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# federal register

Tuesday
May 15, 1984

## Selected Subjects



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# Selected Subjects

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# Presidential Documents

Title 3—

The President

**Proclamation 5193 of May 11, 1984**

## National Asthma and Allergy Awareness Week, 1984

**By the President of the United States of America**

**A Proclamation**

Asthma and allergic diseases annually result in physical, emotional, and economic hardship for more than thirty-five million Americans and their families. Even though sufficient medical knowledge and resources exist to prevent many asthma-related deaths, thousands of Americans die each year from asthma. Indeed, student absenteeism is due in significant part to asthma and allergic diseases. Furthermore, in some instances, medical patients suffer unfortunate allergic reactions to prescribed medicines.

It is estimated that the American people pay $2 billion per year in medical bills directly attributable to the treatment and diagnosis of asthma and allergic diseases and another $2 billion per year as a result of the indirect social costs of such illnesses.

Recent developments in the study of immunology enable health care providers to diagnose and treat asthma and allergic diseases more effectively. Increased public awareness of these scientific advances in immunology will help dispel many of the common misconceptions concerning these diseases and their victims. With the determination and support of our citizens, scientists hope that continuing progress will eventually lead to the control and prevention of these life-limiting and sometimes life-threatening diseases.

In recognition of the significant importance of increased public awareness of recent advancements in the study of immunology to the health and well-being of millions of American children and adults, the Congress, by Senate Joint Resolution 244, has designated the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week," and authorized and requested the President to issue an appropriate proclamation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 6, 1984 as National Asthma and Allergy Awareness Week. I call upon the people of the United States to observe such week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of May, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 84-13169
Filed 5-11-84; 4:07 pm]
Billing code 3195-01-M

# Presidential Documents

**Executive Order 12476 of May 11, 1984**

## Presidential Commission on the Conduct of United States–Japan Relations

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), it is hereby ordered that Executive Order No. 12421 of May 12, 1983, is amended as follows:

**Section 1.** Sections 1(b), 2(b) and 2(d) are amended by deleting the phrase "Advisory Group on United States-Japan Relations" in each Section and inserting instead the phrase "United States-Japan Advisory Commission." Section 2(b) is further amended by deleting the phrase "This group" and inserting instead the phrase "This bi-national group."

**Sec. 2.** Section 2(c) shall read: "To pursue its goals in connection with participation in the United States-Japan Advisory Commission, the Commission may conduct studies, hearings, and meetings as it deems necessary; assemble and disseminate information; and issue reports and other publications."

**Sec. 3.** Section 4(b) shall read: "In accordance with the Federal Advisory Committee Act, as amended, the Commission shall terminate on October 31, 1984, unless sooner extended."

Ronald Reagan

THE WHITE HOUSE,
*May 11, 1984.*

[FR Doc. 84–13170
Filed 5–11–84; 4:08 pm]
Billing code 3195–01–M

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

### 7 CFR Part 718

### Determination of Acreage and Compliance

**AGENCY:** Agricultural Stabilization and Conservation Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This action adopts as a final rule an interim rule which was published in the **Federal Register** at 48 FR 13958, with miscellaneous amendments. The interim rule amended the regulations governing the determination of acreage and compliance (7 CFR Part 718) with respect to commodity programs.

**EFFECTIVE DATE:** This final rule shall be effective upon May 15, 1984.

**FOR FURTHER INFORMATION CONTACT:** Thomas R. Burgess, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–3471. A final Regulatory Impact Analysis is available upon your request.

**SUPPLEMENTARY INFORMATION:** Information collection requirements contained in this regulation (7 CFR Part 718) have been approved by the Office of Management and Budget in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Number 0560–0004.

This final rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Departmental Memorandum 1512–1 and Executive Order 12291 and has been classified "not major." The provisions of this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The titles and numbers of the Federal Assistance Programs to which this final rule applies as set forth in the catalog of Federal Domestic Assistance are: Commodity Loans and Purchases, 10.051; Cotton Production Stabilization, 10.052; Feed Grain Production Stabilization, 10.055; Wheat Production Stabilization, 10.058; Rice Production Stabilization, 10.065; and Grain Reserve Program, 10.067.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Section 374 of the Agricultural Act of 1938, as amended (7 U.S.C. 1374) authorizes the Secretary of Agriculture to ascertain, by measurement or otherwise, the acreage of any agricultural commodity or land use on farms for which the ascertainment of such acreage or land use is necessary to determine compliance under any program administered by the Secretary of Agriculture.

Accordingly, regulations have been issued by the Secretary at 7 CFR Part 718 setting forth provisions relating to determinations of acreage and compliance with respect to various commodity programs.

On April 1, 1983, an interim rule was published which amended the regulations in Part 718 governing the determinations of acreage and compliance under the commodity production adjustment and marketing quota programs to: (1) Implement amendments made to the Agricultural Act of 1949 by the Agriculture and Food Act of 1981, (2) delete certain requirements which are not applicable to the 1982 crops and subsequent crops, (3) provide for certain conservation use acreage requirements, (4) revise tolerance rules, (5) delete procedures for the acreage adjustment of peanuts, and (6) improve the administration of the programs.

#### Comments

Comments were solicited for 60 days after publication of the document. No comments were received during the comment period.

#### Amendments to the Interim Rule

It has been determined after further review that two changes should be made with respect to the interim rule.

Section 718.6(h)(6) of the interim rule provides that certain areas which do not meet minimum size and width requirements may be accepted for conservation use or set-aside acreage for the 1983 and subsequent crop years. Since the commodity production adjustment programs are designed to incorporate and promote soil conservation activities, section 718.6(h)(6) has been amended to add terraces as acceptable land which may be designated by producers for conservation use or set-aside acreage for the 1983 and subsequent crop years.

In addition, § 718.12 has been added to set forth the numbers which have been assigned by the Office of Management and Budget in accordance with the information collection requirements of the Paperwork Reduction Act.

Since these provisions represent changes which are either less restrictive with respect to compliance by producers or are simply administrative in nature, it has been determined that no further public rulemaking is required.

#### List of Subjects in 7 CFR Part 718

Acreage allotments, Marketing quotas.

#### Final Rule

#### PART 718—[AMENDED]

Accordingly, the interim rule published at 48 FR 13958 which amended the regulations at 7 CFR Part 718 is hereby adopted as a final rule with the following changes:

1. The table of contents to Part 718—Determination of Acreage and Compliance is amended by adding § 718.2 as follows:

* * * * *

Sec.
718.2 Paperwork Reduction Act Assigned Numbers.
* * * * *

2. Section 718.6 is amended by revising paragraph (h)(6)(iii) to read as follows:

**§ 718.6 Determining farm operator adherence to program requirements.**
* * * * *
(h) * * *
(6) * * *
(iii) Used as a sod waterway or terrace.
* * * * *

3. Section 718.12 is added to read as follows:

**§ 718.12 Paperwork Reduction Act Assigned Numbers.**

Information collection requirements contained in this Part 718 have been approved by the Office of Management and Budget in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Number 0560–0004.

(Secs. 314, 373, 374, 375, 52 Stat. 48, as amended, 65, as amended, 66, as amended; 7 U.S.C. 1314, 1373, 1374, 1375, sec. 403, 61 Stat. 932, as amended; 7 U.S.C. 1153)

Signed at Washington, D.C., on May 8, 1984.

**Everett Rank,**

*Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc. 84–12978 Filed 5–14–84; 8:45 am]

**BILLING CODE 3410–05–M**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 3

### Temporary Licenses; Effective Date of Final Rules

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of effective date of final rules.

**SUMMARY:** On March 5, 1984, the Commodity Futures Trading Commission ("Commission") published in the **Federal Register** final rules to implement the provisions of the Commodity Exchange Act ("Act") authorizing the Commission to issue temporary licenses to qualified applicants for registration and establishing a new system of statutory disqualifications from registration. 49 FR 8208. At that time, the Commission deferred the effective date of the regulations governing temporary licenses until the necessary modifications had been made to the Commission's computer software, registration procedures, forms and other systems and until further notice in the **Federal Register.**

These modifications have now been made and, accordingly, the Commission is providing notice that §§ 3.40–3.43 and the amendments to §§ 3.12(c)(2) and 3.16(c)(2) as published on March 5, 1984, 49 FR 8208, of its regulations will become effective on May 31, 1984.

**EFFECTIVE DATE:** May 31, 1984.

**FOR FURTHER INFORMATION CONTACT:** Robert P. Shiner, Assistant Director for Registration, or Bruce A. Beatus, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254–9703 or (202) 254–8955, respectively.

**SUPPLEMENTARY INFORMATION:** On March 5, 1984, the Commission published in the **Federal Register** final rules to implement the provisions of sections 8a(1)–8a(4) of the Act, 7 U.S.C. 12a(1)–12a(4) (1982), which authorize the Commission to issue temporary licenses to applicants for registration and, further, establish a new system of statutory disqualifications from registration. 49 FR 8208. Certain technical and conforming amendments to the Commission's regulations also were published. With the exception of the rules relating to the Commission's temporary licensing program, §§ 3.12(c)(2), 3.16(c)(2) and 3.40–3.43, these rules became effective on April 4, 1984. However, the Commission deferred the effective date of the rules relating to the temporary licensing program until the necessary modifications had been made to the Commission's computer software, registration procedures, forms and other systems. The Commission also stated that it would publish a notice in the **Federal Register** fifteen (15) days before the effective date of these regulations.

The modifications are now complete and the Commission by this **Federal Register** release is providing notice that the effective date of §§3.40–3.43 and the amendments to §§ 3.12(c)(2) and 3.16(c)(2) of the Commission's regulations will be May 31, 1984.[1] Therefore, on and after May 31, 1984, applicants for registration as an associated person may receive a temporary license to act in the capacity of an associated person pending registration as such. The Commission wishes to remind applicants and their sponsors that in order to receive a temporary license, an applicant must file contemporaneously (1) a properly completed Form 8–R which contains no "Yes" answers to the Disciplinary History portion of the application indicating that the applicant may be subject to a statutory disqualification under sections 8a(2) through 8a(4) of the Act; (2) the fingerprints of the applicant on a fingerprint card provided by the Commission for that purpose; and (3) the sponsor's certification required by §§ 3.12(c), 3.16(c) or 3.18(c), as appropriate. *See* § 3.40.[2]

The Commission wishes to emphasize that if the temporary licensing program is to succeed, applicants and their sponsors must cooperate in ensuring that registration applications are both complete and accurate. In this connection, the Commission notes that sections 8a(2)(G) and 8a(3)(G) of the Act provide that a person may be disqualified from registration if such person willfully makes any material false or misleading statement or willfully omits to state any material fact in such person's application. 7 U.S.C. 12(a)(2)(G) and 12(a)(3)(G) (1982). The Commission believes that an applicant who willfully answers "No" to any question in the Disciplinary History portion of the Form 8–R when such applicant should have answered "Yes" has made a material false or misleading statement or has failed to state a material fact in such applicant's application and, thus, may be disqualified from registration solely on that basis.

The Commission further reiterates that a person who is subject to a

[1] The Commission has also sent a letter to each futures commission merchant, commodity trading advisor and commodity pool operator to notify them of this date. As discussed below, included in this letter is information on the manner by which applicants whose application for registration as an associated person is pending may be qualified to receive a temporary license.

[2] Although compliance with the requirements of § 3.40 may be sufficient for an applicant for registration as an associated person to receive a temporary license under the Commission's rules, the Commission notes that it recently approved rules of the National Futures Association which provide, with exceptions generally not relevant here, that no person may be registered as an associated person of an introducing broker or be associated with a futures commission merchant unless such person has taken and passed the National Commodity Futures Examination. Section II(a) of Schedule A (Bylaw 305) and Compliance Rule 2–24. Thus, until such person has taken and passed the National Commodity Futures Examination, an applicant for registration as an associated person of an introducing broker will not receive a temporary license, and an applicant for registration as an associated person of a futures commission merchant who receives a temporary license may not act in the capacity of an associated person.

statutory disqualification under section 8a(3) of the Act and, therefore, who does not qualify for a temporary license may nonetheless be registered as an associated person following investigation and consideration by the Commission. In this regard, the Commission reminds applicants and their sponsors that if the applicant answers "Yes" to any question in the Disciplinary History portion of the Form 8–R, copies of all relevant documents must be submitted with the application. The failure to include such documents will only delay a decision with respect to the applicant.

The Commission is aware that when the rules implementing the temporary licensing program become effective, a number of applications for registration as an associated person will be pending at the Commission. In order to afford these applicants the same benefits as new applicants, the Commission, in conjunction with the letter notifying sponsoring registrants of the effective date of the temporary licensing program, has sent to each futures commission merchant ("FCM") a list of all individuals sponsored by such FCM registered as associated persons or whose applications as such are pending with the Commission. The FCM has been asked to certify which applicants qualify for a temporary license in accordance with the provisions of § 3.40. Upon receipt of such certification, the Commission will issue qualifying applicants a temporary license.

Similar lists have not been sent to commodity trading advisors and commodity pool operators. However, these entities have been advised by letter that, upon receipt of the appropriate certification, temporary licenses will also be issued to qualifying applicants sponsored by such firms. The Commission also wishes to note that all associated person applications received by the Commission on and after May 14, 1984 which meet the requirements of § 3.40 will be processed as if the regulations relating to temporary licensing were in effect. Upon the effective date of these regulations, these applicants will be issued a temporary license.

Finally, the Commission wishes to remind sponsoring registrants that §§ 3.12(c)(2) and 3.16(c)(2), which formerly permitted sponsors to submit the required sponsor's certification after the applicant's application has been submitted, have been amended. Effective May 31, 1984, the sponsor's certification must be filed with the applicant's Form 8–R and fingerprint card, even if the applicant does not qualify for a temporary license. As the Commission noted in the **Federal Register** release adopting these amendments, the Commission believes that requiring applicants for associated person registration to submit fully completed registration applications will enhance the Commission's ability to process such applications in a timely fashion and avoid unnecessary delays.

Issued by the Commission on May 9, 1984, in Washington, D.C.

**Jean A. Webb,**

*Deputy Secretary of the Commission.*

[FR Doc. 84–13062 Filed 5–14–84; 8:45 am]

**BILLING CODE 6351–01–M**

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Part 45

**[Docket No. RM83–34–000; Order No. 374]**

## Application for Authority To Hold Interlocking Positions Requiring Approval Under Section 305(b) of the Federal Power Act

Issued: May 10, 1984.

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

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission is amending 18 CFR 45.8, the application for authority to hold interlocking positions under section 305(b) of the Federal Power Act. The rule reduces compliance burdens on applicants by removing certain filing requirements from the application and revising filing requirements in the application.

**EFFECTIVE DATE:** June 14, 1984.

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

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, J. David Hughes, A. G. Sousa and Oliver G. Richard III.

### I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending 18 CFR 45.8, which prescribes the reporting requirements for application for authority to hold interlocking positions that require Commission approval under section 305(b) of the Federal Power Act (FPA).[1] As part of its ongoing program of reviewing its filing requirements to eliminate the burden of reporting information that is not used in decisionmaking in the regulatory process, the Commission is amending § 45.8 in three ways. First, the rule removes several reporting requirements as unnecessary in the regulatory decisionmaking process. Second, the rule removes other reporting requirements because this information is supplied to the Commission in other filings. Third, the rule revises several reporting requirements to reduce the burden on applicants, while still supplying the Commission with all the information necessary to act on applications.

### II. Background

Section 305(b) of the FPA requires persons to apply to the Commission for authority to hold an "interlocking position". An "interlocking position" is one held by any person who holds the position of officer or director of more than one public utility, or the position of officer or director of a public utility and the position of officer or director of any bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility ("securities firm"), or the position of officer or director of any company supplying electrical equipment ("electrical equipment supplier") to such public utility. In an application for authority, an applicant must show the Commission that neither public nor private interests will be adversely affected by holding the applied-for positions.

The Commission issued Part 45 of its regulations to implement the provisions of section 305(b) of the FPA. Specifically, § 45.8 of the Commission's regulations prescribes the information that an applicant for authority to hold interlocking positions must submit to the Commission. As a result of reevaluating the reporting requirements of § 45.8, on July 11, 1983, the Commission issued a Notice of Proposed Rulemaking (NOPR) [2] in which the Commission proposed to delete certain reporting requirements and to revise other reporting requirements.

The Commission received 12 comments in response to the NOPR. All the commenters are public utilities or represent public utilities. All the commenters assert that the current application requires unnecessary

[1] 16 U.S.C. 825d(b) (1976).

[2] 48 FR 32,604 (July 18, 1983).

reporting by applicants, and they generally support the Commission's effort to reduce the filing burdens of § 45.8. However, in addition to comments about § 45.8, several commenters recommend that the Commission change regulations other than § 45.8, which govern authority to hold interlocking positions, and Part 46 that prescribes certain annual information reporting requirements for public utilities. These recommendations include the streamlining of procedures for obtaining authority to hold interlocking positions within a public utility holding company system, the streamlining of procedures for obtaining authority to change positions within the same company, and the elimination of reporting requirements that are said to be redundant in both Part 45 and Part 46. These recommended changes are outside the scope of this proceeding. The Commission has proposed only to amend § 45.8 at this time. Therefore, the Commission will consider such ideas in a later rulemaking.

## III. Amendments to the Application and Analysis of Comments

### *A. Changes Proposed and Adopted*

All the commenters support each of the changes proposed in the NOPR. Therefore, the Commission continues to believe that its proposed changes will reduce applicant's filing burdens while providing the Commission with sufficient information to analyze and act on applications for authority to hold interlocking positions. The Commission is amending § 45.8 in the following ways.

1. *Unused Information.* In evaluating whether an applicant's holding of the applied-for interlocking positions would adversely affect public or private interests, the Commission either does not typically use some of the information now required under § 45.8, or uses this information so seldom that the information need not to be required from all applicants on a generic basis. If the Commission finds that it needs this information to review an individual application, it can request the information under § 45.5.

Therefore, this rulemaking removes from § 45.8 the following unnecessary filing requirements: (1) The reasons why an application was not filed on a timely basis;[3] (2) any bankruptcy within the past five years of a public utility or any affiliate thereof, with which an interlocking position would be held;[4] (3) the states and dates of incorporation of a company with which an interlocking position would be held;[5] and (4) the states in which a securities firm, with which an interlocking position would be held, is doing business or is qualified to do business.[6]

2. *Information Available Elsewhere.* If an applicant already holds interlocking positions, the applicant is required under Part 46 to file annually a report containing information about all other corporations with which the applicant serves as a director or an officer.[7] Because the Commission already has this information, this rule allows such an applicant not to include this information in his application.

3. *Additional Reductions in Reporting Requirements.* This rulemaking revises certain reporting requirements to reduce the burden on an applicant, while still supplying the necessary information to the Commission. The rule revises the reporting requirements in three additional ways. First, § 45.8 is amended to provide that when an application is filed for an interlocking position as a director, the applicant is required to disclose the percentage of the directors meetings that the applicant attended as a director for other companies during the past 12 months. Under the existing rule, the applicant is required to disclose detailed information on when and where all such meetings were held, listing the ones that the applicant attended.

Second, § 45.8 is amended to provide, that when an application is for interlocking positions with a public utility and a securities firm, an applicant is required to disclose past dealings that occurred between the public utility and the securities firm while the applicant served as a director or an officer with the securities firm, for only the most recent 36 months. Under the existing rule, the applicant is required to disclose all past dealings that occurred between the public utility and the securities firm, while the applicant served as a director or an officer with the securities firm.[8]

Third, § 45.8 is amended to provide that, when an applicant is required to disclose an individual's address, the applicant is required to disclose only the individual's state of residence. Under the existing rule, the applicant is required to disclose the individual's full address.[9]

### *B. Changes in Response to Comment Recommendations*

The Commission received several recommendations for additional changes to § 45.8. These comments and the Commission's responses are as follows:

1. *Compensation Received.* The Commission requires applicants to report "all money or property received by applicant * * * during the past 12 months, whether for services, reimbursement for expenses, or otherwise"[10] from the public utility, securities firm, electrical equipment supplier or holding company, with which an interlocking position would be held. Commenters recommend that the Commission change this requirement in four ways. First, commenters recommend that the Commission allow applicants to report remuneration on the fiscal year basis of the company from which it is received, because companies already prepare such reports on a fiscal year basis. The Commission agrees that use of fiscal years will meet its needs. Also, several applicants have been reporting their compensation on a calendar year basis. The Commission finds that any of these time periods will meet its needs. Therefore, the Commission is amending § 45.8 to allow applicants to report compensation received for the past and ensuing 12 months, the past and current calendar years, or the past and current fiscal years of the payor.

Second, commenters recommend that the Commission remove the requirement of reporting compensation "expected during the ensuing 12 months," as being too speculative to be relevant to reviewing an application. The Commission agrees that applicants should not have to report purely speculative future compensation. However, the Commission interprets its current regulations to require only a good faith effort by an applicant to use past experience and current knowledge to make a reasonable estimate of compensation likely to be received from these sources within the ensuing year. Therefore, the Commission is not deleting this reporting requirement.

Third, commenters recommend that the Commission limit reporting of compensation to payments not common to all officers or directors, because payments common to all (*e.g.*, directors' fees) would not influence an officer or a director. And fourth, commenters

[3] 18 CFR 45.8(a)(4).

[4] 18 CFR 45 8(c)(11).

[5] 18 CFR 45.8 (d)(1), (e)(1) and (f)(1).

[6] 18 CFR 45.8(d)(2).

[7] Applicants that already hold interlocking positions annually report this information in form FERC–561, pursuant to § 46.6.

[8] 18 CFR 45.8(d)(9). The Commission believes that 36 months is a sufficiently long period to determine the relationship between the securities firm and the public utility.

[9] 18 CFR 45.8 (a)(1), (d)(7) and (e)(4).

[10] 18 CFR 45.8 (c)(8), (d)(6), (e)(8), and (f)(4).

recommend also that the Commission remove the requirement of reporting reimbursement of expenses, because such payments also would not influence an officer or a director. The Commission does not agree with these last two recommendations. The Commission considers all compensation received by an applicant from these sources to be relevant to an application, whatever the description given to the compensation. Therefore, the Commission is not amending this reporting requirement.

2. *Companies Rendering Services.* The Commission requires applicants to report "the name and address of principle place of business of any corporation which renders management, construction or other service to the public utility pursuant to contract or other continuing arrangement."[11] Two commenters argue that this reporting requirement is overly broad, that only such companies with which the applicant is affiliated should be reported. They also argue that strict compliance with this provision requires them to list hundreds of companies. A third commenter recommends that the Commission delete this reporting requirement altogether, as being irrelevant to the consideration of an application. The Commission uses the information only to determine whether an applicant might be unduly influenced by holding positions with service, management or construction companies that have long-term contracts with the utility. Therefore, the Commission agrees with the commenters that the Commission needs only a list of service companies with which the applicant is affiliated. Because § 45.8(g) already requires applicants to report all companies with which the applicant serves in any position, the Commission is removing the requirement that service companies be listed in an application.

3. *Information About Other Officers and Directors.* One commenter recommends that the Commission delete, as irrelevant to consideration of an application, the requirement of listing the "(n)ames of officers and directors; number of vacancies, if any, on Board of Directors" of the utility.[12] The Commission uses this information to determine the number of common directors among interlocking companies; the concentration of influence on a board resulting from common interlocks; and the relative voting power of each individual director. Therefore, the Commission is not deleting this reporting requirement.

[11] 18 CFR 45.8(c)(9).

[12] 18 CFR 45.8(c)(3).

4. *Defining Concepts.* One commenter requests the Commission to clarify the application's instructions by defining certain key concepts, such as "underwriting or participation in the marketing of the securities of a public utility." The Commission has attempted to do this on a case-by-case basis. However, the Commission does not believe that at this time it should attempt to generically define these concepts.

5. *Electrical Equipment Suppliers.* One commenter recommends that the Commission establish a *de minimis* test to determine whether an interlocking position with a company supplying a utility with electrical equipment requires authorization under section 305(b). Under this proposed *de minimis* test, the Commission would not require application for authorization to hold interlocking positions with a utility and a company supplying it with electrical equipment, if past equipment sales were below some set percentage of the utility's annual purchases.

The Commission has previously rejected such a proposal. In its decision, the Commission stated: "Section 305(b) speaks quite simply of a company supplying electrical equipment to the utility; the section contains no quantitative jurisdictional limitation, express or implied. So long as the company has been supplying electrical equipment to the utility, the volume of past or potential sales is not determinative—of the *jurisdictional* matter."[13] The Commission continues to reject adoption of a *de minimis* test, for the same reasons.

## IV. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires agencies to prepare certain statements, descriptions and analyses of rules that will have "a significant economic impact on a substantial number of small entities." The Commission is not required to make such analyses if a rule will not have such an impact.

Applicants for authorization to hold interlocking positions under section 305(b) of the Federal Power Act submit an application for such authorization under § 45.8 of the Commission's regulations. The Commission does not believe that the burden to the applicants in preparing and submitting an application causes applicants to incur significant economic burdens. The changes being made to the application pursuant to this rulemaking reduce that burden. Therefore, pursuant to section 605(b) of the RFA, the Commission certifies that this rule will not have a "significant economic impact on a substantial number of small entities."

[13] Charles T. Fisher III, 9 FERC ¶ 61,096 (1979).

## V. Paperwork Reduction Act Statement and Effective Date

The information collection provisions of this rule have been submitted to and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501–3520 (Supp. V 1981), and OMB's regulations, 46 FR 13666, 13694 (Mar. 32, 1983) (to be codified at 5 CFR Part 1320). Interested persons can obtain information on the information collection provisions by contacting the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 (Attention: Joseph H. Long, (202) 357–8033). Comments on the information collection provisions can be sent to the Office of Information and Regulatory Affairs of OMB (Attention: Desk Officer of the Federal Energy Regulatory Commission). This rule will become effective June 14, 1984.

### List of Subjects in 18 CFR Part 45

Electric utilities.

In consideration of the foregoing, the Commission amends Part 45 of Chapter I, Title 18 of the Code of Federal Regulations as set forth below.

By the Commission.

**Kenneth F. Plumb,**

*Secretary.*

## PART 45—[AMENDED]

1. The authority citation for Part 45 is revised to read as follows:

Authority: Federal Power Act, 16 U.S.C. 792–828c; Department of Energy Organization Act, 42 U.S.C. 7701–7352; Exec. Order No. 12,009, 3 CFR 142 (1978).

### § 45.8 [Amended]

2. Section 45.8 is amended by removing paragraphs (a)(4), (c)(9), (c)(11), and (d)(2).

3. Section 45.8 is amended by redesignating paragraph (c)(10) as (c)(9) and paragraphs (d)(3) through (d)(14) as (d)(2) through (d)(13).

