwise designated, fishing in a manner authorized under applicable State law is allowed.

(b) *Powerless flight.* The use of devices to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent pursuant to the terms and conditions of a permit.

30. In § 7.91 add a new paragraph (c) as follows:

§ 7.91 Whiskeytown Unit, Whiskeytown-Shasta-Trinity-National Recreation Area.

* * * * *

(c) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

31. In § 7.97 add a new paragraph (c) as follows:

§ 7.97 Golden Gate National Recreation Area.

* * * * *

(c) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

32. Add a new § 7.98 as follows:

§ 7.98 Cape Lookout National Seashore.

(a) *Aircraft.* The operation of aircraft is allowed at the Portsmouth Village Airstrip, latitude 35°04'06"N, longitude 76°03'30"W.

Dated: April 16, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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[1] No amendments to these volumes were promulgated during the period Apr. 1, 1982 to March 31, 1983. The CFR volumes issued as of Apr. 1, 1982 should be retained.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).