4. Section 45.8 is amended by revising newly redesignated paragraphs (a)(1), (c)(1), (c)(4), (c)(8), (d)(1), (d)(3), (d)(5), (d)(6), (d)(8), (d)(9), (d)(10), (d)(11), (d)(12), (e)(1), (e)(3), (e)(4), (e)(8), (f)(1), (f)(4), and the introductory text of paragraph (g), as follows:

### § 45.8 Contents of Application: Filing fee.

* * * * *

(a) *Identification of applicant.* (1) Full name, business address and state of residence.

* * * * *

(c) * * *

(1) Name of utility.

* * * * *

(4) Description of applicant's duties: Approximate amount of time devoted thereto; and, if applicant seeks authorization as a director, the percentage of directors meetings held during the past 12 months that were attended by the applicant.

* * * * *

(8) All money or property received by applicant from the public utility or any affiliate (i) during the past 12 months, and expected during the ensuing 12 months, or (ii) during the public utility's most recently ended fiscal year, and expected during the public utility's current fiscal year, or (iii) during the past and current calendar years, whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor. If applicant's compensation for services to the public utility is not paid directly by the public utility, give name of the corporation that does pay same, the amount allocated or allocable to the public utility or any affiliate, and the basis or reason for such allocation.

* * * * *

(d) * * *

(1) Name of corporation and address of principal place of business.

* * * * *

(3) Description of applicant's duties in each position and the approximate amount of time devoted thereto, and, if applicant seeks authorization as director, the percentage of directors meetings held during the past 12 months that were attended by the applicant.

* * * * *

(5) All money or property received by applicant from the company (i) during the past 12 months, and expected during the ensuing 12 months, or (ii) during the company's most recently ended fiscal year, and expected during the company's current fiscal year, or (iii) during the past and current calendar years, whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

(6) Names and titles of directors, officers, or partners.

* * * * *

(8) Whether the corporation, during applicant's connection therewith, has underwritten or participated in the marketing of the security issue of any public utility with which applicant was also connected; if so, the details with respect to every such transaction that occurred during the past 36 months.

(9) (If the answer to paragraph (d)(7) of this section is in the negative.) Give excerpts from the charter, declaration of trust, or articles of partnership that authorize the underwriting or participating in the marketing of securities of a public utility.

(10) (If the answer to paragraph (d)(7) of this section is in the negative.) Give general requirements of and appropriate reference to, the laws of the State of organization and of States in which corporation is doing business or has qualified to do business, with which it must comply in order to engage in the business of underwriting or participating in the marketing of the securities of a public utility.

(11) What steps, if any, have been taken to comply with laws mentioned in paragraph (d)(10) of this section.

(12) In lieu of paragraphs (d)(9), (10), and (11) of this section, an opinion by counsel to the same effect and including the information in respect thereto may be filed with the application.

* * * * *

(e) * * *

(1) Name of company and address of principal place of business.

* * * * *

(3) Description of applicant's duties in each position and approximate amounts of time devoted thereto, and, if applicant seeks authorization as director, the percentage of directors meetings held during the past 12 months that were attended by the applicant.

(4) Names and titles of directors or partners.

* * * * *

(8) All money or property received by applicant from the company (i) during the past 12 months, and expected during the ensuing 12 months, or (ii) during the company's most recently ended fiscal year, and expected during the company's current fiscal year, or (iii) during the past and current calendar years, whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

(f) * * *

(1) Name of holding company and address of principal place of business.

* * * * *

(4) All money or property received by applicant from the holding company (i) during the past 12 months, and expected during the ensuing 12 months, or (ii) during the holding company's most recently ended fiscal year, and expected during the holding company's current fiscal year, or (iii) during the past and current calendar years, whether for services, reimbursement for expenses, or otherwise. Specify in detail the amount thereof and the basis therefor.

(g) *Positions with all other corporations.* (Do not include here data that have been filed within the past 12 months in FERC–561, pursuant to Part 46 of this chapter, or data as to any corporations listed in paragraph (b) or (f) of this section.)

* * * * *

[FR Doc. 84–13046 Filed 5–14–84; 8:45 am]

BILLING CODE 6717–01–M

## TENNESSEE VALLEY AUTHORITY

### 18 CFR Part 1302

### Nondiscrimination in Federally Assisted Programs of TVA; Effectuation of Title VI of the Civil Rights Act of 1964

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Final rule.

**SUMMARY:** This final rule amends Part 1302 of TVA's regulations, as redesignated by 44 FR 30682. Part 1302 implements the requirements of Title VI of the Civil Rights Act of 1964, as amended, insofar as that title applies to programs which receive financial assistance from TVA. The amendments adopt suggestions from the Department of Justice and the Office of Management and Budget which clarify and improve the regulation. Other sections are revised to remove unnecessary gender-specific language, pursuant to TVA's commitment to the Task Force on Sex Discrimination. The addition of "program or activity" language in various parts of the regulation is intended to conform the regulation to the language of Title VI. Title VI reads "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any *program or activity receiving Federal financial assistance.* 42 U.S.C. 2000d (emphasis supplied). *See also North Haven Bd. of Educ.* v. *Bell,* 456 U.S. 512, 535–40 (1982).

**EFFECTIVE DATE:** June 14, 1984.

**FOR FURTHER INFORMATION CONTACT:** William L. Osteen, Jr., Associate General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11B37, Knoxville, Tennessee 37902 (615) 632–4142.

**SUPPLEMENTARY INFORMATION:** TVA has determined that this rule will not be a

"major" rule under Executive Order No. 12291 and will not have a significant economic impact on a substantial number of "small entities"as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)). The amended regulation does impose paperwork requirements subject to the Paperwork Reduction Act of 1980. These requirements will be submitted to the Office of Management and Budget for clearance under the applicable procedures.

TVA published the proposed rulemaking in the **Federal Register** on December 9, 1983 (48 FR 55140–43), and invited comments through January 27, 1984. No comments were received.

**List of Subjects in 18 CFR Part 1302**

Civil rights.

Accordingly, TVA is promulgating this final rule as proposed.

Dated: April 30, 1984.

**W. F. Willis,**

*General Manager.*

## PART 1302—[AMENDED]

18 CFR Part 1302 is amended as follows:

1. By revising the authority statement to read as follows:

**Authority:** TVA Act, 48 Stat. 58 (1933) as amended, 16 U.S.C. 831–831dd, and section 602 of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d–1.

2. By revising paragraph (d) of § 1302.2 to read as follows:

**§1302.2 Application of this part.**

* * * * *

(d) Any employment practice, under any such program, of any employer, employment agency, or labor organization, unless such practice exists in a program where a primary objective of the TVA financial assistance is to provide employment; or where such practice subjects persons to discrimination in the provision of services and benefits on the grounds of race, color, or national origin in a program or activity receiving Federal financial assistance from TVA.

3. By adding a new § 1302.13 to read as follows:

**§1302.13 Definitions**

(a) TVA, as used in these regulations, refers to the Tennessee Valley Authority, as created by the Tennessee Valley Authority Act of 1933, 48 Stat. 58, *as amended*, 16 U.S.C. 831–831dd. *See also* paragraph (e) of § 1302.6.

(b) Recipient refers to any person, group, or other entity which either receives financial assistance from TVA, or which has been denied such assistance.

(c) Assistant Attorney General refers to the Assistant Attorney General, Civil Rights Division, Department of Justice.

(d) Title VI refers to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.*

**§ 1302.3 [Redesignated as § 1302.4]**

4. By redesignating § 1302.3 as § 1303.4 and by revising paragraphs (a) and (b)(1) introductory text (iii), (v), and (vi) of the newly redesignated § 1302.4 to read as follows:

**§ 1302.4 Discrimination prohibited.**

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from TVA. For the purposes of this part, the following definitions of race and ethnic group apply:

(1) *Black, not of Hispanic origin.* A person having origins in any of the black racial groups of Africa;

(2) *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

(3) *Asian or Pacific Islander.* A person having origin in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa;

(4) *American Indian or Alaskan Native.* A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition;

(5) *White, not of Hispanic origin.* A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Additional subcategories based on national origin or primary language spoken may be used where appropriate.

(b) *Specific discriminatory actions prohibited.*

(1) A recipient under any program or activity receiving Federal financial assistance from TVA may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:

* * * * *

(iii) Subject an individual to segregation or separate treatment in any manner related to that individual's receipt of any service, financial aid, or other benefit under the program;

* * * * *

(v) Treat an individual differently from others in determining whether any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program has been satisfied.

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford that individual an opportunity to do so which is different from that afforded others under the program.

**§ 1302.4 [Redesignated as § 1302.5]**

5. By redesignating § 1302.4 as § 1302.5 and by revising the first and the third sentences of paragraph (a) of the newly redesignated § 1302.5 to read as follows:

**§ 1302.5 Assurances required.**

(a) TVA contributes financial assistance only under agreements which contain a provision which specifically requires compliance with this part in programs or activities receiving Federal financial assistance from TVA. * * * Where the financial assistance involves the furnishing of personal property, the agreement shall obligate the recipient for the period during which the recipient retains ownership or possession of the property.

* * * * *

**§ 1302.5 [Redesignated as § 1302.6]**

6. By redesignating § 1302.5 as § 1302.6.

**§ 1302.6 [Redesignated as § 1302.7]**

7. By redesignating § 1302.6 as § 1302.7] and by revising it to read as follows:

**§ 1302.7 Compliance reviews and conduct of investigations.**

(a) *Preaward compliance reviews.* (1) Prior to approval of financial assistance, TVA will make a determination as to whether the proposed recipient is in compliance with Title VI and the requirements of this part with respect to a program or activity for which it is seeking Federal financial assistance from TVA. The basis for such a determination shall be submission of an assurance of compliance and a review of the data and information submitted by the proposed recipient, any relevant compliance review reports on file with TVA, and any other information available to TVA. Where a determination cannot be made from this data, TVA will require the submission of necessary additional information and may take additional steps. Such additional steps may include, for example, communicating with local

government officials, protected class organizations, and onsite reviews.

(2) No proposed recipient shall be approved unless it is determined that the proposed recipient is in compliance with Title VI and this part or has agreed in writing to take necessary specified steps within a stated period of time to come into compliance with Title VI and this part. Such an agreement must be approved by TVA and made a part of the conditions of the agreement under which the financial assistance is provided.

(3)(i) Where TVA finds that a proposed recipient may not be in compliance with Title VI and this part, TVA shall notify the proposed recipient and the Assistant Attorney General for Civil Rights in writing of:

(A) The preliminary findings setting forth the alleged noncompliance;

(B) Suggested actions for correcting the alleged noncompliance; and

(C) The fact that the proposed recipient has 10 days to correct the alleged noncompliance or to provide during this time a written submission responding to or rebutting the preliminary findings or suggested corrective actions set forth in the notice.

(ii) If within this 10-day period the proposed recipient has not agreed to the suggested actions set forth or to other actions that would correct the alleged noncompliance under paragraph (a)(3)(i)(B) of this section, or the preliminary findings set forth in paragraph (a)(3)(i)(A) of this section have not been rebutted to TVA's satisfaction, or voluntary compliance has not been otherwise secured, TVA shall make a formal determination of compliance or noncompliance, notify the proposed recipient, and the Assistant Attorney General for Civil Rights and institute proceedings (including provision of an opportunity for a hearing) under § 1302.8 of this part.

(b) *Postaward compliance reviews.* (1) TVA may periodically conduct compliance reviews of selected recipients in their programs or activities receiving TVA financial assistance, including the request of data and information, and may conduct onsite reviews where it has reason to believe that discrimination may be occurring in such programs or activities.

(2) Selection for review shall be made on the basis of the following criteria among others:

(i) The number and nature of discrimination complaints filed against a recipient with TVA or other Federal agencies;

(ii) The scope of the problem revealed by an investigation commenced on the basis of a complaint filed with TVA against a recipient; and

(iii) The amount of assistance provided to the recipient.

(3) Within 15 days after selection of a recipient for review, TVA shall inform the recipient that it has been selected for review. The review will ordinarily be initiated by a letter requesting data pertinent to the review and advising the recipient of:

(i) The practices to be reviewed;

(ii) The program or activities affected by the review;

(iii) The opportunity to make, at any time prior to receipt of the final TVA findings with respect to the review pursuant to paragraph (b)(5) of this section, a documentary submission responding to TVA which explains, validates, or otherwise addresses the practices under review; and

(iv) The schedule under which the review will be conducted and a determination of compliance or noncompliance made.

(4) Within 180 days of initiation of a review, TVA shall advise the recipient, in writing of:

(i) Its preliminary findings;

(ii) Where appropriate, recommendations for achieving voluntary compliance;

(iii) The opportunity to request TVA to engage in voluntary compliance negotiations prior to TVA's final determination of compliance or noncompliance. TVA shall notify the Assistant Attorney General at the time it notifies the recipient of any matter where recommendations for achieving voluntary compliance are made; and

(iv) TVA's General Manager may extend the 180-day period for good cause shown.

(5) If, within 50 days of the recipient's notification under paragraph (b)(4) of this section, TVA's recommendations for compliance are not met or voluntary compliance is not secured, and the preliminary findings have not been rebutted to TVA's satisfaction, TVA shall make a final determination of compliance or noncompliance. The determination is to be made no later than 14 days after the conclusion of the 50-day negotiation period. TVA's General Manager may extend the 14-day period for good cause shown.

(6) Where TVA makes a formal determination of noncompliance on a postaward review, the recipient and the Assistant Attorney General shall be immediately notified in writing of the determination and of the fact that the recipient has an additional 10 days in which to come into voluntary compliance. If voluntary compliance has not been achieved within the 10 days, TVA shall institute proceedings under §1302.8 of this part.

(7) All agreements to come into voluntary compliance shall be in writing and signed by TVA and an official who has authority to legally bind the recipient.

(c) *Complaint investigation.* (1) TVA shall investigate complaints of discrimination in a program or activity receiving Federal financial assistance from TVA that allege a violation of Title VI or this part.

(2) No complaint will be investigated if it is received by TVA more than 180 days after the date of the alleged discrimination unless the time for filing is extended by TVA for good cause shown. Where a complaint is accepted for investigation, TVA will initiate an investigation. The complainant shall be notified in writing as to whether the complaint has been accepted or rejected.

(3) TVA shall conduct investigations of complaints as follows:

(i) Within 10 days of receipt of a complaint, the Director of Equal Opportunity Compliance shall:

(A) Determine whether TVA has jurisdiction under paragraphs (c) (1) and (2) of this section;

(B) If jurisdiction is not found, wherever possible refer the complaint to the Federal agency with such jurisdiction and advise the complainant;

(C) If jurisdiction is found, notify the recipient alleged to be in violation of the receipt and acceptance of the complaint; and

(D) Initiate the investigation.

(ii) The investigation will ordinarily be initiated by a letter to the recipient requesting data pertinent to the complaint and informing the recipient of:

(A) The nature of the complaint, and with the written consent of the complainant, the identity of the complainant;

(B) The program or activities affected by the complaint;

(C) The opportunity to make, at any time prior to receipt of TVA's final findings under paragraph (c)(5) of this section, a documentary submission, responding to, rebutting, or denying the allegations made in the complaint; and

(D) The schedule under which the complaint will be investigated and a determination of compliance or noncompliance made.

(iii) Within 180 days of the initiation of a complaint investigation, TVA shall advise the recipient, in writing, of:

(A) Preliminary findings;

(B) Where appropriate, recommendations for achieving voluntary compliance; and

(C) The opportunity to request TVA to engage in voluntary compliance negotiations prior to TVA's final determination of compliance or noncompliance. TVA shall notify the Assistant Attorney General at the time the recipient is notified of any matter where recommendations for achieving voluntary compliance are made.

(4) If, within 50 days of the recipient's notification under paragraph (c) of this section, TVA's recommendations for compliance are not met, or voluntary compliance is not secured, and the preliminary findings have not been rebutted to TVA's satisfaction, TVA shall make a formal determination of compliance or noncompliance. The determination is to be made no later than 14 days after conclusion of a 50-day negotiation period, whenever possible.

(5) Where TVA makes a formal determination of noncompliance, the complainant, the recipient, and the Assistant Attorney General shall be immediately notified in writing of the determination and of the fact that the recipient has an additional 10 days in which to come into compliance. If voluntary compliance has not been achieved within the 10 days, TVA shall institute proceedings under § 1302.8 of this part. The complainant shall also be notified of any action taken including the closing of the complaint or the achievement of voluntary compliance. All agreements to come into voluntary compliance shall be in writing and signed by TVA and an official who has authority to legally bind the recipient and shall be made available to the complainant on request.

(6) If the complainant or party other than TVA has filed suit in Federal or State court alleging the same discrimination as alleged in a complaint pending before TVA, and if during TVA's investigation the trial of that suit would be in progress, TVA will consult with the Assistant Attorney General and court records to determine the need to continue or suspend the investigation and will monitor the litigation through the court docket and contacts with the complainant. Upon receipt of notice that the court has made a finding of discrimination against a recipient that would constitute a violation of this part, TVA shall institute proceedings as specified in § 1302.8 of this part. All agreements to come into voluntary compliance shall be in writing and signed by TVA and an official who has authority to legally bind the recipient.

(7) The time limits listed in paragraphs (c)(3) through (c)(5) of this section shall be appropriately adjusted where TVA requests another Federal agency to act on the complaint. TVA shall monitor the progress of the matter through liaison with the other agency. Where the request to act does not result in timely resolution of the matter, TVA shall institute appropriate proceedings as required by this part.

(d) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of Title VI or this part, or because such individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this regulation, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

(e) *Enforcement authority.* TVA's Director of Equal Opportunity Compliance, or a successor as designated by TVA's Board of Directors, will be responsible for all decisions about initiating compliance reviews and complaint investigations. TVA's General Manager, or a successor as designated by TVA's Board of Directors, shall be responsible for all decisions about initiating compliance actions under § 1302.8(a) of this part.

**§ 1302.7 [Redesignated as § 1302.8]**

8. By redesignating § 1302.7 as § 1302.8, adding a new sentence to the end of paragraph (a) and amending the first sentence of paragraph (b) of the newly redesignated § 1302.8. The new sentence in paragraph (a) and the amended sentence in paragraph (b) read as follows:

**§ 1302.8 Procedure for effecting compliance.**

(a) * * * The Assistant Attorney General, Civil Rights Division, Department of Justice, will be notified of all findings of probable noncompliance at the same time the recipient or applicant is notified.

(b) If anyone requesting financial assistance declines to furnish the assurance required under § 1302.5 of this part, or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, financial assistance may be refused in accordance with the procedures of paragraph (c) of this section.

* * * * *

**§ 1302.8 [Redesignated as § 1302.9.**

9. By redesignating § 1302.8 as § 1302.9.

**§ 1302.9 [Redesignated as § 1302.10]**

10. By redesignating § 1302.9 as § 1302.10 and by revising paragraphs (a) and (g) of the newly redesignated § 1302.10 to read as follows:

**§ 1302.10 Decisions and notices.**

(a) *Decision by a member of the TVA Board or a hearing examiner.* A member of the TVA Board or a hearing examiner who holds the hearing shall either make an initial decision or certify the entire record, including the Board member's or examiner's recommended findings and proposed decision, to the TVA Board for a final decision. A copy of such initial decision or certification shall be mailed to the recipient. Where the initial decision is made by a member of the TVA Board or a hearing examiner, the recipient may file exceptions to the initial decision, together with a statement of reasons therefor. Such exceptions and statement shall be filed with the TVA Board within 30 days of the date the notice of initial decision was mailed to the recipient. In the absence of exceptions, the TVA Board may on its own motion within 45 days after the initial decision serve on the recipient a notice that the TVA Board will review the decision. Upon the filing of such exceptions or of such notice of review, the TVA Board shall review the initial decision and issue its own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review, the initial decision shall constitute the final decision of the TVA Board.

* * * * *

(g) *Posttermination proceedings.* (1) A recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.

(2) Any recipient or proposed recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request TVA to restore fully the recipient's eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the recipient has met the requirements of paragraph (g)(1) of this section. If TVA determines that those requirements have been satisfied, TVA shall restore such eligibility.

(3) If TVA denies any such request, the recipient may submit a written request for a hearing specifying why it

believes TVA to have been in error. The recipient shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by TVA. The recipient will be restored to such eligibility if the recipient proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

**§ 1302.11 [Redesignated as § 1302.12]**

11. By redesignating § 1302.11 as § 1302.12 and by revising paragraph (a)(1) of the newly redesignated § 1302.12 to read as follows:

**§ 1302.12 Effect on other regulations; supervision and coordination.**

(a) * * *

(1) Executive Order 12250 and regulations issued thereunder.

* * * * *

[FR Doc. 84-12967 Filed 5-14-84; 8:45 am]

BILLING CODE 8120-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 122

**[Docket No. 82N-0285]**

### Smoked and Smoke-Flavored Fish; Current Good Manufacturing Practice

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is revoking the current good manufacturing practice (CGMP) regulation for smoked and smoke-flavored fish. The action was proposed because the United States Court of Appeals for the Second Circuit held that, with respect to smoked whitefish, the regulation was promulgated in an arbitrary manner and is invalid.

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

**FOR FURTHER INFORMATION CONTACT:** F. Leo Kauffman, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0107.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of October 21, 1983 (48 FR 48836), FDA published a proposal to revoke the CGMP regulation for smoked and smoke-flavored fish, codified as 21 CFR Part 122. The action was proposed because the United States Court of Appeals for the Second Circuit held that, with respect to smoked whitefish, the regulation was promulgated in an arbitrary manner and is invalid.

Interested persons were given until December 20, 1983, to comment on the proposal. One comment in support of the proposal was received from a trade association. Therefore, for the reasons stated in the proposal, the agency is revoking the final regulation.

Because the regulations have not been enforced since the 1977 court ruling, the revocation of the regulations will have little or no economic impact. Therefore, FDA has determined that this final rule to revoke the regulations has no economic effects and therefore is not a major rule under Executive Order 12291. For the same reason, FDA certifies, in accordance with section 605(b) of the Regulatory Flexibility Act, that no significant economic impact on a substantial number of small entities will derive from this action.

**List of Subjects in 21 CFR Part 122**

Fish, Good manufacturing practices, Smoked fish.

**PART 122—[REMOVED]**

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a)(4), 371(a))) and under 21 CFR 5.11, Chapter I of Title 21 of the Code of Federal Regulations is amended by removing Part 122—Smoked and Smoke-Flavored Fish.

*Effective date.* May 15, 1984.

(Sec. 402(a)(4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a)(4), 371(a)))

Dated: May 1, 1984.

**Mark Novitch,**

*Acting Commissioner of Food and Drugs.*

**Margaret M. Heckler,**

*Secretary of Health and Human Services.*

[FR Doc. 84-12955 Filed 5-14-84; 8:45 am]

BILLING CODE 4160-01-M

### 21 CFR Part 520

### Oral Dosage Form New Animal Drugs Not Subject to Certification; Fenbendazole Powder

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Ralston-Purina Co., providing for the safe and effective use of 1.5 percent fenbendazole powder in swine feed as an anthelmintic.

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

**FOR FURTHER INFORMATION CONTACT:** Benjamin A. Puyot, Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

**SUPPLEMENTARY INFORMATION:** Ralston-Purina Co., Checkerboard Square, St. Louis, MO 63164, filed NADA 136-116 providing for the safe and effective use of 1.5 percent (1.7 grams per 4-ounce packet) fenbendazole powder in swine feed as an anthelmintic. The NADA is approved and the regulations are amended to reflect the approval.

Approval of this NADA relies on data and information in American Hoechst's NADA 131-675 for use of a similar product—4 percent (2.27 grams per 2-ounce packet) fenbendazole powder. NADA 131-675 identifies Ralston-Purina as an alternate manufacturer of Hoechst's fenbendazole products. Hoechst supplies the fenbendazole used by Ralston-Purina. Hoechst has authorized referencing of safety, effectiveness, and manufacturing data and information in NADA in 131-675 to support approval of Ralston-Purina's NADA. Accordingly, the freedom of information summary for the Hoechst approval which published in the **Federal Register** of January 31, 1984 (49 FR 3845) also applies to this approval.

Although this approval is for an original NADA, for review purposes, it is considered equivalent to a Category II supplemental NADA (42 FR 63467; December 23, 1977). This approval provides for use of a less concentrated product without changing the conditions of use approved for Hoechst's product. Consequently, approval of this NADA does not increase human risk from exposure to residues of the new animal drug, nor does it alter the approved safe and effective use in swine. Therefore, this approval did not require reevaluation of the safety and effectiveness data in the parent application.

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

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.905d by revising paragraphs (a) and (b), to read as follows:

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

**§ 520.905d Fenbendazole powder.**

(a) *Specifications.* (1) Each 2-ounce packet contains 2.27 grams (4 percent) of fenbendazole plus other inert ingredients.

(2) Each 4-ounce packet contains 1.7 grams (1.5 percent) of fenbendazole plus other inert ingredients.

(b) *Sponsors.* (1) See No. 012799 in § 510.600(c) of this chapter for use of the 4-percent product.

(2) See No. 017800 in § 510.600(c) of this chapter for use of the 1.5-percent product.

* * * * *

*Effective date:* May 15, 1984.

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

Dated: May 4, 1984.

**Lester M. Crawford,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 84-12956 Filed 5-14-84; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

### 24 CFR Part 16

**[Docket No. R-84-1042; FR-1628]**

### Implementation of the Privacy Act of 1974

**AGENCY:** Office of Secretary, HUD.

**ACTION:** Final rule.

**SUMMARY:** This rule exempts HUD's "Investigation Files," a system of records maintained by the Department's Office of Inspector General, from compliance with the applicable provisions of the Privacy Act. The Secretary has determined that, because the "Investigation Files" pertain principally to the enforcement of criminal laws, this system of records may be excepted from the Privacy Act under the general exemption authority of the Privacy Act.

**EFFECTIVE DATE:** June 25, 1984.

**FOR FURTHER INFORMATION CONTACT:** Arthur L. Stokes, Privacy Act Officer, Room 4178, 451 Seventh Street SW., Washington, D.C. 20410, Telephone Number (202) 755-5320. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On December 20, 1982, the Department published this rule as a proposed rule at 47 FR 56660. The public comment period has closed, and no comments have been submitted. Accordingly, the Department is publishing the rule as final.

The Department's implementation of the Privacy Act (5 U.S.C. 552a) (the Act) is set forth in Part 16 of Title 24, Code of Federal Regulations. The purpose of this part is to "establish policies and procedures" for the implementation of the Privacy Act, 24 CFR 16.1. Part of that implementation includes the publication of systems of records which are exempt from certain requirements of the Privacy Act, as determined by the Secretary, under either the general or specific exemption authority of the Act, 5 U.S.C. 522a (j) or (k). A general exemption is set forth at 24 CFR 16.14 and specific exemptions at 24 CFR 16.15.

The specific exemption provision of the Privacy Act authorizes exemption for systems of records from many of the notice and access requirements of the Act but does not affect the applicability of the remaining Privacy Act requirements. HUD's Office of Inspector General, as part of the Department's compliance with the Privacy Act, maintains a system of records identified as "Investigation Files, HUD/Dept. 24." A description of the system was last published on March 20, 1984 at 49 FR 10372. HUD's specific exemptions listed in 24 CFR 16.15 identify this system of records as exempt from certain Privacy Act requirements under 5 U.S.C. 522a (k) (2) and (5). These two specific exemption categories cover investigative material compiled (1) for law enforcement purposes (other than material within the scope of the general exemption provision) and (2) for the purpose of determining suitability, eligibility or qualification for Federal civilian employment or Federal contracts.

The general exemption provision authorizes exemption from all of the Privacy Act's requirements except for certain recordkeeping and publication requirements, 5 U.S.C. 552a(j). It is applicable to any system of records maintained by an agency or component thereof which performs as its principal function activity pertaining to the enforcement of criminal laws. In addition, such records must consist of one of three categories of criminal records. One such category, applicable to HUD's OIG system of records, involves information compiled for the purpose of a criminal investigation and associated with an identifiable individual.

HUD's Office of Inspector General—in particular, the Assistant Inspector General for Investigation—performs, as its principal function, activities pertaining to enforcement of criminal laws, including efforts to prevent, control of reduce crime. The "Investigation Files" system of records consists primarily of information compiled for the purpose of criminal investigations, including reports of informants and investigators, that are associated with identifiable individuals. The Secretary has determined, therefore, that a general exemption under Section 552a(j)(2) of the Privacy Act, is applicable to this system of records for only those files which pertain to criminal investigations. Accordingly, the rule amends 24 CFR 16.14 by adding a new general exemption (in a new paragraph (b)).

It should be noted that the Office of Inspector General, after adoption of this rule, will continue its longstanding policy of permitting access to *issued* investigative reports by subjects of such investigations under the Freedom of Information Act (FOIA). Both the specific and general exemptions under the Privacy Act technically permit an agency to deny the subject of an investigation access to an investigative report, even where the underlying investigation has been completed. HUD's Office of Inspector General has not, and will not, deny access on this basis after an investigation is completed and the report is issued. Such access, however, must be obtained under FOIA and would not provide the requester such Privacy Act rights as record amendment and judicial review of agency refusal to amend.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order 12291 on Federal Regulations. An analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-

based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD Regulations in 24 CFR Part 50, which implement Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street SW., Washington, D.C. 20410.

Consistent wth the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. This finding is based upon the fact that the Privacy Act is not applicable to corporate and most partnership records unless retrievable by the name of a natural person, in which case the business entity itself would not be directly affected. Moreover, the effect of the rule is not to substantively alter existing procedures.

This rule was listed as ADMIN–4–82 in the Department's Semi-Annual Agenda of Regulations published in the **Federal Register** on April 19, 1984 (49 FR 15902, 15957) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance is not applicable.

**List of Subjects in 24 CFR Part 16**

Privacy.

## PART 16—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Accordingly, the Department amends 24 CFR Part 16 as follows:

Section 16.14 is amended by adding paragraph (b) as follows:

**§ 16.14 General exemptions.**

* * * * *

(b) The Secretary of Housing and Urban Development has determined that the Office of the Assistant Inspector General for Investigation performs, as its principal function, activities pertaining to the enforcement of criminal laws. The records maintained by that office in a system identified as "HUD/DEPT–24, Investigation Files," primarily consist of information compiled for the purpose of criminal investigations and are associated with identifiable individuals. Therefore, the Secretary has determined that this system of records shall be exempt, consistent with 5 U.S.C. 552a(j)(2), from all requirements of the Privacy Act except 5 U.S.C. 552a(b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) unless elsewhere exempted.

(Privacy Act of 1974 (5 U.S.C. 552a(j)(2)); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: May 9, 1984.

**Samuel R. Pierce, Jr.,**

*Secretary.*

[FR Doc. 84–13071 Filed 5–14–84; 8:45 am]

BILLING CODE 4210–32–M

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## Office of the Assistant Secretary for Community Planning and Development

## 24 CFR Part 511

**[Docket No. R–84–1156; FR–1901]**

## Rental Rehabilitation Program

*Correction*

In FR Doc. 84–10355 beginning on page 16936, in the issue of Friday, April 20, 1984, make the following corrections.

On page 16957, first column, entry 305 should read:

"Mansfield, Ohio.....51.....55.3".

In the third column, entry 392 should read:

"Newport News, Virginia.....51.....128.6".

BILLING CODE 1505–01–M

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## Office of Assistant Secretary for Housing-Federal Housing Commissioner

## 24 CR Part 885

**[Docket No. R–84–1124; FR–1824]**

## Payment and Performance Bond Requirements; Loans for Housing for the Elderly or Handicapped

**AGENCY:** Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** This rule amends HUD's regulations governing the direct loan program for elderly or handicapped housing (24 CFR Part 885) to increase the amount of payment and performance bond coverage serving as assurance of completion of construction or rehabilitation from 50 percent to 100 percent of the total cost of construction or rehabilitation for each bond. This change brings these regulations into line with recently published policy for HUD's multifamily mortgage insurance programs and provides the Department with additional security and protection at no additional cost for borrowers or construction contractors.

**EFFECTIVE DATE:** June 25, 1984.

**FOR FURTHER INFORMATION CONTACT:** Robert W. Wilden, Director, Elderly and Handicapped Housing Division, Room 6146, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, telephone (202) 426–8730. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** This final rule amends the performance and payment bond requirements for the direct loan program for elderly or handicapped housing (24 CFR 885.415(n)). The size of each bond is increased from 50 percent to 100 percent of the total construction or rehabilitation cost. The rule also amends § 885.415(n) to require that the surety company be acceptable to the Assistant Secretary.

These amendments bring these policies into conformity with similar policies governing the Department's multifamily mortgage insurance programs. (See 48 FR 44068 (Sept. 27, 1983), concerning bonding requirements, and 24 CFR 207.19(c)(6) concerning surety acceptability.)

The Department published a proposed rule in the **Federal Register** (48 FR 52941) on November 23, 1983 seeking public comment on the above amendments, and received one comment letter which was favorable. The Department, accordingly, is publishing these amendments as they were proposed.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address set forth above.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulations. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of one hundred million dollars or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under Section 605(b) of the Regulatory Flexibility Act, the

Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The additional protection afforded HUD by 100 percent bonds should not involve significant increases in costs, nor affect a contractor's ability to furnish bonds.

The rule was listed at 48 FR 47447 as Item No. H-57-83 in the Department's most recent Semiannual Agenda of Regulations published on October 17, 1983 (48 FR 47418) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.157.

**List of Subjects in 24 CFR Part 885**

Aged, Grant programs—housing and community development, Handicapped, Loan programs—housing and community development, Low and moderate income housing.

## LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

Accordingly, 24 CFR Part 885, Subpart D, is amended as follows:

In § 885.415, paragraph (n) is revised to read as follows:

**§ 885.415 Requirements before initial loan closing.**

* * * * *

(n) Assurance of Completion of Construction or Moderate or Substantial Rehabilitation Contract in the form of corporate surety bonds for payment and performance, each in the amount of 100 percent of the amount of the HUD-estimated construction or rehabilitation cost, or a cash escrow in the amount of 25 percent of the HUD-estimated construction or rehabilitation cost. All surety companies issuing bonds must be satisfactory to the Assistant Secretary.

* * * * *

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: May 9, 1984.

**Maurice L. Barksdale,**

*Assistant Secretary for Housing-Federal Housing Commissioner.*

[FR Doc. 84-13070 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-27-M

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**24 CFR Part 968**

**[Docket No. 84-1105; FR-1812]**

## Comprehensive Improvement Assistance Program

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** The rule adopts as final the interim rule published in the **Federal Register** on August 16, 1983 at 48 FR 37023. The interim rule amended the Comprehensive Improvement Assistance Program regulations by revising the definition of Special Purpose Modernization to eliminate (1) the one-time limitation on filing an application for Special Purpose Modernization for an individual project and (2) the deadline on Public Housing Agencies (PHAs) for filing such applications. This final rule makes no change in the provisions of the interim rule.

**EFFECTIVE DATE:** June 25, 1984.

**FOR FURTHER INFORMATION CONTACT:** Pris Buckler, Room 4224, Office of Public and Indian Housing, Department of Housing Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5595. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

### Limitations on Special Purpose Modernization Removed

The Comprehensive Improvement Assistance Program (CIAP), which was established by section 14 of the United States Housing Act (USHA of 1937) (42 U.S.C. 1437*l*), provides assistance to Public Housing Agencies (PHAs), including Indian Housing Authorities, to improve the physical condition of existing public housing projects, and to upgrade the management and operation of such projects.

One form of assistance provided under CIAP is special purpose modernization, which is a project modernization program that is limited to cost-effective energy conservation work items which will not be adversely affected by any subsequent Comprehensive Modernization.

Under § 868.3 (now § 968.3 since Part 868 was redesignated as Part 968 on February 23, 1984 (49 FR 6714)) of the CIAP regulations before they were revised by the interim rule, special purpose modernization could be approved only on a one-time basis for a particular project. This limitation was unduly restrictive in certain situations, for example, when:

1. In a prior year, the energy audit was funded under special purpose modernization and the PHA subsequently requested funds under special purpose modernization to implement the results of the audit at the same project;

2. Energy conservation devices that were not on the market when the special purpose modernization was first approved became available and the PHA requested funds under special purpose modernization for these items;

3. Energy conservation work which was not previously determined to be cost-effective because of a large reduction in the cost of an energy conservation device or a large increase in the cost of energy; or

4. Special purpose modernization was approved for certain items with the greatest cost savings and the PHA subsequently requested funds for other items which had become cost effective, but had a slightly longer payback period.

In addition, § 868.3 before it was amended provided that special purpose modernization could be approved only in the first two years of a PHA's five-year plan. The Department believed that this limitation was inappropriate, since lack of funding may have prevented a PHA from completing all energy conservation work in the first two years of its five-year plan. Therefore, in order to facilitate cost-effective energy conservation improvements, the Department published in the **Federal Register** August 16, 1983 an interim rule which revised the definition of "special purpose modernization" in §868.3 to eliminate (1) the one-time limit on filing a request for funding of an individual project and (2) the deadline for filing such requests by a PHA.

The Department received three comments during the comment period which closed October 17, 1983. Each of these comments was favorable. One of the commenters suggested that Special Purpose Modernization be expanded to include roof repairs—particularly repairs of flat roofs. The Department has not adopted this comment because it believes that such work should be performed as part of a Comprehensive Modernization program or, if the condition of the roof poses a danger to the health and safety of tenants, then the work should be done under Emergency Modernization. This rule, therefore, adopts the interim rule as final without amendment.

### Other Matters

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The finding is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1

(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule should have no different economic impact on small PHAs than it does on large PHAs. Any economic impact should be beneficial since the rule provides PHAs greater flexibility in using special purpose modernization.

This rule was listed at 48 FR 47444 in the Department's Semiannual Agenda of Regulations published on October 17, 1983 (48 FR 18054), in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number and title is 14.158—Public Housing-Modernization of Projects.

**List of Subjects in 24 CFR Part 968**

Loan programs—Housing and community development, Public housing, Reporting and recordkeeping requirements.

## PART 968—COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM

Accordingly, the interim amendment to 24 CFR Part 968 (formerly Part 868) published on August 16, 1983 (48 FR 37023) is hereby adopted as final without change.

(United States Housing Act of 1937 (42 U.S.C. 1437), sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: May 9, 1984.

**Warren T. Lindquist,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 84-13069 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-33-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 938

### Approval of Pennsylvania Permanent Regulatory Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This document amends 30 CFR Part 938 by announcing the approval of certain amendments to the Pennsylvania permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and to remove certain conditions of the Secretary's approval on the State's program.

On October 31, 1983, Pennsylvania submitted to OSM amendments to its approved permanent regulatory program containing regulatory revisions which were intended to satisfy conditions (b), (e), (f), (g), (h) and (j)(1) of approval of the Pennsylvania program. The conditions pertain to ponds, dams and impoundments; existing non-conforming structures; approximate original contour variances; revegetation for underground mining operations and enforcement. The Secretary is announcing his decision on the amendments submitted to satisfy conditions (b), (e), (f), (g) and (h). The decision on condition (j)(1) is being deferred pending consideration of additional material submitted by Pennsylvania and published for public comment in the **Federal Register** dated April 26, 1984 (49 FR 17974).

After providing opportunity for public comment and conducting a thorough review of the program amendments in accordance with 30 CFR 732.17, the Secretary has decided to approve certain modifications and remove certain conditions of approval on Pennsylvania's regulatory program. The Federal rules at 30 CFR Part 938 which codify decisions concerning the Pennsylvania permanent regulatory program are being amended to implement these actions.

**EFFECTIVE DATE:** The approval of the program amendments is effective May 15, 1984.

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

**SUPPLEMENTARY INFORMATION:**

**I. Background on Conditional Approval of the Pennsylvania State Program**

Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval.

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

At the time of the Secretary's conditional approval, Pennsylvania agreed to meet ten minor conditions, many of which contained several parts. In accepting the conditions of approval, Pennsylvania agreed to correct conditions (b), (e), (f), (g), and (h) by May 1, 1983. In the **Federal Register** dated May 25, 1983 (48 FR 23416-23417), the Secretary granted an extension of time to November 1, 1983, for the State to submit material to satisfy these conditions.

**II. Submission of Revisions and Program Amendments**

In a letter dated October 31, 1983, Pennsylvania submitted to OSM pursuant to 30 CFR 732.17, certain revisions to its regulations intended to satisfy conditions (b), (e), (f), (g), and (h). The subject of each condition will be discussed under "Secretary's Findings".

**III. Secretary's Findings**

*Finding 1, Condition (b)(1)*

Condition (b)(1) requires Pennsylvania to amend its program to require 1) that the contents of the "general plan for impoundments" associated with surface mining operations be prepared by or under the direction of and certified by a qualified registered professional

engineer, or a professional geologist with assistance from experts in related fields consistent with 507(b)(14) of SMCRA and no less effective than 30 CFR 879.25(a)(1)(i).

Pennsylvania submitted revised rules that made no change in section 87.73(b), but added section 87.112(d) that stated each impoundment shall be designed by a qualified registered professional engineer. Pennsylvania has a provision, in its Chapter 105 for dam safety, that all plans and specifications "* * * shall be prepared under the supervision of and certified by a registered professional engineer experienced in dam design * * *" The provision applies to structures impounding more than 50 acre-feet of water or where the water depth exceeds 15 feet. Since the condition applies to smaller structures, OSM believes the rules for Pennsylvania are no less effective than the Federal rules based on the following two premises:

1. *Certification is shown by the registration seal.* Pennsylvania's 87.112(d) provides for the design of each impoundment by a qualified registered professional engineer, but is silent on the certification of the design. The proof that an impoundment was designed by a professional engineer would be the registration seal placed on the drawings. The registration seal is accepted as design certification by OSM under 30 CFR 780.25(a)(1)(i). Therefore, the registration seal placed by the professional engineer would be the certification of the design.

2. *Design includes structure location and dimensions.* OSM believes the items shown on the general plan are a part of the design sequence. The items listed in 30 CFR 780.25(a)(1)(ii) include a description, map, and cross-section of the structure and its location. Since these items are a logical part of a design, any impoundment data on a plan must be accomplished by a professional engineer and subsequently be certified. For Pennsylvania, any general or detailed plan or drawing showing any features of an impoundment must be completed by a qualified registered professional engineer and have the registration seal on the drawings.

Therefore, since all impoundment designs are completed by qualified registered professional engineers in Pennsylvania, the Secretary finds that the provisions in Pennsylvania 87.73 (b) and (c) and 87.112(d) are no less effective than the Federal rules in 30 CFR 780.25(a)(1)(ii).

*Finding 2, Condition (b)(2)*

Condition (b)(2) requires that the State amend its program to require that the detailed plan must include any geotechnical investigation, design and construction requirements for impoundments associated with coal refuse operations which are no less effective than 30 CFR 780.25(a)(2)(ii) and 780.25(a)(3)(ii) and in accordance with Sections 507(b), 508(a) and 510(b) of SMCRA. Pennsylvania revised its regulations at Section 90.39(a)(8) to require that the detailed plan include any geotechnical investigation, design, and construction requirements, including a stability analysis if the structure is more than 20 feet in height as measured from the upstream toe of the embankment to the crest of the emergency spillway or has a storage volume of more than 20 acre feet for impoundments associated with coal refuse disposal operations. The Federal rule at 30 CFR 780.25(a)(2)(ii) requires that each detailed design plan for each structure shall include any geotechnical investigation, design and construction requirements for the structure. The rule at 30 CFR 780.25(a)(3)(ii) contains similar requirements for structures that do not meet the size or other criteria of the Mine Safety and Health Administration (MSHA) 30 CFR 77.216(a). Pennsylvania's revised rule essentially follows the language of the OSM and MSHA regulations taken together.

The Secretary finds that Pennsylvania has satisfied condition (b)(2) by revising its regulations at Section 90.39(a)(8) and that such regulation is no less effective than 30 CFR 780.25(a)(2)(ii) and 780.25(a)(3)(ii) and is in accordance with Section 507(b), 508(a) and 510(b) of SMCRA.

*Finding 3, Condition (b)(3)*

Condition (b)(3) requires Pennsylvania to submit copies of promulgated regulations, or otherwise amend its program to require that plans for impoundments associated with surface mining and coal refuse operations contain geotechnical information on the type, size, range of engineering properties of the embankment and foundation materials which are no less effective than 30 CFR 780.25 (b) and (c), and in accordance with sections 507(b), 508(a) and 510(b) of SMCRA.

OSM revised its rule on September 26, 1983, by publishing a notice in the **Federal Register** (48 FR 44004) announcing that 30 CFR 785.25(b) is superseded by § 816.49(a)(1). Therefore, the Secretary used 30 CFR 816.49(a)(1) as the standard for its approval of Pennsylvania's amendment pertaining to condition (b)(3) and 30 CFR 785.25(b).

Pennsylvania submitted revised regulations for surface mining operations, § 87.73(d)(5), and coal refuse operations, § 90.39(a)(8), adding the requirement for a stability analysis if the structure is more than 20 feet in height as measured from the upstream toe of the embankment to the crest of the emergency spillway or has a storage volume of more than 20 acre feet. Also these regulations indicate that Pennsylvania may accept MSHA approvals for impoundments subject to 30 CFR 77.216–1 and 77.216–2 in lieu of the requirements of this section if all other requirements of §§ 87.112(f) and 90.112(f) are met.

The Federal rule at 30 CFR 780.25(f) requires a stability analysis for permanent and temporary impoundments that meet the size criteria of MSHA. The Federal rule pertaining to impoundments at 30 CFR 780.25(c) states that each plan shall comply with MSHA requirements and further provides that each plan shall comply with the MSHA requirements at 30 CFR 77.216–1 and 77.216–2. The engineering criteria listed in condition (b)(3) are taken from the MSHA standards at 30 CFR 77.216(a)(6) and not from the OSM Federal rules.

The revised Federal rules clarify the relationship between MSHA and OSM by requiring that the plan submitted to MSHA shall also be submitted to the regulatory authority as part of the permit application pursuant to 30 CFR 816.49(a)(1) [48 FR 44004, September 26, 1983].

Pennsylvania's revised rules meet the requirements of the Federal rules by now requiring a stability analysis for the structures that meet the MSHA size criteria. Since MSHA needs the data for their review, this data will be included as part of the stability analysis and submitted to both agencies. Pennsylvania's proposed regulation also requires that engineering data be provided as part of the stability analysis. The Secretary finds that Pennsylvania's revised rules require plans for impoundments, including a stability analysis which includes engineering data that is no less effective than the current Federal rules at 30 CFR 816.49(a)(1) and 780.25 (e) and (f) and therefore, satisfies condition (b)(3).

*Finding 4, Condition (b)(4)*

Condition (b)(4) requires Pennsylvania to amend its program to require that a stability analysis, supporting calculations and justification of parameters be prepared for impoundments associated with surface mining and coal refuse operations which meet MSHA criteria at 30 CFR 77.216(a) and which are no less effective than 30 CFR 780.25(f).

Pennsylvania submitted revised regulations for surface mining operations at §§ 87.73(d)(5) and 87.112(c) and for coal refuse operations at §§ 90.39(a)(8) and 90.112(c) requiring a stability analysis for impoundments that meet the size or other criteria specified at 30 CFR 77.216(a). The revised regulations do not specifically list the type of supporting calculations and justification parameters to be used in the analysis. However, since the Pennsylvania provision at PA 87.73(d) requires the design plan to include a stability analysis, the provision is interpreted as including the supporting calculations and justification parameters as part of such analysis.

The Federal rule at 30 CFR 780.25(f) requires a stability analysis for structures meeting the size criteria specified at 30 CFR 77.216(a) and also lists some geotechnical data and engineering data that such analysis should contain. The Pennsylvania provision is no less effective than the Federal rule because Pennsylvania has required that the stability analysis must be included and for such an analysis to be prepared the engineering calculations and assumptions required at 30 CFR 780.25(f) would necessarily be included as part of such analysis. Therefore, the Secretary finds that the revised Pennsylvania regulations are no less effective than 30 CFR 780.25(f) and Pennsylvania has satisfied condition (b)(4).

*Finding 5, Condition (e)*

Condition (e) requires Pennsylvania to amend its program to require that the reconstruction of existing nonconforming structures occurs within six months after issuance of a permit without causing significant harm to the environment or public health or safety as provided by 30 CFR 786.21. OSM revised its regulations on September 28, 1983 (48 FR 44394) and the revised provision equivalent to § 786.21 is now found at § 773.15(c)(6). Pennsylvania submitted revised regulation § 86.38(b) to satisfy condition (e).

The Pennsylvania regulation at § 86.38(b) requires that all existing non-conforming structures must be modified or reconstructed within 6 months after issuance of the permit. The Secretary finds that Pennsylvania's revised regulation at § 86.38(b) is no less effective than 30 CFR 773.15(c)(6) and therefore, satisfies condition (e).

*Finding 6, Condition (f)(1)*

Condition (f)(1) requires Pennsylvania to amend its program to require that impoundments associated with surface mining and coal refuse operations comply with the spillway design and factor of safety criteria which are no less effective than 30 CFR 816.46(q)(1). OSM published its revised rules for impoundments in the **Federal Register** dated September 26, 1983 (48 FR 43984). The equivalent current Federal rule pertaining to impoundments is now contained at 30 CFR 816.49. OSM reorganized its rules to clarify the requirements for permanent impoundments and temporary impoundments. Revised 30 CFR 816.46 contains requirements for siltation structures that sedimentation ponds (impoundments) must satisfy in addition to the requirements contained in revised 30 CFR 816.49.

Pennsylvania submitted revised regulations for surface mining operations (§§ 87.112(b), 87.112(c) (1) and (2)) and for coal refuse operations (§§ 90.112(b), 90.112(c) (1) and (2)). Both sets of regulations require at least a static safety factor of 1.5 and a combination of principal and emergency spillways to discharge safely the runoff from a 100-year 24-hour precipitation event for the same sized structure. These provisions apply to structures which are more than 20 feet in height as measured from the upstream toe of the embankment to the crest of the emergency spillway or which have a storage volume of 20 acre feet or more.

The revised Federal rules for impoundments at 30 CFR 816.49 establish a 50-year, 6-hour or larger event as the design precipitation event for spillways of permanent impoundments (30 CFR 816.49(b)(7)), and a 25-year, 6-hour or larger event as the design precipitation event for spillways of temporary impoundments (30 CFR 816.49(c)(2)). The revised Federal rules retain the 1.5 static safety factor.

The Secretary finds that Pennsylvania's revised regulations contain provisions for impoundments that satisfy condition (f)(1) by exceeding the minimum Federal performance standards and are therefore, no less effective than those standards at 30 CFR 816.49 (b) and (c) and those referenced for certain sedimentation pond at 30 CFR 816.49(c) contained at 30 CFR 816.46(c).

*Finding 7, Condition (f)(2)*

Condition (f)(2) requires Pennsylvania to amend its program to require that impoundments associated with surface mining and coal refuse operations be routinely inspected as provided by 30 CFR 816.46(t) and 816.49(f). OSM revised its rules for 30 CFR Part 816 on September 26, 1983. The revised rule at 30 CFR 816.49(a)(11), (48 FR 44005), includes the same inspection frequencies as the previous rule.

Pennsylvania submitted revised regulations for surface mining operations, § 87.112 (d) and (e), and for coal refuse operations, § 90.112 (d) and (e), establishing inspection frequencies at intervals not exceeding every seven days for structures meeting the MSHA criteria and once every three months for other relevant structures.

The Secretary finds that Pennsylvania's revised regulations at §§ 87.112 (d) and (e) and 90.112 (d) and (e) provide inspection criteria for impoundments no less effective than 30 CFR 816.49(a)(11) and, therefore finds that Pennsylvania has satisfied condition (f)(2).

*Finding 8, Condition (f)(3)*

Condition (f)(3) requires Pennsylvania to amend its program to require that impoundments associated with surface mining and coal refuse operations which meet MSHA criteria, 30 CFR 77.216(a), comply with the requirements contained in *U.S. Soil Conservation Service (SCS) Technical Release No. 60, Earth Dams and Reservoirs,* June 1976 as provided at 30 CFR 816.49(a)(5).

When OSM revised Part 816 of 30 CFR (48 FR 43997), it did not reference the SCS document but listed certain requirements contained in the SCS document. Pennsylvania incorporated, in its regulations at Sections 87.112(b) and 90.112(b), by reference, the SCS document requirements to satisfy condition (f)(3).

The Secretary finds that Pennsylvania's revised regulation satisfies condition (f)(3) and contains requirements no less effective than 30 CFR 816.49(a)(5).

*Finding 9, Condition (f)(4)*

Condition (f)(4) requires Pennsylvania to amend its program to require that annual certification reports for ponds, dams, and impoundments associated with surface mining and coal refuse operations include certain information on monitoring and instrumentation design versus actual water levels periodically taken throughout the reporting period, existing storage capacity, the presence of fires, and any other aspects of the dam which might affect stability, which is no less effective than 30 CFR 816.49(h), and in accordance with Sections 515(b)(4), (8) and (10) of SMCRA.

The revised Federal rules, part 816 (48 FR 43994, September 26, 1983), contain the same general provisions as the previous rule at 30 CFR 816.49(f) with one exception. This exception is the

provision requiring a statement on any fires in the embankment material.

Pennsylvania submitted revised regulations for surface mining operations, § 87.112 (d) and (e), and for coal refuse operations, § 90.112 (d) and (e), establishing the requirement for annual certified reports covering certain aspects of ponds, dams, and impoundments. The Pennsylvania rules follow the Federal rules and require monitoring and instrumentation results and a discussion of structural weakness and/or other hazardous conditions found at the site. Additionally, the Pennsylvania provisions rquire a statement regarding the condition of the impoundment action taken to correct deficiencies found in the various inspections. The information in the Federal rule on water level elevations and storage capacities is not included in the Pennsylvania rule. Even though the Pennsylvania regulations do not include data on the water levels and storage capacities of the structure, the annual certified report requires the inclusion of adequate information to determine the condition of the pond, embankment or impoundment when the report includes a statement regarding the condition of the structure.

The Secretary finds that Pennsylvania's revised regulations satisfy condition (f)(4) by providing requirements no less effective than those provided at 30 CFR 816.49(a)(10)(ii).

*Finding 10, Condition (g)*

Condition (g) requires Pennsylvania to amend its program to provide that variances to approximate original contour for surface mining in non-steep slope areas will require complete backfilling, removal of the highwall, impoundment of the watershed control of the area, and concurrence of appropriate land use planning agencies and surface owner(s) that the potential use of the affected land will constitute an equal or better economic or public use in accordance with sections 515(e) (1) and (3) of SMCRA.

Pennsylvania revised its regulations at § 87.175 making the requirements effective for both steep slope and non-steep slope areas. The previous rule applied only to steep slope areas and contained the required protection for granting land use variances. When Pennsylvania made the rule effective for non-steep slope areas, it provided the necessary protection required by condition (g). Therefore, the Secretary finds that Pennsylvania has satisfied condition (g).

*Finding 11, Condition (h)*

Condition (h) requires Pennsylvania to amend its program to require the establishment of a diverse vegetative cover for underground mining operations which is no less effective that 30 CFR 817.111(a) and in accordance with Section 516(b)(6) of SMCRA.

Pennsylvania has revised its regulations at § 89.86(a)(1) to require that underground mining operations establish an effective, diverse and permanent vegetative cover on all surface areas disturbed by the operation.

The Secretary finds that Pennsylvania's revised regulation pertaining to revegetation standards for underground mining operations contains standards no less effective than 30 CFR 817.111(a) and in accordance with Section 515(b)(6) of SMCRA and therefore, has satisfied condition (h).

*Finding 12*

Pennsylvania proposed a new regulation, § 86.5, in Title 25 pertaining to surface coal mining incidental to non-coal mining activities. The revision is intended to amend Pennsylvania's program in a manner consistent with Section 701(28) and 512 of SMCRA. The new regulation essentially proposes a definition of surface coal mining incidental to non-coal mining that tracks the Federal definition at section 701(28) of SMCRA. The Secretary finds that PA 86.5 is in accordance with section 701(28) of SMCRA.

*Finding 13*

Pennsylvania revised its regulations at § 86.134(c) pertaining to coal exploration operations. The revision amends the previous regulation by deleting a restriction of vehicular travel, confining such travel to graded and surfaced roads during periods when excessive damage to vegetation and rutting of the land surface could result. OSM deleted the same language from 30 CFR 815.15(c) by reorganizing 30 CFR 815.15(c) to 815.15(b) as published in the **Federal Register** dated September 8, 1983 (48 FR 40636). The Secretary finds that revised PA 86.134(c) is no less effective than 30 CFR 815.15(b).

*Finding 14*

Pennsylvania revised its definition of "coal producing waste" at PA 87.1. In revising the definition, it substituted the words "may be" for the word "are" in the following text: "Earth materials which *may be* combustible, physically unstable, or acid forming, which are wasted * * *"

OSM revised its definition at 30 CFR 701.5 (47 FR 44009) and no longer qualifies coal processing waste as acid or toxic forming. However, OSM also revised 30 CFR 816.81(a) (47 FR 44009, September 26, 1983) and clarifies that all coal processing waste, be it toxic or other, must be disposed of in accordance with 30 CFR 816.81–816.86. Pennsylvania's proposed amendment is no less effective than OSM's revised definition for coal processing waste. However, it should be noted that due to OSM's revised regulations pertaining to such waste, other Pennsylvania coal processing waste regulations will be reviewed for any necessary change during a subsequent regulation reform review.

*Finding 15*

Pennsylvania revised its regulation at 87.138 to include all fish and wildlife species. Pennsylvania's previous rule and the Federal regulations at 30 CFR 816.97(e)(2) address "important" fish and wildlife species. The Secretary finds that Pennsylvania's revised rule is no less effective than the standard provided by 30 CFR 816.97(e)(2).

*Finding 16*

Pennsylvania revised its regulation at 87.144 pertaining to backfilling and grading.

The original approved Pennsylvania regulation, 87.144(a), is based on OSM's previous rule at 30 CFR 816.102. OSM's revised 816.102 deletes this language altogether, requiring only that approximate original contour (AOC) be achieved. Pennsylvania's 87.141 also requires that AOC be achieved. AOC is defined by OSM and under "contouring" in Pennsylvania's program, as reclamation which closely resembles the general surface configuration prior to mining.

The Secretary finds that the difference between Pennsylvania's phrase "shall approximate premining slopes" and the Federal standard of "returned to the approximate original contour" to be essentially the same in concept and therefore, finds Pennsylvania's revised rule no less effective than the Federal standard.

*Finding 17*

Pennsylvania amended its Chapter 89 to include regulations pertaining to in situ processing. Part 828 of 30 CFR contains special environmental protection standards for in situ processing activities. Pennsylvania's new regulations at §§ 89.161, 89.162 and 89.163 do not specifically address the requirements contained at 30 CFR

828.11(b). However, Pennsylvania's regulations at §§ 89.162 and 89.163 reference permit application requirements, performance standards and design criteria of Chapter 89, pertaining to underground mining of coal and coal preparation facilities, which do contain the specific requirements. The Secretary finds that Pennsylvania's new regulations, coupled with its approved Chapter 89 regulations, provide standards no less effective than 30 CFR Part 828.

*Finding 18*

Pennsylvania amended its definition of "cropland" at section 90.1 to further define "specialty" crops. This definition sets forth the types of crops rather than a concept of crops. The Secretary finds the modification to be no less effective than the Federal definition at 30 CFR 701.5.

**III. Disposition of Public Comments**

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(a)(10)(i), comments were solicited from various Federal agencies on the proposed State permanent program amendments. Of those agencies invited to comment, comments were received from the following Federal agencies: The United States Department of Agriculture, Soil Conservation Service (SCS); United States Department of the Interior, Fish and Wildlife Service (FWS); and the United States Environmental Protection Agency (EPA).

1. The SCS comments that Pennsylvania's revised regulations, §§ 87.112(e) and 90.112(e), requiring an inspection frequency for certain impoundments at intervals not exceeding every seven days is excessive. OSM disagrees that the inspection frequency interval is excessive. When OSM revised its rules, 48 FR 43994, September 26, 1983, it adopted the seven day frequency interval for impoundments meeting the MSHA criteria provided at 30 CFR 77.216. OSM realized that small impoundments impose less threat to safety and the environment and adopted a less frequent inspection interval for those structures. A complete discussion of the revised Federal rule can be found in the **Federal Register** dated September 26, 1983 (48 FR 44000).

The State's revised regulations are intended to satisfy the requirements of 30 CFR 816.49(a)(11). Since the State has adopted the same standard as provided at 30 CFR 816.49(a)(11), the State requirement is acceptable.

The SCS also suggests that section 87.144(a) be further modified by adding the following sentence: "Permanent diversions and their outlets shall be shown on the erosion and sediment control plan and shall be left in place as a means of surface water control."

Pennsylvania provides in § 87.65 that each permit application contain maps and plans showing each water diversion, collection conveyance, sedimentation and erosion control, treatment, storage and discharge facility to be used. These maps and plans shall be prepared by a registered professional engineer, or geologist with assistance from experts in related fields, pursuant to PA 87.65(b). Section 87.72 provides that a permit application shall show the manner in which the applicant plans to divert water pursuant to § 87.105 that provides for both temporary and permanent diversions. OSM believes these sections contained in the approved program incorporate the standards addressed by the commenter. The Pennsylvania regulation, § 87.144, addressed by the commenter provides requirements pertaining to backfilling and grading of final graded slopes, not permanent diversions.

2. The FWS comments that the Pennsylvania amendments submitted to satisfy certain conditions adequately address the conditions.

3. The EPA, in its letter dated February 1, 1984, concurs with the modifications proposed by Pennsylvania in its October 31, 1983 amendment.

No other comments were received.

**IV. Approval of Amendment**

Accordingly, the amendment submitted to OSM on November 1, 1983, to satisfy conditions (b), (e), (f), (g) and (h), by amending certain regulations, and its proposal to amend other Pennsylvania regulations, is approved pursuant to 30 CFR 732.17.

The Federal regulations at 30 CFR 938.15 codifying the Secretary's decision on matters pertaining to Pennsylvania are being amended to indicate approval of the program amendment.

**V. 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 938**

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

Dated: May 9, 1984.

**Leona A. Power,**

*Acting Assistant Secretary, Land and Minerals Management.*

**PART 938—PENNSYLVANIA**

**§ 938.11 [Amended]**

1. 30 CFR 938.11 is amended by removing and reserving paragraphs (b), (e), (f), (g) and (h).

2. 30 CFR 938.15 is amended by adding paragraph (d).

**§ 938.15 Approval of Amendments to State Regulatory Program**

* * * * *

(d) The following amendments are approved effective on May 15, 1984: Revisions to Title 25 Pennsylvania Code submitted on October 31, 1983: §§ 86.5, 86.38(b), 86.112(b), 86.134(c), 87.1, 87.112(c)(1), (2), 87.112(d), 87.112(e), 87.138, 87.144, 87.175, 89.86(a)(1), 89.161, 89.162, 89.163, 90.1, 90.112(c), 90.112(d), and 90.112(e).

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

[FR Doc. 84–13064 Filed 5–14–84; 8:45 am]

BILLING CODE 4310–05–M

## VETERANS ADMINISTRATION

**38 CFR Part 21**

**Central Office Education and Training Review Panel**

**AGENCY:** Veterans Administration.

**ACTION:** Final regulation.

**SUMMARY:** The Central Office Education and Training Review Panel reviews decisions made by the Committees on

Educational Allowances located in the various VA (Veterans Administration) field stations. The VA has determined that the current panel is not a properly constituted Federal Advisory Committee as provided by the Federal Advisory Committee Act. This regulation overcomes this shortcoming by reconstituting the panel so that it no longer is an advisory committee within the meaning of the Act.

**EFFECTIVE DATE:** April 24, 1984.

**FOR FURTHER INFORMATION CONTACT:** June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202–389–2092).

**SUPPLEMENTARY INFORMATION:** On pages 45268 and 45269 of the **Federal Register** of October 4, 1983 there was published a notice of intent to amend Part 21 to revise the membership of the VA Central Office Education and Training Review Panel.

Interested people were given 30 days to submit comments, suggestions or objections. The VA received three letters containing various comments and suggestions. One letter came from a State approving agency. The other two letters were submitted by educational organizations.

Two of the writers were concerned with the fairness of the panel; the third was concerned with its credibility. It was pointed out that at various times in the past disagreements have arisen between the VA and institutions of higher learning which were caused, in part, by different uses of academic terminology. Two writers wrote that to avoid this the VA should include experts from higher education on the panel. The other writer thought that any non-VA representative would enhance the credibility of the panel.

After carefully considering these suggestions, the VA has decided not to accept them. The regulation, as proposed, does not prevent the members of the panel from seeking expert advise in interpreting academic terminology, or for any other reason. The panel will do this when this is necessary.

It has been the VA's experience with panels which have consisted entirely of VA employees that the employees are able to render impartial decisions. Since its establishment, for example, the School Liability Appeals Board has remanded many cases to the VA regional offices for reconsideration, and has overturned the regional offices in other cases. Accordingly, the VA has decided to make the proposed regulation final without change.

The VA has determined that this regulation is not a major rule as that term is defined by Executive Order 12291, entitled "Federal Regulation." The annual effect on the economy will be less than $100 million. The regulation will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs hereby certifies that this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the VA does not expect the number of small entities affected by this regulation to be substantial. Since 1978 the number of cases reviewed by the Central Office Education and Training Review Panel has averaged a little over two per year. Not all of these cases involved schools that would qualify as small entities under RFA. The VA does not believe that changing the composition of the panel will increase the number of cases referred to it. Consequently, the regulation will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.111.

**List of Subjects in 38 CFR Part 21**

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 24, 1984.

By direction of the Administrator.

**Everett Alvarez, Jr.,**

*Deputy Administrator.*

## PART 21—[AMENDED]

The Veterans Administration proposes to amend 38 CFR Part 21 as set forth below:

In § 21.4208, paragraph (b) is revised as follows:

**§ 21.4208 Central Office Education and Training Review Panel.**

* * * * *

(B) *Composition of panel.* (1) The Director, Education Service shall appoint from among the employees of the Veterans Administration—

(i) A chairperson of the panel, and

(ii) Five persons to serve as members of the panel.

(2) Each time a school seeks a review of a decision under the provisions of § 21.4207(d), the chairperson shall choose two persons from the five appointed under paragraph (b)(1) of this section. The chairperson and these two persons shall carry out the functions of the panel as stated in paragraph (a) of this section. (38 U.S.C. 1790)

* * * * *

[FR Doc. 84–12981 Filed 5–14–84; 8:45 am]

BILLING CODE 8320–01–M

## ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Part 50**

**[A–1–FRL–2588–1]**

## Approval and Promulgation of Implementation Plans; Rhode Island; Temporary Sulfur Dioxide Bubble Revision for University of Rhode Island in Kingston, Rhode Island

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a temporary sulfur dioxide bubble control strategy for the University of Rhode Island at its campus in Kingston, Rhode Island. The bubble allows the University of Rhode Island to meet the applicable sulfur dioxide SIP emission limitation by means of a more cost-effective control strategy. The intended effect of this action is to approve the permit allowing the bubble which was issued by the Rhode Island Department of Environmental Management and submitted to EPA as a source-specific SIP revision. This action is being taken in accordance with Section 110 of the Clean Air Act.

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

**FOR FURTHER INFORMATION CONTACT:** Marcia L. Spink, (617) 223–4868.

**ADDRESSES:** Copies of the Rhode Island submittal, which is incorporated by reference, are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 2313, JFK Federal Building, Boston, MA 02203; Public

Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; Office of the Federal Register, 11100 L Street NW., Room 8401, Washington, DC 20460; and the Department of Environmental Management, 75 Davis Street, Cannon Building, Room 204, Providence, RI 02908.

**SUPPLEMENTARY INFORMATION:** On January 16, 1984 the Rhode Island Department of Environmental Management (DEM) submitted a SIP revision for the University of Rhode Island (URI) in Kingston, Rhode Island. The revision is a permit allowing URI to burn a combination of fuel oil with a sulfur content of up to 1.21 pounds per million BTUs heat release potential and natural gas to meet, on a plantwide basis, the applicable SIP emission limit for sulfur dioxide ($SO_2$) of 1.1 pounds per million BTUs actual heat input. The DEM issued the permit in accordance with the federally-approved requirements of Regulation 8, § 8.3.2, "Emissions Bubbling" of the Rhode Island SIP.

### Background

On March 29, 1983 EPA approved § 8.3.2, "Emissions Bubbling" as a revision to Regulation 8, "Sulfur Content of Fuels" of the Rhode Island SIP (48 FR 13026). Section 8.3.2 allows stationary sources to bubble to meet the applicable 1.1 pounds per million BTUs actual heat input SIP emission limitation for $SO_2$. Sources may burn fuel oil with a sulfur content of up to 1.21 pounds per million BTUs heat release potential in combination with natural gas to meet the $SO_2$ emission limitation on a plantwide basis. Under § 8.3.2 sources must continue to meet the applicable SIP emission limitation for total suspended particulates (TSP) of 1.0 pounds per million BTU actual heat input on a plantwide basis.

The bubbles approved under § 8.3.2 are effective for three years. At the end of that time the DEM will either terminate or extend approval of the bubble permit. Extensions must be submitted to EPA as SIP revisions.

Section 8.3.2 requires that emission points under a bubble not exceed applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, Best Available Control Technology or Lowest Achievable Emission Rate determinations.

Under § 8.3.2, public notice must be given affording all interested persons the opportunity to comment on emissions bubbles prior to their approval by the DEM. The DEM also notifies the public after each bubble approval permit is issued.

Section 8.3.2 requires that every emission point under the bubble have a specified maximum emission rate. Further, ambient air modeling, including aerodynamic downwash modeling, must be performed to demonstrate that the bubble:

- Will not cause a violation of any National Ambient Air Quality Standard (NAAQS) or applicable Prevention of Significant Deterioration (PSD) increment,
- Will not significantly impact any nonattainment area, and
- Will result in the same air quality impact as that resulting when all fuel burning devices meet the SIP in the traditional manner.

EPA proposed approval of all individual temporary bubbles for sources determined to meet the requirements of § 8.3.2, "Emissions Bubbling" on January 4, 1983 (48 FR 274). That notice of proposed rulemaking stated that EPA would take final action on all such bubbles, without further proposal action, when each was submitted by the DEM as a source-specific SIP revision.

### Today's Action

The DEM has submitted the permit to bubble issued to URI in accordance with Regulation 8, § 8.3.2 to EPA as a revision to the Rhode Island SIP. Review by EPA indicates that all the requirements of § 8.3.2, "Emissions Bubbling" have been satisfied.

### Final Action

EPA is approving the permit issued to the University of Rhode Island under Regulation 8, § 8.3.2, "Emissions Bubbling" submitted on January 16, 1984 by the DEM as a revision to the Rhode Island SIP.

Under 5 U.S.C. Section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

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

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

### List of Subjects in 40 CFR Part 52

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

**Authority:** Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

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

Dated: May 8, 1984.

**William D. Ruckelshaus,**

*Administrator.*

### PART 52—[AMENDED]

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

### Subpart 00—Rhode Island

1. Section 52.2070, paragraph (c) is amended by adding subparagraph (21) as follows:

**§ 52.2070 Identification of Plan.**

* * * * *

(c) * * *

(21) The permit issued to the University of Rhode Island in Kingston approving a three-year bubble to control sulfur dioxide emissions. The Rhode Island Department of Environmental Management issued the permit in accordance with Regulation 8, § 8.3.2, "Emissions Bubbling" and submitted it to EPA as a SIP revision on January 16, 1984.

[FR Doc. 84-13008 Filed 5-14-84; 8:45 am]

BILLING CODE 6560-50-M

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### 40 CFR Part 52

**[A-5-FRL-2588-2]**

### Ohio; Approval and Promulgation of Implementation Plans

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

**ACTION:** Notice of final rulemaking.

**SUMMARY:** This notice approves an equivalent visible emission limitation (EVEL) for a regenerative side port glass melting furnace at Corning Glass Works in Greenville (Darke County), Ohio. Darke County is designated as an attainment area for particulates. (40 CFR 81.336). The EVEL is set at a level corresponding to the applicable mass limit for Corning Glass. The EVEL will serve as an enforceable surveillance method to ensure continued proper operation and maintenance of air pollution control equipment at the facility.

**DATE:** This action will be effective July 16, 1984 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Copies of this revision are available for inspection at the following addresses:

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

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

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216

Written Comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

**SUPPLEMENTARY INFORMATION:** The State of Ohio, on September 8, 1983, submitted a revision to the total suspended particulate (TSP) portion of its State Implementation Plan (SIP). This revision is in the form of a permit to operate a regenerative side port glass melting furnace at Corning Glass Works in Greenville, Ohio. Specifically, the State is requesting approval of an equivalent visible emission limitation (EVEL) for this source of not greater than 37 percent opacity. An EVEL is an opacity limit which exceeds the general opacity limit but represents the source's opacity when the source has been found to be in compliance with the applicable mass limit. Corning Glass is located in Darke County which is designated an attainment area for particulates (40 CFR 81.336).

The 37 percent EVEL was established in accordance with Ohio Engineering guides which EPA has found to be acceptable. The Guides outline a procedure for setting the EVEL as the second highest nonoverlapping 6 minute average that exceeds 20 percent when the source is in compliance with the applicable particulate limit. Three emission test runs were conducted on May 12, 1982, in which Corning Glass was found to be in compliance with the SIP allowable mass emission limitation of 11.2 lbs/hr. Thirty-seven percent opacity was the second highest non-overlapping six minute average for the entire test in which the actual average particulate emission rate was 9.73 lbs/hr. The 37 percent EVEL should ensure that Corning Glass will remain in compliance with the 11.2 lbs/hr mass limit and therefore, EPA is approving the EVEL. Mass and opacity testings were performed using EPA's Reference Methods 5 and 9, respectively. The rulemaking docket contains the raw visible emissions data and particulate matter test data which formed the basis of this revision.

Because EPA considers today's action noncontroversial we are approving it today without prior proposal. This action will become effective on (60 days from the date of this notice). However, if we receive notice by (30 days from the date of this notice) that someone wishes to submit critical comments, then EPA will publish: (1) a notice that withdraws this action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

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

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

Under 5 U.S.C. 605(b) the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 40 CFR Part 52**

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

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

This notice is issued under authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410).

Dated: May 8, 1984.

William D. Ruckelshaus,

*Administrator.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended.

1. § 52.1870(c) is amended by adding new subparagraph (62) to read as follows:

**§ 52.1870 Identification of Plan.**

* * * * *

(c) * * *

(62) On September 8, 1983, the Ohio Environmental Protection Agency submitted a revision to the total suspended particulate SIP for Corning Glass Works. The revision is in the form of a permit to operate a glass furnace and contains an equivalent visible emission limitation for the furnace.

[FR Doc. 84-13007 Filed 5-14-84; 8:45 am]

BILLING CODE 6560-50-M

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[A-9-FRL-2538-3]

**40 CFR Part 52**

**Piti Nonattainment Area Plan, Guam**

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

**ACTION:** Final rulemaking.

**SUMMARY:** Revisions to the Guam State Implementation Plan (SIP) were submitted to EPA by the Governor's designee. These revisions consist of a Control Strategy and addenda which together comprise the sulfur dioxide ($SO_2$), Nonattainment Area Plan (NAP) for the Piti Nonattainment Area in Guam. This notice takes final action to approve portions of the NAP which meet the requirements of Part D of the Clean Air Act (Act) "Plan Requirements for Nonattainment Areas."

**EFFECTIVE DATE:** June 14, 1984.

**ADDRESSES:** Copies of the revisions are available for public inspection during normal business hours at the following locations:

Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105

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

Guam Environmenal Protection Agency, Harmon Plaza, Agana, Guam 96910

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Thomas Rarick, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, Region 9, (415) 974-7641, FTS: 454-7641.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 30, 1982 the Guam Environmental Protection Agency (GEPA) submitted to EPA a Control

Strategy and addenda which together constitute the $SO_2$ NAP for the Piti Nonattainment Area. The Control Strategy demonstrates attainment of the ambient $SO_2$ standards by raising the stack heights at both the Piti Power Plant and the Inductance Barge to less than the 65 meter *de minimus* height, preventing plume downwash, and through sulfur content in fuel restrictions. However, portions of EPA's stack height regulations promulgated on February 8, 1982 (47 FR 5864) have been overturned by a panel of the U.S. Court of Appeals for the D.C. Circuit. *Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir., 1983). The Court decision has been appealed to the U.S. Supreme Court by a group of affected industries. Consequently, the actions taken today may be subject to modification when the judicial process is completed and any regulations revised in response. This may result in revised emission limitations or may affect other actions taken by States and source owners or operators.

On October 13, 1983 (48 FR 46548) EPA proposed to approve the Control Strategy and portions of the addenda. The final actions being taken in today's notice are the same as the actions proposed in the October 13, 1983 proposed rulemaking. There were no public comments received on the proposed rulemaking notice.

On December 8, 1983 the Clean Air Act was amended by Congressional legislation establishing section 325. This new section allows exemption from certain requirements of the Act for Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Section 325 also provides for at least an 18 month exemption from federally approved sulfur dioxide emission limits for the power plants on Guam. This 18 month exemption applies to all three major sources in the Piti Nonattainment Area.

### EPA Action

The Piti $SO_2$ NAP was evaluated for conformance with the requirements of Part D of the Clean Air Act and found to be approvable. For EPA's detailed evaluation of the NAP, please refer to the October 13, 1983 (48 FR 46548) notice of proposed rulemaking and its supporting Technical Support Document. Today's notice approves portions of the $SO_2$ NAP for the Piti Nonattainment Area and incorporates them into the Guam State Implementation Plan.

Specifically, today's notice takes final action to approve the following portions of the Piti $SO_2$ NAP:

- "Territory of Guam NAP for $SO_2$," (Consisting of the narrative or Control Strategy portion of the NAP);
- Addendum B, "Preliminary Results of $SO_2$ Dispersion Modeling;"
- "Official Report of Public Hearing."

EPA is taking no action on the following portions of the Piti NAP for the reasons indicated:

- Addendum A, "Redesignation of Guam's Air Quality Control Region for Sulfur Dioxide," (addressed in a previous **Federal Register** (FR) notice);
- Addendum D, "Compliance Order Preamble," (addressed in a previous FR notice);
- Addendum E, "Delayed Compliance Order," (inappropriate for inclusion in the SIP under section 110; addressed in a previous FR notice under section 113 of the Act);
- Addendum F, Chapter 13, "Permits," (will be addressed in a future FR notice).

Guam's new source review (NSR) rules, originally submitted to EPA on January 6, 1982, will be acted on in a separate notice. Until final approval of the NSR rules, the construction ban on major new or modified sources will continue in the Piti area.

### Regulatory Process

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

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

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

**Authority:** Sections 110, 171 to 178 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7501 to 7508 and 7601(a)).

### List of Subjects in 40 CFR Part 52:

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

Dated: May 8, 1984.

**William D. Ruckelshaus,**

*Administrator.*

### PART 52—[AMENDED]

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

### Subpart AAA—Guam

1. Section 52.2670 is amended by adding paragraph (c)(5) as follows:

**§ 52.2670 Identification of plan.**

* * * * *

(c) * * *

(5) Amendments to the Guam Air Pollution Control Standards and Regulations submitted on June 30, 1982 by the Governor's designee.

(i) "Territory of Guam NAP for $SO_2$," consisting of the narrative or Control Strategy portion of the Piti NAP; Addendum B, "Preliminary Results of $SO_2$ Dispersion Modeling;" and "Official Report of Public Hearing." The remaining portions of the addenda are for informational purposes only.

* * * * *

[FR Doc. 84-13006 Filed 5-14-84; 8:45 am]

BILLING CODE 6560-50-M

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### 40 CFR Part 271

**[OSW-FRL 2587-5]**

## Rhode Island; Phase II, Component A Interim Authorization; State Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final approval.

**SUMMARY:** The State of Rhode Island has applied for Interim Authorization Phase II Component A. EPA has reviewed Rhode Island's application for Phase II Interim Authorization, Component A, and has determined that Rhode Island's hazardous waste program is substantially equivalent to the Federal program covered by Component A. The State of Rhode Island is hereby granted Interim Authorization for Phase II, Component A, to operate the State's hazardous waste program covered by these Components in lieu of the Federal program.

**EFFECTIVE DATE:** May 29, 1984.

**FOR FURTHER INFORMATION CONTACT:** Kenneth E. Wenger, State Waste Programs Branch, U.S.E.P.A., Region I, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 223-1917.

**SUPPLEMENTARY INFORMATION:** In the May 19, 1980 **Federal Register** (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. Included in these regulations, which became effective November 19, 1980, were provisions for a transitional stage in which States would be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program has taken effect.

The State of Rhode Island received Interim Authorization for Phase I on May 29, 1981.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions of the second phase of Interim Authorization. In order to proceed with authorizing State programs as expeditiously as possible and because some of the standards for hazardous waste treatment, storage and disposal facilities (40 CFR Part 264) have been promulgated at different times, EPA made the second phase of Interim Authorization available in components. On December 23, 1983, EPA published a notice in the **Federal Register** (48 FR 56805) inviting the public to comment on the Rhode Island application for Interim Authorization Phase II, Component A, at a public hearing on January 31, 1984. This notice also invited the public to submit written comments on the Rhode Island application to Region I by February 3, 1984. Notice was also given in the major daily newspaper in Rhode Island.

### Discussion

The State of Rhode Island submitted an application for Phase II Interim Authorization Component A on April 22, 1983.

While several issues were raised concerning the substantial equivalence of the State's program, only one issue was found to be an impediment to Interim Authorization. The issue centered on the State's statutory provision which discriminates against out-of-state waste. On October 20, 1983, EPA ruled that the statutory provision was an issue to be resolved for final authorization and was not an impediment for Interim Authorization. On November 30, 1983 Rhode Island submitted its first addendum to its application which addressed the out-of-state waste issue in its authorization plan for final authorization. On April 1, 1984, Rhode Island submitted a second addendum to its application which resolved all additional EPA comments regarding substantial equivalence.

### Responsiveness Summary

In the **Federal Register** notice of December 23, 1983 (48 FR 56805) EPA gave the public opportunity to review and comment on the State of Rhode Island's application for Phase II Component A Interim Authorization to manage its Hazardous Waste Management Program under the Resource Conservation and Recovery Act (RCRA). Notice was also given in the major daily newspaper in Rhode Island. The comment period ended on February 3, 1984. EPA also conducted a public hearing on the application on January 31, 1984 at the Cannon Building Auditorium in Providence, Rhode Island. Four members of the public attended as well as several employees of the Rhode Island Department of Environmental Management (DEM) and the U.S. Environmental Protection Agency (EPA). No oral comments were received at the hearing from members of the public. In addition, during the comment period (December 23, 1983–February 3, 1984) EPA received no written comments on the Rhode Island application.

### Decision

I have determined that Rhode Island's program is substantially equivalent to the Federal program for permitting hazardous waste treatment and storage facilities as defined in 40 CFR Part 271, Subpart B. In accordance with section 3006(c) of RCRA, the State of Rhode Island is hereby granted Interim Authorization to operate its hazardous waste program in lieu of Phase II, Component A, of the Federal hazardous waste program for the permitting of treatment and storage facilities.

### Authority

This notice is issued under the authority of section 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

### Compliance With Executive Order 12291

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

### Certification Under the Regulatory Flexibility Act

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

### List of Subjects in 40 CFR Part 271

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

Dated: April 24, 1984.

**Stephen F. Ells,**

*Acting Regional Administrator.*

[FR Doc. 84-12986 Filed 5-14-84; 8:45 am]

BILLING CODE 6560-50-M

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## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## 43 Public Land Order 6536

**[OR-22029 (Wash) and OR-36332 (Wash)]**

## Washington; Partial Revocation of Executive Orders of September 11, 1854, and April 9, 1859

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes two Executive orders as they affect 1,219.29 acres of public land withdrawn for use by the U.S. Coast Guard for lighthouse purposes. The lands have been conveyed out of Federal ownership and will not be restored to surface entry, mining or mineral leasing. Thus, the effect of this order is record clearing only.

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

**FOR FURTHER INFORMATION CONTACT:** Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

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

1. The Executive Orders of September 11, 1854, and April 29, 1859, which withdrew public lands for use by the U.S. Coast Guard for lighthouse purposes, are hereby revoked insofar as they affect the following described lands:

Willamette Meridian

T. 31 N., R. 1 E.,

Sec. 22, portion of Donation Claim No. 46, formerly identified as lot 3.
T. 30 N., R. 2 W.,
Sec. 3, lots 1, 2, and 3;
Sec. 4, lots 1, 2, 3, and 4;
Sec. 15, lot 2.
T. 31 N., R. 2 W.,
Sec. 33, lots 1 and 2.
Sec. 34, lot 1.
T. 16 N., R. 11 W.,
Sec. 6, lots 1 and 2.
T. 16 N., R. 12 W.,
Sec. 1, lots 1 and 2, and NE¼SE¼.
T. 17 N., R. 12 W.,
Sec. 35, lot 44.

The areas described aggregate 1,219.29 acres in Clallam, Grays Harbor, Island, and Jefferson Counties.

2. The lands have been conveyed from Federal ownership and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 8, 1984.

**Garrey E. Carruthers,**

*Assistant Secretary of the Interior.*

[FR Doc. 84-13012 Filed 5-14-84; 8:45 am]

BILLING CODE 4310-84-M

## 43 Public Land Order 6537

[U-51056]

## Utah; Public Land Order No. 6480; Correction

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This document will correct an error in the land description contained in Public Land Order No. 6480 of September 30, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** Deen Bowden, Utah State Office, 801-524-3074.

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

A description of lands in Public Land Order No. 6480 of September 30, 1983, as published in FR Doc. 83-27543 appearing at page 46049 in the issue of Tuesday, October 11, 1983, in the first column, line nine from the bottom reads, "Section 20", and should read, "Section 21."

Dated: May 8, 1984.

**Garrey E. Carruthers,**

*Assistant Secretary of the Interior.*

[FR Doc. 84-13011 Filed 5-14-84; 8:45 am]

BILLING CODE 4310-84-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 15

## Rules and Regulations Governing Federal Emergency Management Agency Special Facility and Grounds

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** This rule prescribes rules and regulations for persons entering onto the premises at the FEMA Special Facility near Berryville, Virginia. These regulations implement and supplement General Services Administration regulations concerning Conduct on Federal Property and are needed because of the special activities carried out at that installation (see 41 CFR Subpart 101-20.3).

**EFFECTIVE DATE:** This rule is effective June 14, 1984.

**FOR FURTHER INFORMATION CONTACT:** George W. Watson at (202) 287-0376.

**SUPPLEMENTARY INFORMATION:** Advance notice of this rule relating to the FEMA Special Facility and its grounds was published in the **Federal Register** on February 13, 1984 (49 FR 5359) with comments due by April 13, 1984.

No comments were received.

No changes have been made in the proposed rule.

FEMA operates its Special Facility near Berryville, Virginia. Since programs of national security interest are being handled at the Special Facility, premises must be regulated in accordance with regulations prescribed by the General Services Administration, 41 CFR 101-20.3 (Conduct on Federal Property). The regulation prescribes rules for entry at the Facility, inspections of vehicles and personal effects of persons entering the Facility, disturbances, gambling, use of alcoholic beverages and narcotics, soliciting, vending, distribution of handbills and for vehicular and pedestrian traffic at the Facility. Penalties under 40 U.S.C. 318(c) are prescribed. This regulation is administrative and, as such is categorically excluded from the requirements for environmental assessments contained in 44 CFR Part 10. This rule is not a major rule as defined in Section 1(b) of Executive Order 12291, nor will it have a significant economic impact on a substantial number of small entities. Hence, regulatory impact analyses are not necessary. There are no information collection requirements to be submitted to the Office of Management and Budget under section 3504(h) of the Paperwork Reduction Act.

This regulation is being made to be effective immediately upon publication notwithstanding 5 U.S.C. 553(c) Act (see 5 U.S.C.). The Special Facility has information and documents of a sensitive nature on the premises, so there is good cause to have regulations to govern conduct at the Special Facility effective as soon as possible to provide proper protection. There has been adequate period for private comment and those regulations do not differ markably from those applicable at the government installations generally.

**List of Subjects in 44 CFR Part 15**

Federal buildings and facilities.

Accordingly, Chapter I of Title 44, Code of Federal Regulations is amended by adding the following Part 15:

## PART 15—CONDUCT AT THE FEMA SPECIAL FACILITY

Sec.
15.1 Applicability.
15.2 Admission.
15.3 Inspection.
15.4 Preservation of property.
15.5 Conformity with signs and directions.
15.6 Disturbances.
15.7 Gambling.
15.8 Alcoholic beverages and narcotics.
15.9 Soliciting, vending and debt collection.
15.10 Distribution of handbills.
15.11 Photographs and other depictions.
15.12 Dogs and other animals.
15.13 Vehicular and pedestrian traffic.
15.14 Weapons and explosives.
15.15 Penalties and other laws.

**Authority:** FEMA Reorganization Plan No. 3 of 1978; E.O. 12127; E.O. 12148; delegation of authority from the Administrator of General Services, dated July 18, 1979; Pub. L. 566, 80th Congress, approved June 1, 1948 (40 U.S.C. 318-318d); and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

### § 15.1 Applicability.

These rules and regulations apply to all the property known as the "Special Facility," located on Mt. Weather on Virginia Route 601 near Berryville, Virginia, which is owned, operated or under the charge and control of the Federal Emergency Management Agency (FEMA) and to all persons entering, while on, or leaving the property.

**§ 15.2 Admission.**

The Special Facility contains classified material and areas which must be protected in the interest of national security. The facility is designated a restricted area. Access to the Special Facility is closed to the general public and is limited to those persons having official business related to the missions and operations of the Special Facility. Persons and vehicles entering the Special Facility must be approved for admission by the Director, Federal Emergency Management Agency, or his/her designee, registered with the Special Facility security force, and issued a Special Facility identification badge and vehicle parking decal or permit. No person shall enter or remain on the Special Facility premises unless he or she has received permission from the Director, FEMA or his/her designee and has complied with the above procedures.

**§ 15.3 Inspection.**

All vehicles, packages, handbags, briefcases, and other containers being brought into, while on, or being removed from the Special Facility are subject to inspection by security force personnel and other authorized personnel. A full search may accompany an arrest. Inspection is permitted to prevent the possession and use of items prohibited by these rules and regulations or by other applicable laws, to prevent theft of property and to prevent the wrongful obtaining of defense information under 18 U.S.C. 793. Individuals objecting to such inspections must make their objection known to the officer on duty at the entrance gate prior to entering the Special Facility. Individuals refusing to permit an inspection of their vehicle or possessions will not be authorized or allowed to enter the premises of the Special Facility.

**§ 15.4 Preservation of property.**

The improper disposal of rubbish at the Special Facility, the willful destruction of or damage to property, the theft of property, the creation of any hazard on the property to persons or things, the throwing of articles of any kind from or at a building, or the climbing upon a fence, or the climbing upon the roof or any part of a building is prohibited.

**§ 15.5 Conformity with signs and directions.**

Persons at the Special Facility shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the directions of law enforcement and other authorized officials.

**§ 15.6 Disturbances.**

Any unwarranted loitering, disorderly conduct, or other conduct at the Special Facility which creates loud or unusual noise or a nuisance; which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, roadways or parking lots; which otherwise impedes or disrupts the performance of official duties by government employees; or which prevents persons from obtaining the administrative services provided at the Special Facility in a timely manner, is prohibited.

**§ 15.7 Gambling.**

Participating in games for money or other personal property, or the operating of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets at the Special Facility is prohibited.

**§ 15.8 Alcoholic beverages and narcotics.**

Operating a motor vehicle at the Special Facility by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines is prohibited. Entering upon, or while on the property, under the influence of or using or possessing any narcotic drug, marijuana, hallucinogen, barbiturate or amphetamine is prohibited. This prohibition shall not apply in cases where the drug has been prescribed for a patient by a physician. Entering upon the property, or being on the property under the influence of alcoholic beverages is prohibited. Bringing alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines onto the premises of the Special Facility is prohibited unless authorization has been granted by the Director, FEMA or his designee.

**§ 15.9 Soliciting, vending, and debt collection.**

Soliciting alms and contributions, commercial or political soliciting and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts at the Special Facility is prohibited. This rule does not apply to (a) national or local drives for funds for welfare, health, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service" issued by the U.S. Office of Personnel Management and sponsored or approved by the occupant agencies (all such drives must have the prior approval of the Director, Federal Emergency Management Agency or his/her designee); (b) concessions or personal notices posted by employees on authorized bulletin boards; and (c) solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Pub. L. 95-454).

**§ 15.10 Distribution of handbills.**

The distribution of materials such as pamphlets, handbills and/or flyers, and the displaying of placards or posting of materials on bulletin boards or elsewhere at the Special Facility is prohibited except as authorized in § 15.9 above or when such distribution or displays are conducted as part of authorized government activities.

**§ 15.11 Photographs and other depictions.**

The taking of photographs and the making of notes, sketches, or diagrams of buildings, grounds or other appurtenances of the Special Facility, or the possession of a camera is prohibited while at the Special Facility except when approved by the Director, Federal Emergency Management Agency, or his/her designee.

**§ 15.12 Dogs and other animals.**

Dogs and other animals, except seeing-eye dogs, shall not be brought onto the Special Facility for other than official purposes.

**§ 15.13 Vehicular and pedestrian traffic.**

(a) Drivers of all vehicles entering or while at the Special Facility shall drive in a careful and safe manner at all times and shall comply with the signals and directions of security force officers or other authorized individuals and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants on the property is prohibited;

(c) Except in emergencies, parking on the property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owners' risk and expense. This paragraph may be supplemented from time to time with the approval of the Director of Federal Emergency Management Agency, or his/her designee, by the issuance and posting of such specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part thereof. Proof that a motor vehicle was parked in violation of these regulations or directives may be taken as prima

facie evidence that the registered owner was responsible for the violation.

**§ 15.14 Weapons and explosives.**

No person entering or while at the Special Facility shall carry or possess firearms, other dangerous or deadly weapons, explosives or items intended to be used or which could reasonably be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes and upon the approval of the Director, Federal Emergency Management Agency, or his/her designee.

**§ 15.15 Penalties and other laws.**

Whoever shall be found guilty of violating any rule or regulation herein is subject to a fine of not more than $50 or imprisonment for not more than 30 days, or both. (See 40 U.S.C. 318c.) Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or any State and local laws and regulations applicable to the Special Facility premises. These rules and regulations supplement those penal provisions of Title 18, United States Code, relating to Crimes and Criminal Procedure, which apply without regard to the place of the offense and those penal provisions which apply in areas under the special maritime and territorial jurisdiction of the United States, as defined in 18 U.S.C. 7. However, they supersede those provisions of State law which are made Federal criminal offenses by virtue of the Assimilated Crimes Act (18 U.S.C. 13) to the extent that they are in conflict with these regulations. State and local criminal laws are applicable as such only to the extent that authority in that regard has been reserved to the State by the State consent or cession statute or vested in the State by Federal statute.

Dated: May 8, 1984.

**Louis O. Giuffrida,**

*Director.*

[FR Doc. 84-12975 Filed 5-14-84; 8:45 am]

BILLING CODE 6718-01-M

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**44 CFR Part 64**

**[Docket No. FEMA 6601]**

## Suspension of Community Eligibility Under the National Flood Insurance Program; Connecticut

**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.

**§ 64.6 List of eligible communities.**

| State and county | Location | Community No. | Effective dates of authorization/cancellation of sale of flood insurance in community | Specical flood hazard area identified | Date certain Federal assistance no longer available in special flood hazard areas |
|---|---|---|---|---|---|
| Region I | | | | | |
| Connecticut: New London. | Groton, city of | 090126B | Sept. 18, 1973, emergency; May 15, 1980, regular; May 15, 1984, suspended. | Feb. 21, 1975, and May 15, 1980 | May 15, 1984. |
| Region II | | | | | |
| New Jersey: | | | | | |
| Middlesex | Jamesburg, borough of | 340264B | Oct. 28, 1975, emergency; May 15, 1984, regular; May 15, 1984, suspended. | June 28, 1974, and Feb. 6, 1976 | Do. |
| Warren | White, township of | 340497B | May 1, 1973, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Nov. 2, 1973, and June 3, 1977 | Do. |
| New York: Ontario | Canadice, town of | 361297B | Apr. 23, 1976, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Nov. 8, 1974, and May 28, 1976 | Do. |
| Region III | | | | | |
| Pennsylvania: | | | | | |
| Berks | Bechtelsville, borough of | 420126B | Apr. 7, 1975, emergency; May 15, 1984, regular; May 15, 1984, suspended. | June 28, 1974, and June 4, 1976 | Do. |
| Delaware | Chester, township of | 420405B | Dec. 3, 1971, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Dec. 28, 1973, and Aug. 6, 1976 | |
| Montgomery | Douglas, township of | 421911A | July 25, 1974 emergency; May 15, 1984 regular; May 15, 1984, suspended. | Do<br>Nov. 1, 1974 Jan. 10, 1975, | Do. |
| Erie | LeBoeuf, township of | 422415B | Oct. 10, 1975, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Jan. 10, 1975 | Do. |
| Montgomery | Montgomery, township of | 421226B | Aug. 30, 1973, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Sept. 2, 1974, and June 18, 1976 | Do. |
| Virginia: | | | | | |
| Patrick | Unincorporated areas | 510252C | July 19, 1974, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Jan. 24, 1975, Dec. 26, 1975, and Sept. 18, 1981. | Do. |
| Do. | Stuart, town of | 510111C | Aug. 6, 1974, emergency; Sept. 1, 1978, regular; May 15, 1984, suspended. | May 31, 1974, Apr. 23, 1976, and Sept. 1, 1978. | Do. |
| Region IV | | | | | |
| Georgia: McIntosh | Unincorporated areas | 130130A | Dec. 16, 1975, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Apr. 9, 1976 | Do. |
| Region V | | | | | |
| Indiana: | | | | | |
| Lake | Dyer, town of | 180129B | Oct. 10, 1974, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Feb. 1, 1974, and June 18, 1976 | Do. |
| Marion | Indianapolis, city of | 180159C | Oct. 29, 1971, emergency; May 15, 1984, regular; May 15, 1984, suspended. | May 17, 1974, Sept. 24, 1976, and Sept 15, 1978. | Do. |
| Ohio: Fulton | Delta, village of | 390183C | Apr. 28, 1975, emergency; May 15, 1984, regular; May 15, 1984, suspended. | May 31, 1974, May 21, 1976, and Dec. 7, 1979. | Do. |
| Region VI | | | | | |
| Texas: Harris | Shoreacres, city of | 485510D | Sept. 11, 1970, emergency; Nov. 20, 1970, regular; May 15, 1984, suspended. | Nov. 20, 1970, July 1, 1974, July 12, 1975, Sept. 12, 1975, and Feb. 16, 1982. | Do. |
| Region VII | | | | | |
| Nebraska: Dawson | Lexington, city of | 310063A | Mar. 23, 1977, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Aug. 13, 1976 | Do. |
| Region X | | | | | |
| Oregon: | | | | | |
| Umatilla | Adams, city of | 410205D | Feb. 12, 1976, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Aug. 3, 1974, Dec. 26, 1975, May 8, 1979, and July 14, 1981. | Do. |
| Do. | Echo, city of | 410207B | Apr. 15, 1975, emergency; May 15, 1984, regular; May 15, 1984, suspended. | Sept. 13, 1974, and Apr. 15, 1975 | 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: May 9, 1984.

**Jeffrey S. Bragg,**

*Administrator, Federal Insurance Administration.*

[FR Doc. 84-12976 Filed 5-14-84; 8:45 am]

BILLING CODE 6718-03-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 0, 73, 74, and 76**

## Oversight of the Radio and TV Broadcast Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This Order amends broadcast station regulations in 47 CFR Parts 0, 73, 74 and 76 of the FCC rules. Amendments are made to delete regulations that are no longer necessary, correct inaccurate rule texts, contemporize certain requirements, to execute editorial revisions as needed for purposes of clarity and ease of understanding.

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

**FOR FURTHER INFORMATION CONTACT:** Steve Crane, Mass Media Bureau, (202) 632–5414.

### List of Subjects

*47 CFR Part 0*

Organization and Functions (Gov't agencies).

*47 CFR Part 73*

Radio Broadcasting, Television.

*47 CFR Part 74*

Television.

*47 CFR Part 76*

Cable television.

### Order

In the matter of oversight of the radio and TV broadcast rules.

Adopted: May 9, 1984.

Released: May 10, 1984.

By the Chief, Mass Media Bureau.

1. In this *Order*, the Commission focuses its attention on the oversight of its radio and TV broadcast rules. Modifications are made herein to update, delete, clarify or correct broadcast regulations as described in the following amendment summaries:

(a) In December of 1982, the Broadcast Bureau and the Cable TV Bureau were merged and reorganized and redesignated Mass Media Bureau. The old nomenclature was excised (Broadcast and Cable TV Bureau) and the new title (Mass Media Bureau) was inserted throughout our rules. While every effort was made to make appropriate changes in the rules, some Broadcast and Cable Bureau designations have eluded our net. Though the number of incorrect references turning up is small, discovery of them persists. An all-out effort to completely uncover all such references has been made. This search revealed, we believe, the final misnomers for Mass Media Bureau (*i.e.*, Broadcast Bureau and Cable TV Bureau) existing in Title 47, Code of Federal Regulations and corrections are made via this Order. (See Appendix items 1, 2, and 3).

(b) An inadvertent omission is corrected in the Alphabetical Index to Part 73 by adding a heretofore missing rule section listing. It is the secondary listing of § 73.611, Reference points and distance computations. It will be paired in the listing with the FM rule from Subpart B which bears the same section title—Section 73.208, and the revised listings will read:

| | |
|---|---|
| Computations, Reference points and distance: | |
| FM | 73.208 |
| TV | 73.611 |
| Distance and reference points, computations of: | |
| FM | 73.208 |
| TV | 73.611 |

Concurrently, we will delete the unnecessary and incomplete TV listing, in the Index, since it omits the FM section number. It reads:

| | |
|---|---|
| Points, Reference, and distance computations (TV) | 73.611 |

(See Appendix item 4.)

(c) In adopting the Report and Order in BC Docket 82–537, the Commission eliminated the operating and maintenance log requirements for all broadcast stations. 48 FR 38473, August 24, 1983. A great many references to these logs existed throughout Parts 73 and 74 and these were also removed in this proceeding. One such reference, requiring the operator to "* * * enter a signed statement in the maintenance log * * *", was unintentionally left in § 73.676, Remote control operation, in paragraph (h). It is excised via this Order. (See Appendix item 5.)

(d) Broadcast station licensees are required to afford equal opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. Consonant with that requirement, license renewal applicants must file FCC Form 396 designed to assure such equal employment opportunities for women and minority groups. Applicants for new stations or for assignments or transfers must file FCC Form 396–A. These two forms have been inadvertently omitted from § 73.3500, Application and report forms, and are herein added to the forms' listing. (See Appendix item 6.)

(e) In the Commission's policy, Payment disclosure: Payola, plugola, kickbacks (see Listing of FCC Policies, § 73.4180) paragraph (a) reads, "See 47 U.S.C. 508."

Section 508 of the Communications Act, entitled Disclosure of Certain Payments, was redesignated Section 507 (same title) by Pub. L. 96–507, 94 Stat. 2747, December 8, 1980. Correction to the policy text is made herein. (See Appendix item 7.)

(f) The Alphabetical Index to Part 74 is amended to add a new rule adopted in the Report and Order in General Docket 83–10, which expanded verification of equipment authorization procedures. It is § 74.550, Equipment authorization. (See Appendix item 8.)

(g) On January 10, 1984, the Commission adopted the Report and Order in General Docket 83–10[1] which, among other things, added a new paragraph (h) to § 74.655, Authorization of equipment. The Report and Order in BC Docket 82–20[2] was adopted by the Commission on February 3, 1984 and, in this proceeding, changes were also made in § 74.655 which redesignated the newly added paragraph (h) as paragraph (g). Unfortunately, two cross references to paragraph (h) found in § 74.665, as crafted in General Docket 83–10, were not changed to paragraph (g) in BC Docket 82–20. Corrections are made herein. (See Appendix item 9.)

(h) With the adoption of the Report and Order in the Low Power TV proceeding in May, 1982,[3] the Commission added or amended rules to accommodate and direct prospective licensees of the new service. One such rule, § 74.732 Eligibility and licensing requirements, was revised in its entirety, except for its section title which remained the same. Paragraph (e), in the original rule, contained certain restrictions which would preclude granting a license to an applicant. In the new rule, adopted in the Report and Order, paragraph (e) was completely revised. The revised paragraph bore no resemblance to the original in either text or meaning.

However, the revised section inadvertently retained a cross reference to paragraph (e) in the opening paragraph (a). Revisions are made

[1] General Docket 83–10, Amendment of the Regulations to Expand the Notification and Verification Equipment Authorization Procedures. 49 FR 3991, February 1, 1984.

[2] BC Docket 82–20, Amendment of the Commission's Rules to Provide for the Operation of Microwave Boosters. 49 FR 7127, February 27, 1984.

[3] BC Docket 78–253, Future Role of Low Power TV Broadcasting and TV Translators in the National Telecommunications System. 47 FR 21468, May 18, 1982.

herein to remove the meaningless (and, at present, confusing) cross-reference to paragraph (e) found in opening paragraph (a). (See Appendix item 10.)

(i) In § 76.95 of the CATV rules, titled Exemptions, paragraph (b) contains an error which incorrectly designates "a *cable television system* having fewer than 1,000 subscribers" as a "*community unit* having fewer than 1,000 subscribers." (emp. added). Revisions in § 76.95 had been made in the Report and Order in Docket 20561, adopted March 9, 1977. In the Matter of Amendment of Part 76 of the Commission's Rules with Respect to the Definition of a Cable Television System and the Creation of Classes of Cable Systems. 63 FCC 2d 956.

In the appendix of rule amendments to this document, the amendatory language of item 16 deleted the term "cable television system", or "system[s]" in seven rules' sections of Part 76, including § 76.95, and substituted the term "community unit". In item 17 of that appendix, the amendatory language stated that paragraph (b) of § 76.95 would be "amended * * * to read as follows:".

(b) The provisions of §§ 76.92 and 76.94 shall not apply to a *cable television system* having fewer than 1,000 subscribers. Within 60 days following the provision of service to 1,000 subscribers, each such *system* shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast and translator stations carried by the *system* (emp. added).

While paragraphs (a), (c) and (d) of § 76.95, pursuant to item 16 of the rule appendix, were correctly amended to change "cable television system" to "community unit", item 17 presented, in detail, the text that explicitly states that paragraph (b) of § 76.95 would pertain to "a cable television system having fewer than 1,000 subscribers." In short, in paragraph (b) the term cable television system would *not* be changed to community unit.

This cable system designation was correctly introduced into § 76.95 in the next printing and release of a Transmittal Sheet [4] for the loose-leaf edition of Part 76: Transmittal Sheet No. 2 to Volume XI, Part 76 Cable Television Service, August 1976 edition. (T.S. XI (76)–2).

Unfortunately, the term (cable television system) was inadvertently changed in the October 1, 1977 edition of 47 CFR Part 76 to read "community unit". A review of "why" this incorrect change was made in the CFR reveals that a CFR analyst erroneously perceived the change of "cable television system" to "community unit" in item 16 of the Appendix to the proceeding, superseded the paragraph (b) text stated in the same Appendix in item 17.

When the FCC began using CFR's rules' tapes to print a loose-leaf rules' book in 1983, the error was transplanted there also.

In this Order, appropriate amendments are made correcting §76.95(b) to state "cable television system" and remove the term "community unit". (See Appendix item 11.)

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

3. These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

4. Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply.

5. Therefore, it is ordered, that pursuant to Sections 4(i), 303(r) and 5(c)(1) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.283 of the Commission's Rules, Parts 0, 73, 74, and 76 of the FCC Rules and Regulations are amended as set forth in the attached Appendix, effective May 10, 1984.

6. For further information on this *Order*, contact Steve Crane, (202)632–5414, Mass Media Bureau.

Federal Communications Commission.

**James C. McKinney,**

*Chief, Mass Media Bureau.*

## Appendix

## PART 0—[AMENDED]

1. 47 CFR 0.5 is amended by revising paragraphs (a)(5), (b)(2), (b)(4) (i) and (ii) as follows; by removing paragraph (a)(9) and the unit designation, Cable Television Bureau, found therein, and by renumbering paragraphs (a)(10) through (a)(14) as (a)(9) through (a)(13):

**§ 0.5 General description of Commission organization and operations.**

(a) * * *

(5) Mass Media Bureau

* * * * *

(b) * * *

(2) *The Chief Scientist and the General Counsel.* Though primary responsibility in most established areas of regulation is lodged in other staff units, the Chief Scientist and the General Counsel are responsible for advising the Commission concerning any engineering or legal matter involved in the making and implementation of policy or in the decision of cases. For example, while policies relating solely to broadcasting are primarily the responsibility of the Mass Media Bureau, and the preparation of Commission opinions in hearing cases is primarily the responsibility of the Office of Opinions and Review, the Chief Scientist and the General Counsel may be called upon for advice and assistance in either area. The Chief Scientist and the General Counsel, in addition, exercise primary responsibility in areas of regulation which transcend the responsibilities of a single bureau. Thus, for example, the General Counsel is primarily responsible for the Rules of Practice and Procedure, Part 1 of this chapter, and the Chief Scientist is primarily responsible for frequency allocation and for other areas of regulation under Parts 2, 5, and 15. The General Counsel also represents the Commission in litigation in the courts and coordinates the preparation of the Commission's legislative program. Both the Chief Scientist and the General Counsel exercise responsibility in matters pertaining to international communications.

* * * * *

(4) *The operating bureaus.* The principal workload operations of the FCC are conducted by the four operating bureaus.

(i) Three of these bureaus—The Mass Media Bureau, Common Carrier Bureau, and Private Radio Bureau—exercise primary responsibility in the principal areas of regulation into which the FCC has divided its responsibilities. The Mass Media Bureau is responsible for the regulation of broadcast stations (see Part 73 of this chapter) and related facilities (see Part 74); for the regulation of cable television systems and cable television relay stations (see Parts 76 and 78 of this chapter); and for the regulation of Direct Broadcast Satellites (see Part 100). The licensing of related microwave radio facilities is coordinated with the Mass Media

[4] Transmittal sheets were substitute rule book pages distributed to rule users to reflect rule changes. They were produced, as timely, to maintain up-to-date rule sections between the triennial publishing dates of the loose-leaf editions.

Bureau by the Common Carrier Bureau and the Private Radio Bureau. Within its area of responsibility, each of these bureaus is responsible for developing and implementing a regulatory program; for processing applications for radio licenses or other filings; for the consideration of complaints and the conduct of investigations; for participation in FCC hearing proceedings as appropriate; and for the performance of such other functions as may be related to its area of responsibility.

(ii) The fourth operating bureau: The Field Operations Bureau maintains field offices and monitoring stations throughout the United States. It is responsible for detecting violations of regulations pertaining to the use of radio and, in this connection, monitors radio transmissions, periodically inspects stations, and investigates complaints of radio frequency interference. It issues violation notices to the station in question, thereby affording it an opportunity to take corrective measures. If formal enforcement action is appropriate, the proceedings are conducted by the staff unit which exercises primary responsibility over the station in question, usually one of the other operating bureaus. The Field Operations Bureau, in addition, exercises responsibility over commercial radio operator matters (see Part 13 of this Chapter), antenna structures (see Part 17), and the use of radio for purposes other than communication (see Part 18). It also conducts amateur operator examinations.

* * * * *

2. 47 CFR 0.186 is amended by revising the designations "The Chief, Broadcast Bureau" in paragraph (b)(5) and "The Deputy Chief, Broadcast Bureau" in paragraph (b)(12) to read as follows:

**§ 0.186 Emergency relocation board.**

* * * * *

(b) * * *

(5) The Chief, Mass Media Bureau.

* * * * *

(12) The Deputy Chief, Mass Media Bureau.

* * * * *

3. 47 CFR 0.241 is amended by revising paragraph (a)(3) to read as follows:

**§ 0.241 Authority delegated to the Chief Scientist.**

(a) * * *

(3) Examination of all applications for certification (approval) of subscription television technical systems as acceptable for use under a subscription television authorization as provided for in this chapter; notification of the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the system does or does not appear to be acceptable for authorization as a subscription television system; and issuance of a list of subscription television systems certified as acceptable for authorization. The delegation granted in this subparagraph shall be exercised in consultation with the Chief, Mass Media Bureau.

* * * * *

## PART 73—[AMENDED]

4. The Alphabetical Index to Part 73 is amended by making the following deletions and additions in the proper alphabetical sequences:

Remove:

| | |
|---|---|
| Computations, Reference points and distance (FM) | 73.208 |
| Distance and Reference points, computations of (FM) | 73.208 |
| Points, Reference and distance computations (TV) | 73.611 |

Add:

| | |
|---|---|
| Computations, Reference points and distance: | |
| FM | 73.208 |
| TV | 73.611 |
| Distance and reference points, computations of: | |
| FM | 73.208 |
| TV | 73.611 |

**§ 73.676 [Amended]**

5. 47 CFR 73.676 is amended by removing paragraph (h) in its entirety.

**§ 73.3500 [Amended]**

6. 47 CFR 73.3500, Application and report forms, is amended by adding, to the listing of forms, two new entries to follow Form 395 and precede Form 701:

396 Equal Employment Opportunity Program (10 point program)

396–A Equal Employment Opportunity Program (5 point program)

7. 47 CFR 73.4180 is amended by revising paragraph (a) to read as follows:

**§ 73.4180 Payment disclosure: Payola, plugola, kickbacks.**

(a) See 47 U.S.C. 507.

* * * * *

## PART 74—[AMENDED]

8. The alphabetical index to Part 74 of the rules is amended by adding:

| | |
|---|---|
| Equipment authorization | 74.550 |

immediately preceding the listing Equipment changes, and

| | |
|---|---|
| Authorization, Equipment | 74.550 |

immediately preceding the listing Authorizations, Temporary.

9. 47 CFR 74.655 is amended by revising paragraphs (c) and (e) to read as follows:

**§ 74.655 Authorization of equipment.**

* * * * *

(c) The license of a TV auxiliary station may replace transmitting equipment with type accepted or notified equipment, as detailed under Paragraph (g) of this Section, without prior FCC approval, provided the proposed changes will not depart from any of the terms of the station or system authorization or the Commission's technical rules governing this service, and also provided that any changes made to type accepted or modified transmitting equipment is in compliance with the provisions of Part 2 of the FCC Rules concerning modifications to authorized equipment.

* * * * *

(e) An applicant for a TV broadcast auxiliary station may also apply for type acceptance or notification, as specified in Paragraph (g) of this Section, for an individual transmitter by following the procedures set forth in Subpart J of Part 2 of the FCC Rules and Regulations. Individual transmitters which are authorized will not normally be included in the FCC's Radio Equipment List.

* * * * *

10. 47 CFR 74.732 is amended by revising paragraph (a) to read as follows:

**§ 74.732 Eligibility and licensing requirements.**

(a) A license for a low power TV or TV translator station may be issued to any qualified individual, organized group of individuals, broadcast station licensee, or local civil governmental body.

* * * * *

11. 47 CFR 76.95 is amended by revising paragraph (b) to read as follows:

**§ 76.95 Exceptions.**

* * * * *

(b) The provisions of §§ 76.92 and 76.94 shall not apply to a cable television system having fewer than 1,000 subscribers. Within 60 days following the provision of service to 1,000 subscribers, the operator of each such system shall file a notice to that effect with the Commission and shall send a copy thereof to all television

broadcast and translator stations carried by the system.

* * * * *

[FR Doc. 84-13023 Filed 5-14-84; 8:45 am]
BILLING CODE 6712-01-M

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**47 CFR Parts 2 and 90**

## Allocation of Frequencies To Operate Low Power Wireless Microphones on a Secondary Non-Interference Basis in the 169–172 MHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Chief of the Private Radio Bureau, by delegated authority, grants spectrum relief by amending Parts 2 and 90 of the Rules to allocate eight 170 MHz frequencies to the Private Land Mobile Radio Services for wireless microphone use on a secondary, non-interference basis to Government and non-Government operations. This action is taken to allow wireless microphones adequate frequencies in which to operate.

**DATE:** May 15, 1984.

**FOR FURTHER INFORMATION CONTACT:** Keith Plourd, Private Radio Bureau, Washington, D.C. (202) 634–2443.

**List of Subjects**

*47 CFR Part 90*

Administrative Practice and Procedure, Industrial Radio Services, Private Land Mobile Radio Services, Public Safety Radio Services, Land Transportation Radio Services, Radiolocation Radio Service.

*47 CFR Part 2*

Table of Radio Frequency Allocations, Radio Treaty Matters.

**Order**

In the Matter of amendment of Parts 2 and 90 of the Commission's Rules to Allocate Frequencies to Operate Low Power Wireless Microphones on a Non-interference Basis in the 169–172 MHz band.

Adopted: May 3, 1984.
Released: May 10, 1984.

By the Chief, Private Radio Bureau.

1. The National Telecommunications and Information Administration (NTIA) has identified eight (8) Federal Government frequencies in the 169–172 MHz band which may be used for wireless microphone operations in the Private Land Mobile Radio Services by non-Government entities on a non-interference basis to Government and non-Government operations in this band. This *Order* amends Parts 2 and 90 of the Commission's Rules to permit such wireless microphone operations of these frequencies.[1]

2. Pursuant to section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(1976), public notice and comment are unnecessary in this matter. These frequencies are available for use by all eligibles in the Private Land Mobile Radio Services. The frequencies stem from Government allocations and NTIA has concurred in their use for this purpose. Furthermore, the potential for interference from these 50 mW transmitters is extremely remote. Wireless microphones are unlikely to operate in the vicinity of other operations in this band and the interference range of these devices is limited to distances of only a few hundred feet. Moreover, the primary operating mode of wireless microphones, i.e., amplification for use on a public address system, does not tolerate even low levels of interference because of the large amount of amplification required. This intolerance to even weak interference protects other users of the band. Since operation of these systems will be on a secondary basis to all other stations authorized in the 169–172 MHz band, both Government and non-Government, public notice and comment would serve no useful purpose. Therefore, since we see no public interest in delaying the benefit being adopted, we also conclude, based on the above reasons, this change should become effective immediately.

3. Accordingly, pursuant to authority granted in section 4(i) and 303(r) of the Communications Act of 1934, as amended, §§ 0.131 and 0.331 of the Commission's Rules and 5 U.S.C. 553 (b)(3)(B) and (d)(3), it is ordered that 47 CFR Parts 2 and 90 is amended as shown in the attached Appendix. This change shall become effective May 15, 1984.

**Robert S. Foosaner,**
*Chief, Private Radio Bureau.*

**Appendix**

The Federal Communications Commission amends its rules, 47 CFR Parts 2 and 90, as follows:

### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

**§ 2.106 [Amended]**

1. In § 2.106, columns 4 and 5 of the allocation table for the band 162.0125–173.2 MHz and the list of footnotes following the table are amended by adding a new footnote US 300 as follows:

US 300 The frequencies 169.445, 169.505, 170.245, 170.305, 171.045, 171.105, 171.845 and 171.905 MHz are available for wireless microphone operations on a secondary basis to Government and non-Government operations.

### PART 90—PRIVATE LAND MOBILE RADIO SERVICES

2. Paragraphs § 90.63(d)(10), § 90.65(c)(23), § 90.67(c)(12), § 90.73(d)(14), § 90.75(c)(17) and § 90.91(c)(8) are revised as follows (the text of each paragraph is identical except for the paragraph number):

( ) Frequencies in this band will be assigned only for transmitting hydrological or meteorological data or for low power wireless microphones in accordance with the provisions of § 90.265.

3. In the Radio Service Frequency Table in each of §§ 90.63(c), 90.65(b), 90.67(b), 90.73(c), 90.75(b) and 90.91(b), under the column entitled "Class of Station" and beside the frequency "169–172," revise the entry, "Operational Fixed," to read "Mobile, operational fixed."

4. Paragraphs § 90.17(c)(27), § 90.19(e)(30), § 90.21(c)(14), § 90.23(c)(15), § 90.25(c)(20), § 90.53(b)(33), § 90.69(c)(11), § 90.71(c)(8), § 90.79(d)(26), § 90.81(d)(15), § 90.89(c)(17), § 90.93(c)(12) and § 90.95(d)(17) are revised or added as follows (the text of each paragraph is identical except for the paragraph number):

( ) Frequencies in this band will be assigned for low power wireless microphones in accordance with the provisions of § 90.265.

5. The Radio Service Frequency Table in each of §§ 90.17(b), 90.19(d), 90.21(b), 90.23(b), 90.25(b), 90.53(a), 90.69(b), 90.71(b), 90.79(c), 90.81(c), 90.89(b), 90.93(b) and 90.95(c) is amended to include the entry "169–172, Mobile" in proper numerical sequence as follows (the text of each paragraph is identical except for the paragraph number):

* * * * *

| Frequency or band | Class of station | Limitation |
|---|---|---|
| * * * * * | | |
| Megahertz: * * * * * | | |
| 169–172 | Mobile | |
| * * * * * | | |

6. Instruction 5, above, placed "169–172" under the "frequency or band"

[1] These operations must fulfill the following technical requirements: maximum output power of 50 mW, maximum emission bandwidth of 54 kHz, and frequency stability limiting the total emission to within ±32.5 kHz of the assigned frequency.

column and "Mobile" under the "Class of Station" column in the frequency tables. In the "Limitations" column beside "169–172" and "Mobile," add "limitation number"

27 to the table in § 90.17(b),
30 to the table in § 90.19(d),
14 to the table in § 90.21(b),
15 to the table in § 90.23(b),
20 to the table in § 90.25(b),
33 to the table in § 90.53(a),
11 to the table in § 90.69(b),
8 to the table in § 90.71(b),
26 to the table in § 90.79(c),
15 to the table in § 90.81(c),
17 to the table in § 90.89(b),
12 to the table in § 90.93(b) and
17 to the table in § 90.95(c).

7. § 90.265 is revised as follows:

**§ 90.265 Assignment and use of frequencies in the bands 169–172 MHz and 406–413 MHz.**

(a) The following frequencies are available for assignment to fixed stations in the Power, Petroleum, Forest Products, Special Industrial, Business and Railroad Radio Services subject to the provisions of this section:

**Frequencies (MHz)**

| | | |
|---|---|---|
| 169.425 | 171.025 | 406.125 |
| 169.450 | 171.050 | 406.175 |
| 169.475 | 171.075 | 409.675 |
| 169.500 | 171.100 | 409.725 |
| 169.525 | 171.125 | 412.625 |
| 170.225 | 171.825 | 412.675 |
| 170.250 | 171.850 | 412.725 |
| 170.275 | 171.875 | 412.775 |
| 170.300 | 171.900 | |
| 170.325 | 171.925 | |

(1) The use of these frequencies is limited to transmitting hydrological or meteorological data.

(2) All use of these frequencies is on a secondary basis to Federal Government stations and the hydrological or meteorological data being handled must be made available on request to governmental agencies.

(3) Other provisions of this part notwithstanding, an operational fixed station operating on these frequencies shall not communicate with any station in the mobile service unless written authorization to do so has been obtained from the Commission.

(4) Persons who desire to operate stations on these frequencies should communicate with the Commission for instructions concerning the procedure to be followed in filing formal application.

(b) The following frequencies are available for wireless microphone operations to eligibles in this part, subject to the provisions of this paragraph:

**Frequencies (MHz)**

| | | |
|---|---|---|
| 169.445 | 171.105 | 170.305 |
| 171.045 | 170.245 | 171.905 |
| 169.505 | 171.845 | |

(1) The emission bandwidth shall not exceed 54 kHz.

(2) The output power shall not exceed 50 milliwatts.

(3) The frequency stability of wireless microphones shall limit the total emission to within ±32.5 kHz of the assigned frequency.

(4) Wireless microphone operations are unprotected from interference from other licensed operations in the band. If any interference from wireless microphone operation is received by any Government or non-Government operation, the wireless microphone must cease operation on the frequency involved. Applications are subject to Government coordination.

**§ 90.555 [Amended]**

8. Amend paragraph (b) of § 90.555, "Combined frequency listing," by revising the frequencies between 169.425 and 172.225 as follows:

**§ 90.555 Combined frequency listing.**

* * * * *

(b) Combined frequency list

| Frequency | Services | Special limitations |
|---|---|---|
| Kilohertz: | | |
| * | * | * |
| Megahertz: | | |
| * | * | * |
| 169.425 | IW, IP, IF, IS | Hydrological or meteorological. |
| 169.445 | All services except RS. | Wireless microphones. |
| 169.450 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 169.475 | IW, IP, IF, IS, IB, LR. | Do. |
| 169.500 | IW, IP, IF, IS, IB, LR. | Do. |
| 169.505 | All services except RS. | Wireless microphones. |
| 169.525 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 170.150 | PF | Available only within 150 mis of New York City. |
| 170.225 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 170.245 | All services except RS. | Wireless microphones. |
| 170.250 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 170.275 | IW, IP, IF, IS, IB, LR. | Do. |
| 170.300 | IW, IP, IF, IS, IB, LR. | Do. |
| 170.305 | All services except RS. | Wireless microphones. |
| 170.325 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 170.425 | PO | State use west of the Mississippi River. |
| 170.475 | PO | State use. |
| 170.575 | PO | State use west of the Mississippi River. |
| 171.025 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 171.045 | All services except RS. | Wireless microphones. |
| 171.050 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 171.075 | IW, IP, IF, IS, IB, LR. | Do. |
| 171.100 | IW, IP, IF, IS, IB, LR. | Do. |
| 171.105 | All services except RS. | Wireless microphones. |
| 171.125 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 171.425 | PO | State use east of the Mississippi River. |
| 171.475 | PO | State use west of the Mississippi River. |
| 171.575 | PO | State use east of the Mississippi River. |
| 171.825 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 171.845 | All services except RS. | Wireless microphones. |
| 171.850 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 171.875 | IW, IP, IF, IS, IB, LR. | Do. |
| 171.900 | IW, IP, IF, IS, IB, LR. | Do. |
| 171.905 | All services except RS. | Wireless microphones. |
| 171.925 | IW, IP, IF, IS, IB, LR. | Hydrological or meteorological. |
| 172.225 | PO | State use west of the Mississippi River. |
| * | * | * |

[FR Doc. 84-13024 Filed 5-14-84; 8:45 am]
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# Proposed Rules

Federal Register
Vol. 49, No. 95
Tuesday, May 15, 1984

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Parts 28 and 61

### Revision of User Fees for Cotton Classification, Testing, and Standards

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** proposed rule.

**SUMMARY:** The Agricultural Marketing Service (AMS) proposes to decrease the fee for cotton classification services to producers under the Smith-Doxey Amendment to the Cotton Statistics and Estimates Act. Lower fees will be sufficient to recover the projected costs of services to producers for the 1984 cotton crop.

AMS also proposes to revise the schedule of fees charged for cotton fiber and processing tests and for the purchase of cotton standards under the United States Cotton Standards Act and the Cotton Service Testing Amendment to the Cotton Statistics and Estimates Act. Fees would also be revised for certain other classification services, cotton linters standards, and cottonseed grading services. All fee revisions would reflect increased costs and changed levels of demand for the services offered.

**DATE:** Comments must be received on or before June 14, 1984.

**FOR FURTHER INFORMATION CONTACT:** Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-2167.

**SUPPLEMENTARY INFORMATION:** This porposed rule has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be nonmajor since it does not meet the criteria for a major regulatory action as stated in the Order. William T. Manley, Deputy Administrator, AMS has certified that this action would not have a significant economic impact as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (1) The amounts of the proposed increases in fees are too small to have a significant impact; (2) the proposed decrease in classification fees will have a salutary effect on small entities; (3) the use of the services is voluntary; (4) the revised testing fees are not new and merely reflect necessary increases of some of the costs currently borne by those entities using the testing services; (5) and, if there is any impact, the Secretary has been directed by statute to recover the costs of cotton classification, standards, and the testing service from users of the such services and standards.

A thirty day comment period is deemed adequate because it is necessary to adjust the fees to more nearly equate costs and revenues as soon as possible.

Classification fees for producers: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 95-35) amended section 3a of the Cotton Statistics and Estimates Act (7 U.S.C. 473a), to require that user fees shall be charged for the classification of producer cotton for fiscal years 1982, 1983, and 1984. This legislation directed the Secretary to set the user fee at a level that when combined with the proceeds from the sale of samples submitted for classification would recover, as nearly as practicable, the cost of the service provided, including administrative and supervisory costs. The Secretary was also directed to take necessary action to insure that the Federal cotton classification system continues to operate to provide an official quality description for the United States cotton crop. The fee for classification of producers' cotton was set at $1.15 per sample during the 1983 harvest season (7 CFR 28.909(b) at 48 FR 30937-30939).

This proposal would decrease the classification fee for manual classification service to producers in § 28.909 from $1.15 to $1.05 per sample. This decrease in the fee is possible due to the following conditions: (1) Anticipated volume of cotton to be classed from the 1984 crop is substantially above the volume of cotton classed from the 1983 crop. In the 1983 crop 7.7 millin bales were produced. The present projections indicate that 1.5 million bales will be produced from the 1984 crop. The unit cost of classing is affected by the volume of classings inasmuch as there are certain fixed costs such as salaries and rent which will remain constant whether volume decreases or increases. Since the volume of cotton to be classed from the 1984 crop will be greater than the previous year, the unit cost of classing can be decreased while still providing sufficient revenue to recover the costs of the service; (2) a larger volume of samples acquired for classification purposes will be accumulated for sale, the proceeds from which are used to defray a portion of the classing costs.

In setting the fee, there are a number of cost and revenue projections which must be made at this time on the basis of estimated information. These include: (1) The size of the 1984 crop, (2) the percentage of the 1984 crop for which classification service will be requested, (3) the volume of baled samples to be sold and the price to be received therefor, and (4) the ability to collect classing fees. In recognition of these variables, an adjustment in the per sample classing fee could become necessary during the year.

In addition to the manual classification service, USDA has made High Volume Instrument (HVI) classification service available to growers in some areas on an optional basis. The fee in § 28.909 for HVI classification services to growers, except those served by the Lamesa, Texas classing facility, will remain at an additional 45 cents per sample over the manual classification fee. HVI classing costs are higher than manual classification due primarily to the costs of the additional equipment used and some additional labor charges. While this additional charge of 45 cents would not change because the underlying costs for this charge have not significantly changed, growers would receive a 10 cent reduction in the costs of the service because of the reduction in the underlying manual classification fee. The fee for HVI classification for growers served by the Lamesa, Texas classing facility will be $1.05 per sample, the same as the fee for manual classification to growers.

Paragraph (a) of § 28.910 would be revised to specify that the classification memoranda showing the official quality determinations are to be issued in the

form of computer punch cards. These cards would be sent to the ginner or an agent designated by the ginner to receive the classification memoranda, rather than returning them to individual cotton producers.

This new procedure is proposed because the Division is fully equipped with automatic data processing equipment for cotton classification, and the computer punch cards are sorted by gin codes instead of by producers' names.

Paragraph (a) of § 28.910 would be further amended by providing for two optional methods of issuing cotton classification data for all bales from a gin, in lieu of receiving computer punch cards. The data could be issued on a computer tape or diskette or by electronic telecommunication transfer. Such services, where available, would be provided on request by the ginner or the ginner's designated agent. If these methods of issuance are requested in addition to computer punch cards, there would be an additional fee charged to the requester to cover the extra costs of furnishing both types of services.

These optional services are proposed because there has been a demand for them from the cotton industry and because the Division has the equipment to offer the services in some areas.

The fee in paragraph (b) of § 28.910 for issuance of a new memorandum of classification at the request of the owner of the cotton for the business convenience of the owner without the reclassification of such cotton would be increased from $2.00 to $2.50 per sheet due to increased clerical costs of providing this service.

Standards, testing and other classification fees: Practical forms of the cotton standards are prepared and sold by the Cotton Division offices in Memphis, TN, under the authority of the United States Cotton Standards Act (7 U.S.C. 51 *et seq.*). This legislation also authorizes certain other classification and testing services. The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) directs that the price for standards will cover, as nearly as practicable, the costs of providing the standards.

Cotton testing services are provided by a USDA Laboratory in Clemson, SC under the authority of the Cotton Statistics and Estimates Act of 1927 (7 U.S.C. 471–478). The tests are available, upon request, to private sources on a fee basis. The Cotton Service Testing Amendment (7 U.S.C. 473d) specifies that the fees for the services are, as nearly as may be, to cover the costs of rendering the services.

The past several years have brought about a gradual shift in the demand for several services and per unit costs are highly related to volume. Therefore, fees need to be adjusted to offset changes in the volume of requests.

Using FY 1983 as a basis and factoring in current and estimated demand, costs, and fees, it has been determined that the fees charged for practical forms of the cotton standards and cotton linters standards should be changed because of current and estimated decreases in the volume of production of the practical forms. In addition, some of the fees charged for fiber testing and certain other classification services should be revised. This proposal would increase these fees to bring them in line with actual costs of providing these services.

As a result, the Agency proposes to increase the fees listed in 7 CFR 28.123, costs of practical forms of cotton standards. The fees for the 6-sample boxes of American Upland cotton would be increased from $80.00 to $90.00 for domestic shipments and from $105.00 to $125.00 for shipments outside the contintenal United States. The fees for the 6-sample boxes for American Pima cotton would be increased from $110.00 to $115.00 for domestic shipments and from $135.00 to $150.00 for shipments outside the continental United States. The fees for staple length standards for American Upland cotton would be increased from $11.00 to $12.00 for domestic shipments and from $14.00 to $16.00 for shipments outside the continental United States. The fees for staple length standards for American Pima cotton would be increased from $12.00 to $13.00 for domestic and from $15.00 to $17.00 for shipments outside the continental United States.

The Agency is also proposing to increase fees for the following fiber and processing test items listed in 7 CFR 28.956: 1.0, 2.0, 3.0, 3.1, 4.0, 4.1, 5.0, 5.1, 5.2, 6.0, 8.0, 11.0, 12.0, 13.0, 15.0, 15.1, 16.0, 17.2, 18.0, 18.1, 24.0, and 26.0.

The proposed fees for practical forms of cotton standards and the fiber and processing tests would result in a weighted average increase of 3.4 percent over present fees. The operating costs for these tests have increased by a weighted average of 3.4 percent based upon increases in (1) labor costs; (2) costs of supplies; (3) utility costs; and (4) changes in the mix of tests requested as a reflection of technological changes in the textile industry. The fees for the other test items would remain the same. Item 3.2, an array test on absorbent cotton, would be deleted from the list due to lack of requests for that test. In response to requests for 4-specimen tests, item 5.2, reporting Stelometer strength and elongation measurement, would be revised to list fees based on 6-, 4-, and 2-specimen tests. Therefore, the 2-specimen test in item 5.3 would be removed as a separate entry and the test would be listed as paragraph (c) in item 5.2.

In addition, the Agency is proposing to add a finess/maturity test, with a fee of $5.00 per sample, to section 28.956 as item 6.1. This is necessary because there have been requests for such service and the laboratory has recently obtained the device which performs the test. In response to requests, item 26.0 would be revised to provide for three separate fees per 5 pound package for delivery of High Volume Instrument calibration cottons, depending upon mode of shipment, to conform to other items which reference different modes of delivery and to recover the costs of the same. The fees would be $80.00 for surface delivery, $95.00 for air delivery within the United States, and $110.00 for air delivery outside the United States.

Fees for the practical forms of the official cotton linters standards of the United States would also be revised because requests for the practical forms have decreased while certain program costs such as salaries and rent remain the same or increased. This proposed rule would raise the fee for each box of grade standards for linters from $80 to $95 for shipments within the continental United States, and from $95 to $130 for deliveries outside the United States. The fee for staple standards for linters would go from $17 to $19 each, for delivery to destinations outside the continental United States to recover the costs of delivery.

The fee in § 28.117 for each new memorandum or certificate issued in substitution for a prior one would increase from $2.00 to $2.50 per sheet to recover increased clerical costs. The additional hourly fee charged from Form C determinations (7 CFR 28.120 and 28.149) would increase from $15.25 per hour or each portion thereof to $15.85 per hour, or each portion thereof, plus traveling expenses and subsistence or per diem. The fee in § 28.122 for a complete practical classing examination for cotton or cotton linters would increase from $100.00 to $110.00.

Cottonseed grading fees: The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) authorizes the Secretary to promulgate regulations necessary for the inspection, sampling, and certification of cottonseed sold or offered for sale for crushing purposes, including applicable fees. The Agricultural Marketing Act of 1946 directs that such fees be reasonable and

as nearly as may be to cover the cost of the service rendered.

The fees charged for the cottonseed grading services set forth in 7 CFR Part 61 would also be increased to cover the costs of providing these services.

The fee in § 61.43 for a sampler's license would increase from $16 to $17 for the examination while the fee for renewal of such a license would increase from $14 to $15. In § 61.44, the fee for a chemist's license would increase from $310 to $325 for the examination while the fee for renewal of such a license would increase from $105 to $110. In § 61.45, those fees charged to each licensed cottonseed chemist to cover in part the cost of administering the regulations in Part 61 would increase from $1.20 per certificate issued by the chemist to $1.25. The fee for the review of the grading of any lot of cottonseed would increase form $42 to $45 with the disbursement to the two licensed chemists who performed the reanalysis increasing from $14 to $15. All of these proposed fee increases reflect increases in program cost including clerical and administrative costs and rent, utilities, and communications.

**List of Subjects in**

*7 CFR Part 28*

Cotton, Samples, Standards, Cotton linters grades, Staples, Marketing news, Testing.

*7 CFR Part 61*

Cottonseed, Chemists, Samplers, Grades.

Accordingly, it is proposed to amend 7 CFR Parts 28 and 61 as shown. The Table of Contents would be amended accordingly.

## PART 28—[AMENDED]

1. The authority citation for Subpart A of Part 28 reads as follows:

**Authority:** Sec. 5, 50 Stat. 62, as amended (7 U.S.C. 55); Sec. 10, 42) Stat. 1519 (7 U.S.C. 61).

2. The authority citation for Subpart D of Part 28 reads as follows:

**Authority:** Sec. 3a, 50 Stat. 62, as amended, (7 U.S.C. 473a); Sec. 3c, 50 Stat. 62 (7 U.S.C. 473c).

3. The authority citation for Subpart E of Part 28 reads as follow:

**Authority:** Sec. 3d, 55 Stat. 131 (7 U.S.C. 473d); Sec. 3c, 50 Stat. 62 (7 U.S.C. 473).

4. In Subpart A of Part 28, sections 28.117, 28.120, 28.122, 28.123, 28.149, and 28.151 would be revised to read as follows:

### § 28.117 Fee for new memorandum or certificate.

For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder, thereof, on account of the breaking or splittng of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of $2.50 per sheet.

### § 28.120 Expenses to be borne by party requesting classification.

For any samples submitted for Form A or Form D determinations, the expenses of inspection and sampling, the preparation of the samples and the delivery of such samples to the classification room or other place specifically designated for the purpose by the Director shall be borne by the party requesting the classification. For samples submitted for Form C determinations, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $15.85 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

### § 28.122 Fee for practical classing examination.

The fee for the complete practical classing examination for cotton or cotton linters shall be $110. Any applicant who passes both parts of the examination may be issued a certificate indicating this accomplishment. Any person who passes one part of the examination, either grade or staple, and fails to pass the other part, may be reexamined for that part that was failed. The fee for this partial reexamination is $60.

### § 28.123 Costs of Practical Forms of Cotton Standards.

The cost of practical forms of the cotton standards of the United States shall be as follows:

| Effective until Aug. 16, 1984 | Dollars each box | |
|---|---|---|
| | Domestic shipments f.o.b. Memphis Tenn. | Shipments delivered outside the continental United States |
| Grade Standards | | |
| American Upland: | | |
| 12-sample official boxes (Universal Standards) | $150.00 | $180.00 |
| 6-sample guide boxes | 90.00 | 125.00 |
| American Pima: 6-sample official boxes | 115.00 | 150.00 |
| Standards for Length of Staple | | |
| American Upland (prepared in one pound rolls for each length) | 12.00 | 16.00 |
| American Pima (prepared in one pound rolls for each length) | 13.00 | 17.00 |

* * * * * *

| Effective date: Aug. 16, 1984 | Dollars each box | |
|---|---|---|
| | Domestic shipments f.o.b. Memphis, Tenn. | Shipments delivered outside the continental United States |
| Grade Standards | | |
| American Upland | $90.00 | $125.00 |
| American Pima | 115.00 | 150.00 |
| Standards for Length or Staple | | |
| American Upland (prepared in one pound rolls for each length) | 12.00 | 16.00 |
| American Pima (prepared in one pound rolls for each length) | 13.00 | 17.00 |

### § 28.149 Fees and costs; Form C determination.

For samples submitted for Form C determinations, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $15.85 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of each request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

### § 28.151 Cost of practical forms for linters; period effective.

Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.05; *Provided,* That no practical form of any of the official cotton linters standards of the United States for grade shall be considered as representing any of such standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The cost of the official standards for grade shall be at the rate of $95 each, f.o.b. Memphis, Tennessee, for shipments within the continental United States, and $130 each, delivered to destination, for shipments outside the United States. The cost of the official standards for staple shall be at the rate

of $15 each, f.o.b. Memphis, Tennessee, for shipments within the continental United States, and $19 each, delivered to destination, for shipments outside the continental United States.

5. In 7 CFR 28.909 paragraph (b) would be revised to read as follows:

**§ 28.909 Costs.**

* * * * *

(b) The cost for manual cotton classification service to producers is $1.05 per sample.

* * * * *

6. 7 CFR 28.910 would be amended by revising its heading, by revising paragraph (a), and by revising paragraph (b) to read as follows:

**§ 28.910 Classification of samples and issuance of classification data.**

(a) The samples submitted as provided in this subpart shall be classified by employees of the Division and classification memoranda showing the official quality determination of each sample according to the official cotton standards of the United States will be issued as computer punch cards that are both eye and machine readable. These cards will be returned by the Division to the ginner or an agent designated by the ginner to receive the classification memoranda. The following alternative methods of issuing classification data, where available, may be requested by the ginner or the ginner's designated agent:

(1) Classification data for all bales from a gin may be issued on a computer tape or diskette in lieu of computer punch cards. There will be no additional fee for this service. If the issuance of classification data is requested on computer punch cards as well as on a tape or diskette, the fee for each tape or diskette shall be the higher of $10.00 or 1 cent per bale. The cost of any tape or diskette not returned to the Division will be billed to the requester.

(2) Classification data for all bales from a gin may be transferred by electronic telecommunication equipment in lieu of computer punch cards. There will be no additional charge for this service. If the issuance of classification data is requested on computer punch cards as well as through electronic telecommunications transfer, the fee for electronic telecommunications shall be 1 cent per bale. All long distance telephone line charges will be billed to the requester.

(b) Upon request of an owner of cotton for which classification memoranda have been issued under this subpart, a new memorandum shall be issued for the business convenience of such owner without the reclassification of the cotton. Such rewritten memorandum shall bear the date of its issuance and the date or inclusive dates of the original classification. The fee for a new memorandum shall be $2.50 per sheet.

7. In Subpart E of Part 28, section 28.956 would be amended by revising the entry for item numbers 1.0, 2.0, 3.0, 3.1, 4.0, 4.1, 5.0, 5.1, 5.2, 6.0, 8.0, 11.0, 12.0, 13.0, 15.0, 15.1, 16.0, 17.2, 18.0, 18.1, 24.0 and 26.0; by removing the entries numbered 3.2 and 5.3; and, by adding an entry to be numbered 6.1 to read as follows:

**§ 28.956 Prescribed fees.**

* * * * *

| Item No. | Kind of test | Fee per test |
|---|---|---|
| 1.0 | Furnishing USDA calibration cotton in the short, medium, long and extra long staple lengths including standard values for length by both array and Fibrograph methods, strength at ⅛-inch gage, and maturity and fineness by the Causticaire methods: | |
| | a. By surface delivery, 1-lb. sample. | $22.00 |
| | b. By air delivery within the U.S., 1-lb. sample. | 25.00 |
| | c. By air delivery outside the U.S., 1-lb. sample. | 30.00 |
| 2.0 | Furnishing international calibration cotton standards with standard values for micronaire reading and fiber strength at zero and ⅛-inch gage and Fibrograph length: | |
| | a. By surface delivery, ½-lb. sample. | 14.00 |
| | b. By air delivery within U.S., ½-lb. sample. | 16.00 |
| | c. By air delivery outside the U.S., ½-lb. sample. | 20.00 |
| 3.0 | Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛-inch group, average length and average length variability as based on 3 specimens from a blended sample: | |
| | a. Ginned cotton lint, per sample | 60.00 |
| | b. Cotton comber noils, per sample. | 95.00 |
| | c. Other cotton wastes, per sample. | 115.00 |
| 3.1 | Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛-inch group, average length, and average length variability as based on 2 specimens from a blended sample: | |
| | a. Ginned cotton lint, per sample | 45.00 |
| | b. Cotton combed noils, per sample. | 65.00 |
| | c. Other cotton wastes, per sample. | 90.00 |
| 4. | Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 4 specimens from a blended sample, per sample. | 8.00 |
| 4.1 | Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 2 specimens from each unblended sample, per sample. | 5.00 |
| 5.0 | Pressley strength of ginned cotton lint by flat bundle method for either zero or ⅛-inch gage as specified by applicant. Reporting the average strength as based on 6 specimens from a blended sample, per sample. | 8.00 |
| 5.1 | Pressley strength of ginned cotton lint by flat bundle method for either zero or ⅛-inch gage as specified by applicant. Reporting the strength as based on 2 specimens for each unblended sample, per sample. | 5.00 |
| 5.2 | Stelometer strength and elongation of ginned cotton lint by the flat handle method for ⅛-inch gage. Reporting the average strength and elongation: | |
| | a. Based on 6 specimens from each blended sample, per sample. | 8.00 |
| | b. Based on 4 specimens from each blended sample, per sample. | 6.00 |
| | c. Based on 2 specimens from each blended sample, per sample. | 5.00 |
| 6.0 | Fiber maturity and fineness of ginned cotton lint by the Causticaire method. Reporting the average maturity, fineness, and micronaire reading as based on 2 specimens from a blended sample, per sample. | 9.00 |
| | Minimum fee | 45.00 |
| 6.1 | Fiber fineness and maturity of ginned cotton lint by the 11C-Shirley Fineness/Maturity Tester method, reporting the average micronaire, maturity ratio, percent mature fibers and fineness (linear density) based on two specimens from a blended sample, per sample. | 5.00 |
| | * * * * * | |
| 8.0 | Neps content of ginned cotton lint. Reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blended, per sample. | 13.00 |
| | * * * * * | |
| 11.0 | Cotton combed yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps, classsification and fiber length as well as comments summarizing any unusual observations as based on the processing of 8 pounds of cotton in accordance with standard procedures at one of the standard rates of carding of 4½, 6½, or 9½ pounds per hour into two of the standard combed yarn numbers of 22s, 36s, 44s, 50s, 60s, 80s, or 100s employing a standard twist multiplier unless otherwise specified, per sample. | 130.00 |
| 12.0 | Cotton carded and combed yarn spinning test. Reporting the results as based on the processing of 10 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns, per sample. | 185.00 |
| 13.0 | Cotton carded and combed yarn spinning test. Reporting the results as based on the processing of 9 pounds of cotton into two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and combed yarns, per sample. | 205.00 |
| | * * * * * | |
| 15.0 | Processing and testing of additional yarn. Any carded or combed yarn number processed in connection with spinning tests including either additional yarn number or additional twist multipliers employed on the same yarn numbers, per additional lot of yarn. | 27.00 |
| 15.1 | Processing and furnishing of additional yarn: Any yarn number processed in connection with spinning tests. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn. | 37.00 |
| 16.0 | Twist in yarns by direct-counting method. Reporting direction of twist and average turns per inch of yarn: | |
| | a. Single yarns based on 40 specimens per lot of yarn. | 70.00 |
| | b. Plied or cabled yarns based on 10 specimens, per lot of yarn. | 20.00 |

| Item No. | Kind of test | Fee per test |
|---|---|---|
| | * * * * * | |
| 17.2 | Furnishing yarn wound on boards in connection with yarn appearance tests. | 6.00 |
| 18.0 | Strength of cotton fabric. Reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant, per sample. | 16.00 |
| | Cotton fabric analysis. Reporting data on the number of warp and filling threads per inch and weight per yard of fabric as based on at least three (3) 6X6-inch specimens of fabric which were processed or furnished by the applicant, per sample. | 27.00 |
| | * * * * * | |
| 24.0 | Furnishing additional copies of test reports. Include extra copies in addition to the 2 copies routinely furnished in connection with each test item, per additional sheet. | 1.00 |
| | * * * * * | |
| 26.0 | Calibration cotton for use with High Volume Instruments, per 5 pound package: | |
| | a. By surface delivery | 80.00 |
| | b. By air delivery within the U.S. | 95.00 |
| | c. By air delivery outside the U.S. | 110.00 |
| | * * * * * | |

## PART 61—[AMENDED]

8. The authority citation for Subpart A of Part 61 reads as follows:

**Authority:** Sec. 205, 60 Stat. 1090, as amended, (7 U.S.C. 1624), unless otherwise noted.

9. Sections 61.43, 61.44, 61.45 and 61.46 would be revised to read as follows:

**§ 61.43 Fee for sampler's license.**

In the examination of an applicant for a license to sample and certificate official samples of cottonseed the fee shall be $17, but no additional charge shall be made for the issuance of a license. For each renewal of a sampler's license the fee shall be $15.

**§ 61.44 Fee for chemist's license.**

For the examination of an applicant for a license as a chemist to analyze and certificate the grade of cottonseed the fee shall be $325, but no additional charge shall be made for the issuance of a license. For each renewal of a chemist's license the fee shall be $110.

**§ 61.45 Fee for certificates to be paid by licensee to Service.**

To cover in part the cost of administering the regulations in this part each licensed cottonseed chemist shall pay to the Service $1.25 for each certificate of the grade of cottonseed issued by him. Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA."

**§ 61.46 Fees for the review of grading of cottonseed.**

For the review of the grading of any lot of cottonseed, the fee shall be $45. Remittance to cover such fee, in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA" shall accompany each application for review. Of each such fee collected, $15 shall be disbursed to each of the two licensed chemists designated to make reanalysis of such seed.

Dated: May 9, 1984.

**William T. Manley,**

*Deputy Administrator, Marketing Program Operations.*

[FR Doc. 84-12973 Filed 5-14-84; 8:45 am]

**BILLING CODE 3410-02-M**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Airspace Docket No. 84-AWA-6]**

## Proposed Realignment of VOR Federal Airway, New York

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to extend VOR Federal Airway V-483 from Carmel, NY, VORTAC to Deer Park, NY, VORTAC. This action would reduce controller workload, enhance the arrival flow in the New York area, and aid flight planning.

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

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA, Eastern Region, Attention: Manager, Air Traffic Division, Docket No. 84-AWA-6, Federal Aviation Administration, JFK International Airport, The Fitzgerald Federal Building, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Kenneth W. Peppard, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-AWA-6." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice numbr of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

### The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of VOR Federal Airway V-483 by extending the airway from Carmel, NY, direct to Deer Park, NY. This action would reduce

controller workload, enhance the arrival flow of traffic in the New York terminal area, and aid in flight planning. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

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

Aviation safety, VOR Federal Airways.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

**V–483—[Amended]**

By deleting the words "From Carmel, NY;" and substituting the words "From Deer Park, NY, via Carmel, NY;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on May 4, 1984.

**B. Keith Potts,**

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

[FR Doc. 84–12943 Filed 5–14–84; 8:45 am]

**BILLING CODE 4910–13–M**

## SECURITIES AND EXCHANGE COMMISSION

**17 CFR Part 240**

**[Release No. 20943; File No. S7–19–84]**

## Persons Deemed Not To Be Brokers

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission is reproposing for public comment a rule specifying certain conditions under which persons associated with an issuer of securities who participate in sales of the issuer's securities will not be considered to be acting as "brokers" as that term is defined in the Securities Exchange Act of 1934 and, accordingly, would not be required to register with the Commission pursuant to Section 15 (Registration and regulation of brokers and dealers) or that Act. The Commission is proposing to adopt the rule in order to provide guidance under the broker-dealer registration provisions in situtations where an issuer chooses to sell its securities through its associated persons.

**DATE:** Comments to be received by June 29, 1984.

**ADDRESS:** All comments should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. All comments should refer to File No. S7–19–84, and will be available for public inspection at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Susan J. Walters, Esq., Office of Legal Policy and Trading Practices, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 at (202) 272–2848.

**SUPPLEMENTARY INFORMATION:** The Commission today announced for public comment a proposal to adopt Rule 3a4–1 under the Securities Exchange Act of 1934 (the "Act").[1] The Commission first proposed the rule in Securities Exchange Act Release No. 13195 (Jan. 21, 1977).[2] In response, the Commission received 28 letters of comment. Most of the commentators endorsed the Commission's effort to clarify the circumstances under which a person associated with an issuer of securities would not be deemed to be a broker as a consequence of participating in a sale of the issuer's securities. They did, however, suggest various changes, some of which have been incorporated into the revised proposed rule. The rule is again being issued in proposed form to obtain additional comments reflecting recent developments.

### I. Background

A person acting on behalf of an issuer in buying or selling its securities may, depending upon the circumstances, be a broker within the meaning of the Act. The term "broker," as defined in Section 3(a)(4), generally includes any person engaged in the business of effecting transactions in securities for the account of others. Brokers and dealers generally must register with the Commission under Section 15(a)(1) of the Act unless an exemption is available and must comply with applicable provisions of the federal securities laws.[3]

The registration and associated regulatory requirements of the Act provide important safeguards to investors. Investors are assured that registered broker-dealers and their associated persons have the requisite professional training and that they must conduct their business according to regulatory standards. Registered broker-dealers are subject to a comprehensive regulatory scheme designed to ensure that customers are treated fairly, that they receive adequate disclosure and that the broker-dealer is financially capable of transacting business. As one court has noted, the registration requirement

> is of the utmost importance in effecting the purposes of the Act. It is through the registration requirement that some discipline may be exercised over those who may engage in the securities business and by which necessary standards may be established with respect to training, experience and records.[4]

Exemptions from registration have traditionally been narrowly drawn in order to promote both investor protection and the integrity of the brokerage community. At the same time, however, the Commission recognizes that there are situations where imposition of the registration requirement would be inappropriate.

Questions concerning the need for broker-dealer registration frequently have arisen when an issuer proposes to sell its securities through its officers, partners or employees. The Commission believes that a safe harbor rule may be the appropriate way to provide guidance in this regard. As indicated below, the safe harbor would not be available, for example, to agents such as financial planners, retained by the issuer specifically for the purpose of selling securities on a commission basis. Nor

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[1] 15 U.S.C. 78c(a) *et. seq.*

[2] 42 FR 5084 (Jan. 27, 1977).

[3] Section 15(a)(1), 15 U.S.C. 78*o*(a)(1), provides that "[i]t shall be unlawful for any broker or dealer which is either a person other than a natural person or a natural person not associated with a broker or dealer which is a person other than a natural person (other than such a broker or dealer whose business is exclusively intrastate and who does not make use of any facility of a national securities exchange) to make use of . . . interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless such broker or dealer is registered in accordance with [Section 15(b) of the Act (15 U.S.C. 78*o*(b))]."

[4] *Eastside Church of Christ* v. *National Plan Inc.*, 391 F. 2d 357, 362 (5th Cir. 1968). *See also Snyder* v. *McGuire*, No. CA–3–82–1453 (N.D. Tex. filed June 30, 1983).

would the safe harbor be available to promoters of real estate syndications and other so-called "tax sheltered investments" that are regularly engaged in actively marketing securities. As a general matter, both examples raise traditional broker-dealer regulation concerns.

Nevertheless, compliance with the conditions to the safe harbor of the rule is not the exclusive means by which persons associated with an issuer may sell the issuer's securities without registering as brokers. The proposed rule is intended to provide legal certainty to those persons that meet the conditions. There may be other facts and circumstances that justify the conclusion that registration is not required although the conditions of the rule are not met. In order to make it clear that the rule is not exclusive, the Commission has added a provision to the rule which states that no presumption shall arise that a person associated with an issuer has violated Section 15(a) in connection with the sale of the issuer's securities if the conditions to the rule are not met.

## II. Summary of Rule 3a4–1

The safe harbor from registration as a broker-dealer is available to an associated person of an issuer as defined in paragraph (c)(1) of the rule. The definition generally includes officers, directors, partners or employees of an issuer of securities.

In order to qualify for the safe harbor treatment under the rule, an associated person of an issuer must satisfy three preliminary requirements set forth in paragraphs (a) (1)–(3). First, the associated person must not be subject to a statutory disqualification at the time of his participation in the sale of the issuer's securities. Second, the associated person may not receive commissions or other remuneration based on transactions in securities as compensation in connection with his participation in the sale of the issuer's securities. Third, at the time of his participation in the sale of the issuer's securities, the associated person may not be an associated person of a broker or dealer.

If these preliminary requirements are met, the safe harbor is available to an associated person in any one of three ways. He may restrict his participation to transactions in securities described in paragraph (a)(4)(i), satisfy the criteria set forth in paragraph (a)(4)(ii), or restrict his activities in the manner described in paragraph (a)(4)(iii).

Paragraph (a)(4)(i) is designed to cover associated persons of an issuer who participate in certain kinds of transactions. These transactions generally include sales to financial institutions or intermediaries, sales of securities exempt from registration under Sections 3(a)(7) or 3(a)(9) of the Securities Act of 1933, sales of securities in connection with mergers, consolidations, or reorganizations and sales of securities pursuant to employee benefit and shareholder plans.

Paragraph (a)(4)(ii) is available to associated persons of an issuer who perform substantial duties on behalf of an issuer otherwise than in connection with transactions in securities; who were neither a broker, or dealer or an investment adviser, not an associated person of a broker, or dealer or an investment adviser, within the preceding twelve months; and who have not sold securities on behalf of any issuer within the preceding year other than in reliance on paragraphs (a)(4)(i) or (a)(4)(iii) of Rule 3a4–1.

Paragraph (a)(4)(iii) is designed to cover associated persons of an issuer whose participation in the sales process is essentially passive. Activities permitted by this paragraph include the preparation of any written communication or delivery of the communication in a manner that does not involve oral solicitation by the associated person of a potential purchaser; responding to questions raised by a potential purchaser in a conversation initiated by the potential purchaser; and performing ministerial and clerical work involved in effecting any sales transaction.

## III. Discussion

### *A. Scope of the Rule*

The term "associated person of an issuer" is defined in paragraph (c)(1) as any natural person who is a partner, officer, director or employee of the issuer; a corporate general partner of a limited partnership that is the issuer; or a company or partnership that controls, is controlled by or under common control with the issuer. The term "associated person of an issuer" has been expanded to include certain persons affiliated with a corporate general partner of a partnership which is the issuer. The persons are included in part because most partnerships issuing securities are controlled solely by one or more corporate general partners. The Commission has concluded that in those circumstances where officers, directors, or employees or a corporation are engaged in the sale of securities issued by a limited partnership in which the corporation is a general partner, and the sales are conducted in a manner consistent with the limitations and restrictions set forth in Rule 3a4–1, such persons should not be deemed to be brokers.

When the issuer is an investment company registered under the Investment Company Act of 1940, an associated person of the issuer would include employees of an investment adviser to the company. The investment adviser must be registered under the Investment Advisers Act of 1940. This expansion of the definition of associated person of an issuer to include such persons associated with investment advisers reflects comments received on the original rule proposal and non-action letters that have been subsequently issued.[5]

Paragraph (a)(3) of the rule does not include associated persons of an issuer, who, at the time of their participation in the sale of the issuer's securities, are associated persons of a broker or dealer.[6]

Paragraph (c)(2) of the rule defines the term "associated person of a broker or dealer" as it is defined in Section 3(a)(18) of the Act.[7] There persons have been excluded from the scope of the rule for two reasons. First, integration of the brokerage activities performed by them in the course of their employment with the broker-dealer and the sales of securities effected on behalf of the issuer would lead to the conclusion that, in most circumstances, such persons would be brokers within the meaning of the Act. Second, the potential for abusive sales tactics or confusion of investors stemming from the dual affiliation of the associated person would appear to warrant regulatory supervision.[8]

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[5] Letter dated June 27, 1983, from Linda Lewis, Attorney, Office of Chief Counsel, Division of Market Regulation, to Lawrence, Lawrence, Kamin & Saunders, letter dated Oct. 10, 1974, from Francis R. Snodgrass, Chief Counsel, Division of Market Regulation to CNA Management Corporation, and LaSalle Fund Inc. (1970–1971 Transfer Binder) CCH ¶ 77,989 (Dec. 31, 1970).

[6] If an associated person of an issuer is also a registered broker-dealer, the antifraud provisions of the federal securities laws would require such a person to disclose adequately to all purchasers his affiliation with the issuer. *See, e.g.*, Rule 15c1–5.

[7] The term associated person of a broker or dealer means: any partner, officer, director, or branch manager of such broker or dealer (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such broker or dealer, or any employee of such broker or dealer, except any person associated with a broker or dealer whose functions are solely clerical or ministerial. * * *

[8] In the past, the staff has not objected to the sale of an issuer's securities by a person associated with a broker-dealer where the broker-dealer does not participate in the sale but assumes full responsibility for the activities of its associated

Continued

Some commentators suggested that the scope of the rule should be expanded to cover attorneys, accountants, insurance brokers, financial service organizations, and financial consultants who for a fee assist promoters and other issuers in the sale of securities. The Commission has concluded, however, that it would not be appropriate to expand the scope of this rule to cover such persons. Insofar as they are retained by an issuer specifically for the purpose of selling securities to the public and generally receive transaction-based compensation, these persons would appear to be engaged in the business of effecting transactions in securities for the account of others. Such persons should not be covered by a rule designed to clarify when a person will be deemed not to be engaged in the business of effecting transactions for others.

The safe harbor of the rule is available in the context of all sales of securities of the issuer, by a person associated with that issuer in a transaction on behalf of the issuer. The term "sale," as used in paragraph (a) of the rule, includes "any contract to sell or otherwise dispose of" a security and thus would include transactions that are part of any public or private offering.[9] The term "securities of the issuer" is intended to cover the issuer's sale of its own securities through its associated persons. The rule does not address situations where an issuer's employees assist potential buyers and sellers in connection with secondary market transactions in the issuer's securities.[10]

*B. Circumstances Under Which an Associated Person Will Be Deemed Not To Be a Broker*

This section of the release discusses the preliminary requirements applicable to associated persons covered by the rule and the three alternative ways that the rule's safe harbor is made available to such associated persons.

1. Preliminary requirements applicable to associated persons

Paragraph (a) of the rule contains three preliminary conditions that must be met by associated persons in order to take advantage of the safe harbor. The associated person must not be subject to a statutory disqualification, must not receive commissions or transaction-based compensation in connection with the sale of the issuer's securities, and must not be an associated person of a broker or dealer.

Paragraph (a)(1) specifies that the associated person may not be subject to a statutory disqualification, as that term is defined in Section 3(a)(39) of the Act, at the time of his participation in the sale of the issuer's securities. The Commission does not believe that any person should be able to rely on a safe harbor from registration if such persons were subject to proceedings or convicted of any of the violations described in Section 3(a)(39) of the Act. Some commentators stated that it was inappropriate to exclude these persons from the rule's safe harbor. The requirement has been retained, however, because the Commission believes that there is added potential for abusive practices in the sale of an issuer's securities in circumstances where persons who are subject to a statutory disqualification participate without adequate supervision or regulatory oversight.[11]

Paragraph (a)(2) specifies that the associated person may not be compensated in connection with the sale of the issuer's securities by the payment of commissions or other remuneration based on transactions in securities. This prohibition is intended to preclude compensation arrangements which vary with or depend upon the success of sales efforts by associated persons.

The rule as originally proposed would have used the condition concerning transaction-based compensation only in connection with the second alternative of the safe harbor. In determining whether an associated person is a "broker," the receipt of transaction-based compensation often indicates that such a person is engaged in the business of effecting transactions in securities. Compensation based on transactions in securities can induce high pressure sales tactics and other problems of investor protection often associated with unregulated and unsupervised brokerage activities. Therefore, the condition concerning transaction-based compensation applies throughout the rule.

Whether a particular compensation arrangement is "other remuneration" based on transactions in securities depends on all of the particular facts and circumstances. For example, the following factors may be relevant in considering whether the payment of bonuses would be permissible under the rule: (1) When the offering commences and concludes; (2) when the bonus is paid; (3) when it is determined that a bonus will be paid; (4) when associated persons are informed of the issuer's intention to pay a bonus; and (5) whether the bonus paid to particular associated persons varies with their success in selling the issuer's securities.

Paragraph (a)(3) of the rule, as discussed above,[12] specifies that the associated person may not also be an associated person of a broker or dealer. The term "associated person of a broker or dealer" is defined in paragraph (c)(2) of the rule.

2. Circumstances when an associated person will be deemed not to be a broker: first alternative

The safe harbor provided by Rule 3a4–1 is available to an associated person of an issuer if, in addition to meeting the preliminary requirements of paragraphs (a)(1)–(3), he restricts his participation as provided in paragraph (a)(4)(i) of the rule.

Paragraph (a)(4)(i)(A) of the rule specifies that associated persons of an issuer may offer and sell securities to various financial institutions and intermediaries.[13] The Commission believes it is appropriate to include within the safe harbor sales to such institutions and intermediaries given the level of their financial sophistication generally. The Commission has not at this time included sales to other persons

person and the affiliation is fully disclosed to investors. The staff will continue to handle such situations on a case-by-case basis.

Under the rules of the self-regulatory organizations, the associated person is required to provide prior written notice of his intention to effect transactions on behalf of others outside the scope of his employment. The member may also request copies of all documents and statements relating to the transaction. *See* NASD Manual (CCH) ¶ 2177 (Rules of Fair Practice). The New York Stock Exchange imposes a similar requirement on associated persons of its members. *See* NYSE, Rule 346.

[9] *See* Section 3(a)(14) of the Act. The term "distribution," which appeared in paragraph (a) of the proposed rule, has been deleted. One commentator stated that the distinction between "distribution" and "sale" was not clear. In view of the broad definition of the term "sale" the term "distribution" has been deleted.

[10] In such circumstances, questions also may arise concerning the application of the registration provisions of the Securities Act of 1933 ("1933 Act").

[11] The Commission believes that it is necessary at least to prohibit persons subject to certain statutory disqualifications from relying on the safe harbor (*i.e.*, persons that are barred or suspended from being associated with securities professionals). These persons should not be able to circumvent that sanction by asserting that they are within the safe harbor of the rule. The Commission specifically seeks comment on whether the application of the statutory disqualifications in the rule should be narrowed to disqualifications relating to sales of securities or broker-dealer activities.

[12] *See* notes 6–8, *supra*, and accompanying text.

[13] The rule includes sales to registered brokers or dealers, registered investment companies (or separate accounts), insurance companies, banks, savings and loan associations, and trust companies or similar institutions supervised by a state or federal banking authority and registered investment advisers which are either trustees or are authorized in writing to make investment decisions for trusts.

as suggested by the commentators, such as sales to all clients represented by a registered investment adviser. The Commission solicits comment on whether sales to other persons or entities should be included in the rule, such as sales to some or all categories of "accredited investors," as defined in Rule 501(a) under the 1933 Act.

Paragraph (a)(4)(i)(B) of the rule as proposed provides a safe harbor for transactions in securities exempt from registration under Sections 3(a)(7) and 3(a)(9) of the 1933 Act.[14] The Commission believes that transactions in such securities are sufficiently restricted that application of the broker regulatory scheme is not necessary.

One commentator suggested that the safe harbor should include sales of other securities either exempt from registration under the 1933 Act pursuant to certain other sections of that Act or that are registered under Section 12 of the Exchange Act. Whether a security is exempt from the registration requirements of the 1933 Act pursuant to those other provisions or is registered under Section 12 of the Exchange Act may not be the proper inquiry in making a determination as to whether broker-dealer registration should or should not be required of persons who sell those securities. The purpose of the 1933 Act in connection with the registration of securities (or an exemption from registration) are not the same as the purposes of the broker-dealer registration requirements of the Exchange Act. As the Special Study of Securities Markets concluded, "[n]o amount of disclosure in a prospectus can be effective to protect investors unless the securities are sold by a salesman who understands and appreciates both the nature of the securities he sells and his responsibilities to the investor to whom he sells. * * *"[15] Therefore, the Commission has not expanded this portion of the rule at this time. Nevertheless, the Commission requests comments on whether all securities exempt from registration under the 1933 Act should be included within the proposed Rule 3a4–1 safe harbor.

[14] Section 3(a)(7) exempts "certificates issued by a receiver or debtor in possession in a case under title 11 of the United States Code, with the approval of the court." 15 U.S.C. 77c(a)(7). Section 3(a)(9) exempts "except with respect to a security exchanged in a case under title 11 of the United States Code, any security exchanged by the issuer with its existing security holders exclusively where no commission or other remuneration is paid or given directly or indirectly for soliciting such exchange." 15 U.S.C. 77c(a)(9).

[15] Securities and Exchange Commission, *Report of Special Study of Securities Markets*, Part I, 588, H.R. Doc. No. 94, 88th Cong., 1st Sess. (1963).

Paragraph (a)(4)(i)(C) of the rule provides a safe harbor for securities transactions in connection with reorganizations, reclassifications, and acquisitions, which are "made pursuant to a plan submitted for the approval of security holders who will receive securities of the issuer."

As originally proposed, the safe harbor applied only to certain transactions pursuant to Rule 145 under the Securities Act of 1933. In response to comments received, however, this provision of the proposed rule has been expanded to provide that an exchange of securities in a variety of transactions is covered by the rule if the exchange is pursuant to a plan submitted for the approval of those security holders who will receive the issuer's securities whether or not the transaction complies with Rule 145.

Paragraph (a)(4)(i)(D) of the rule would include sales by associated persons pursuant to a pension, profitsharing, or other similar employee benefit plans and dividend reinvestment plans.

3. Circumstances when an associated person will be deemed not to be a broker: second alternative

The safe harbor provided by Rule 3a4–1 is also available to an associated person of an issuer if that person meets the conditions set forth in paragraph (a)(4)(ii). Those conditions generally require that the associated person primarily perform substantial duties for the issuer otherwise than in connection with transactions in securities; that the associated person was not a broker or dealer or an investment adviser, or an associated person of a broker or dealer or an investment adviser, or an associated person of a broker or dealer or an investment adviser, within the preceding twelve months; and that the associated person has not participated in the sale of securities on behalf of any issuer within the preceding twelve months other than in reliance on paragraphs (a)(4)(i) or (a)(4)(iii) of Rule 3a4–1.

Paragraph (a)(4)(ii)(A) of the rule provides the safe harbor to associated persons who either perform or are intended to perform substantial duties for the issuer otherwise than in connection with transactions is securities. Thus, it generally would not be available to person hired by the issuer specifically for the purpose of selling securities, or to associated persons who sell securities on behalf of the issuer as a primary responsibility or with consistent frequency. Whether the associated person's duties otherwise than in connection with the sale of securities are "substantial" can be measured in terms of a percentage of time worked and the volume of work performed on matters not related to the sale of securities. The rule does not provide that a specific period of time should be used in determining whether the associated person performs substantial other duties. That time period will depend on all of the relevant facts and circumstances.

The safe harbor generally would be available to associated persons participating in an initial offering of an issuer where, because of the "start-up" nature of the issuer, the associated persons are not engaged in any activities other than those relating to the offering. The safe harbor would be available to such associated persons if they will primarily perform or are intended to perform substantial other duties for the issuer at the end of the offering.

Paragraph (a)(4)(ii)(B) of the rule specifies that the associated person may not have been a broker or dealer or an investment adviser, or an associated person of a broker or dealer or an investment adviser, within the preceding twelve months. Such persons may have the incentive to solicit former clients and to capitalize on any trust relationship that had been established with those persons in connection with securities transactions. Even assuming full disclosure by these persons of their changed status, (*i.e.*, as no longer registered securities professionals), their solicitation or recommendation may unduly influence the former client's investment decision. In addition, the securities sales activities by such persons would lead frequently to the conclusion that such persons were engaged in the business of effecting securities transactions and therefore that they would be required to register as brokers under the Act.

Paragraph (a)(4)(ii)(C) of the rule specifies that the associated person may not have sold securities on behalf of any issuer within the previous twelve months other than in reliance on paragraph (a)(4)(i) or (a)(4)(iii) of the rule. As the rule was proposed in 1977, this condition specified a two year restriction. This provision of the safe harbor received the most criticism from the commentators. They argued that if an associated person satisfied all of the other conditions of the rule in connection with sales of the issuer's securities, the fact that he had engaged in such activities within the past two years should not disqualify him from relying on the safe harbor. Stated

another way, they argued that satisfaction of the "substantial duties" and "no transaction-based compensation" conditions should nullify any concern that otherwise might arise because of frequent participation in the sale of securities. The commentators also were concerned that the two-year provision may unfairly inhibit access to the capital markets, particularly by smaller issuers.

Historically, the frequency with which persons engage in transactions in securities has been a factor in making a determination as to whether those persons are engaged in that business within the meaning of the statutory definition. Eliminating this factor entirely, particularly in a safe harbor rule which shields associated persons from liability under Section 15(a), would appear to be an unwarranted administrative erosion of that definition. Nevertheless, there may be some circumstances where no time limit should apply. For example, associated persons may participate in long-term "shelf" offerings permitted by Rule 415 under the 1933 Act. The Commission solicits comment on whether there should be exceptions to the one year requirement in connection with long-term offerings generally, with multiple offerings by the same issuer or in other circumstances. In addition, the Commission solicits comment on whether there are circumstances where a period in excess of one year would be appropriate.

As now proposed, paragraph (a)(4)(ii)(C) contemplates a twelve-month restriction in the sale of securities by associated persons in reliance on this portion of the rule. The restriction begins at the end of the last offering in which the associated person participated on behalf of any issuer other than the sale of securities in reliance on either paragraphs (a)(4)(i) or (a)(4)(iii) of Rule 3a4–1.

4. Circumstances when an associated person will not be deemed to be a broker: third alternative

The safe harbor provided by Rule 3a4–1 is also available to an associated person of an issuer who restricts his participation in the sale of the issuer's securities to any one or more of the three kinds of activities described in paragraph (a)(4)(iii) of the rule. Paragraph (a)(4)(iii)(A) would allow associated persons to prepare any written communication and to deliver any written communication through the mails or other similar means that does not involve oral solicitation by the associated person of potential purchasers. Activities contemplated by this paragraph include the drafting or editing of sales literature.

The term "any written communication" should be construed literally, and includes printed advertising and other sales literature. The rule as originally proposed limited written communications to a prospectus or other communication described in Rule 134 under the 1933 Act. Since some or all of the antifraud, securities registration, and prospectus delivery requirements of the federal securities laws apply to all such communications, the Commission has determined not to limit written communications in this rule. Any oral solicitation of a potential purchaser by the associated person would make this provision unavailable.

Paragraph (a)(4)(iii)(B) of the rule provides that associated persons could respond to inquiries from potential purchasers in conversations initiated by the purchaser. This provision is intended to permit associated persons to provide information in response to inquiries from potential purchasers about the issuer and the offering. This provision does not encompass "cold calls" or telephone solicitations of the public.

Several commentators suggested that the rule should specify the kind of responses contemplated or that the rule should limit the persons who could respond to investor inquiries. The Commission believes that it would be inappropriate to specify by rule the kinds of responses an associated person may provide to the public, and issuers would seem to have a strong incentive to limit persons responding to inquiries to those who are knowledgeable about the issuer and who would not misrepresent facts concerning the issuer and its securities.

Paragraph (a)(4)(iii)(C) of the rule would allow associated persons to perform the ministerial of clerical work involved in effecting a transaction. This provision is intended to clarify that associated persons of an issuer will not be deemed to be brokers if they restrict their participation to certain activities such as bookkeeping entries and arranging for the delivery of stock certificates after a securities transaction has been consummated.

## IV. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding proposed Rule 3a4–1. The Analysis notes that the objective of the Rule is to codify past staff positions on the issuer's exemption and provide guidance for future issuers. The Rule should clarify for certain issuers the availability of the exemption from broker-dealer registration. The Analysis states that the proposed rule provides a non-exclusive safe harbor from broker-dealer registration but that some issuers may be confused as to the effect of the Rule on issuers that are not clearly within the safe harbor. The Analysis notes that the Commission is specifically seeking comment on whether issuers will perceive the safe harbor as exclusive. The Analysis also notes that the Commission is seeking comments on certain other specified aspects of the rule including the scope of the exemption, the adequacy of the one year limitation on certain associated persons of broker-dealers and whether the statutory disqualifications of the Rule should be limited to securities related activities.

A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Susan J. Walters, Esq., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2848.

## V. Statutory Basis

The Securities and Exchange Commission, acting pursuant to the Act, particularly Sections 3, 15, and 23 thereof (15 U.S.C. 78c, 78o, and 78w) hereby proposes to amend Chapter II, Title 17 of the Code of Federal Regulations by adding § 240.3a4–1 thereto.

### List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

### Text of Rule 3a4–1

Chapter II, Title 17 of the Code of Federal Regulations is proposed to be amended as follows:

## PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

By adding new § 240.3a4–1 to read as follows:

**§ 240.3a4–1 Associated persons of an issuer deemed not to be brokers.**

(a) An associated person of an issuer of securities shall not be deemed to be a broker solely by reason of his participation in the sale of the securities of such issuer if the associated person:

(1) Is not subject to a statutory disqualification, as that term is defined in Section 3(a)(39) of the Act, at the time of his participation; and

(2) Is not compensated in connection with his participation by the payment of commissions or other remuneration based on transactions in securities; and

(3) Is not at the time of his participation an associated person of a broker or dealer; and

(4) Meets the conditions of any one of paragraphs (a)(4) (i), (ii), or (iii) below:

(i) The associated person restricts his participation to transactions involving offers and sales of securities:

(A) To a registered broker or dealer; a registered investment company (or separate account); an insurance company; a bank; a savings and loan association; a trust company or similar institution supervised by a state or federal banking authority; or a trust for which a bank, a savings and loan association, a trust company, or a registered investment adviser either is the trustee or is authorized in writing to make investment decisions; or

(B) That are exempted by reason of Section 3(a)(7) or 3(a)(9) of the Securities Act of 1933 from the registration provisions of that Act; or

(C) That are made pursuant to a plan or agreement submitted for the vote or consent of the security holders who will receive securities of the issuer in connection with a reclassification of securities of the issuer, a merger or consolidation or a similar plan of acquisition involving an exchange of securities, or a transfer of assets of any other person to the issuer in exchange for securities of the issuer; or

(D) That are made pursuant to a bonus, profit-sharing, pension, retirement, thrift, savings, incentive, stock purchase, stock ownership, stock appreciation, stock option, dividend reinvestment or similar plan for employees of an issuer or a subsidiary of the issuer;

(ii) The associated person meets all of the following conditions:

(A) The associated person primarily performs, or is intended primarily to perform at the end of the offering, substantial duties for or on behalf of the issuer otherwise than in connection with transactions in securities; and

(B) The associated person was not a broker or dealer or an investment adviser, or an associated person of a broker or dealer or an investment adviser, within the preceding 12 months; and

(C) The associated person has not participated in the sale of securities on behalf of any issuer within the preceding 12 months other than in reliance on paragraphs (a)(4)(i) or (a)(4)(iii) of this rule.

(iii) The associated person restricts his participation to any one or more of the following activities:

(A) Preparing any written communication or delivering such communication through the mails or other means that does not involve oral solicitation by the associated person of a potential purchaser;

(B) Responding to inquiries of a potential purchaser in a conversation initiated by the potential purchaser; or

(C) Performing ministerial and clerical work involved in effecting any transaction.

(b) No presumption shall arise that an associated person of an issuer has violated Section 15(a) of the Act solely by reason of his participation in the sale of securities of the issuer if he does not meet the conditions specified in paragraphs (a)(4) (i), (ii) or (iii) of this section.

(c) *Definitions.* When used in this section:

(1) The term "associated person of an issuer" means any natural person who is a partner, officer, director, or employee of:

(i) The issuer;

(ii) A corporate general partner of a limited partnership that is the issuer;

(iii) A company or partnership that controls, is controlled by, or is under common control with, the issuer; or

(iv) An investment adviser registered under the Investment Advisers Act of 1940 to an investment company registered under the Investment Company Act of 1940 which is the issuer.

(2) The term "associated person of a broker or dealer" means any partner, officer, director, or branch manager of such broker or dealer (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such broker or dealer, or any employee of such broker or dealer, except that any person associated with a broker or dealer whose functions are solely clerical or ministerial shall not be included in the meaning of such term for purposes of this Rule 3a4–1.

By the Commission.

Dated: May 9, 1984.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 84–13068 Filed 5–14–84; 8:45 am]

BILLING CODE 8010–01–M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### 23 CFR Part 660

**[FHWA Docket No. 84–2]**

## Forest Highways; Construction and Maintenance; Allocation of Funds; Correction

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Correction to notice of proposed rulemaking; Extension of comment period.

**SUMMARY:** This document corrects the preamble of a notice of proposed rulemaking (NPRM) relating to clarification of the allocation formula for distribution of forest highway funds, and extends the comment period until June 15, 1984.

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

**ADDRESS:** Submit written comments, preferably in triplicate, to FHWA Docket 84–2, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., ET, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mr. Allen W. Burden, Chief, Program Planning and Coordination, Office of Direct Federal Programs, (202) 426–0456, or Mr. Michael J. Laska, Attorney, Office of Chief Counsel, (202) 426–0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** In the preamble of the NPRM in FR Doc. 84–8172 published on March 27, 1984 (49 FR 11681), the following change is made:

On pages 11683 and 11684, the allocation formula is corrected to read:

$$\frac{1}{2}\,\frac{(TV+RVD)}{2} + \frac{1}{2}\,(K \times \text{Cost} \times \%\ \text{FS Traffic})$$

This revision is necessary to clarify how the TV (Table 1) and RVD (Table 2) values are to be uses in the allocation

formula. Equal weight is being given to TV and RVD. Also, equal weight is being given to resource outputs (TV+RVD) and improvement costs (K×Cost×% FS Traffic). Since the combined total percentage (TV and RVD) is 200 percent and the total percentage (K×Cost×% FS Traffic) is 100 percent, the values of TV+RVD must be averaged. The values obtained from the allocation formula, in Table 6, remain unchanged.

The comment period is extended until June 15, 1984.

Authority: 23 U.S.C. 202, 315; 49 CFR 1.48(b).

Issued on: May 8, 1984.

L. P. Lamm,

*Deputy Administrator, Federal Highway Administration.*

[FR Doc. 84-19244 Filed 5-14-84; 8:45 am]

BILLING CODE 4910-22-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-5-FRL 2588-6]

### Indiana; Approval and Promulgation of Implementation Plans

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

**ACTION:** Proposed rulemaking.

**SUMMARY:** EPA is proposing to disapprove a revision to the Indiana State Implementation Plan (SIP) for total suspended particulates (TSP), which was submitted by the State. The State requested an alternative emission control program (bubble) for Occidental Chemical Corporation (Corp.) located in Clark County, Jeffersonville Township, Indiana. The State provided insufficient information to assure that the bubble would ensure attainment and maintenance of the National Ambient Air Quality Standards (NAAQS).

**DATE:** Comments on this revision and on the proposed EPA disapproval must be received by July 16, 1984.

**ADDRESSES:** Copies of the SIP revision are available at the following addresses for review:

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

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

Comments on this proposed action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Uylaine E. McMahan, (312) 353-0396.

**SUPPLEMENTARY INFORMATION:** On April 7, 1982 (47 FR 15076), the Environmental Protection Agency issued a proposed Emissions Trading Policy Statement (ETPS) which sets forth general principles for the creation, banking and use of emission reduction credits. This statement indicated that it is the policy of EPA to encourage use of emissions trades to achieve more flexible, rapid and efficient attainment of the NAAQS. It describes emissions trading, sets out general principles EPA will use to evaluate emissions trades under the Clean Air Act, and expands opportunities for States and industry to use these less costly control approaches. The April 7, 1982, notice noted that, until EPA takes final action on its policy statement, State actions involving emission trades would be evaluated under the provisions set forth in the proposed statement.

On September 2, 1983, the Indiana Air Pollution Control Board (Board) submitted a proposed bubble in the form of a revised operating permit, for Occidental Chemical Corporation. Additional information was submitted by the State on December 21, 1983. Occidental Chemical Corporation's Jeffersonville Township facility produces phosphoric acid and salts. This facility is located in the portion of Clark County, Indiana, which is designated as primary nonattainment for TSP.

The September 2, 1983, SIP submittal eliminated the current short-term and annual SIP emission limitations and imposed instead a plant-wide annual limit. On December 21, 1983, individual short-term emission limits were submitted for each point source included in the bubble. Table 1 summarizes the current and proposed emission limitations at the facility.

TABLE 1.—Revised Occidental Chemical TSP Bubble

| Source | Current SIP limits | | Proposed SIP limits | |
|---|---|---|---|---|
| | gr/dscf [1] | T/yr [2] | gr/dscf | T/yr |
| Thermal Process (Acid Line) | 0.023 | 8.7 | 0.22 | 40 |
| Sodium Phosphate Salt Production Line | 0.028 | 85.2 | 0.037 | 40.9 |
| Potassium Phosphate Salt | | | 0.109 | 13 |

[1] Grains per dry standard cubic foot.
[2] Tons per year.

As technical support for the bubble, Indiana cited the fact that the revision results in no net change in allowable emissions (on an annual basis). The State found that the revision is approvable under Indiana's generic bubble regulation (325 IAC 2-4-2(4)(B)) and claimed that no modeling of the source's ambient impact is required per 325 3AC 2-4-2(4)(B) because its total allowable emissions are less than 100 T/yr. Because EPA has not approved Indiana's generic bubble regulation, the bubble must be reviewed under EPA's ETPS.

Nevertheless, the December 21, 1983, submittal also included a Climatological Dispersion Modeling analysis for Clark County. The State claimed that the modeling demonstrates that the plant does not have a significant ambient impact; and consequently, the proposed bubble satisfies the ambient air quality test requirements of the ETPS.

EPA has reviewed the proposed revision in relation to the ETPS and has determined that insufficient technical support has been provided for the revision and, consequently, the proposed bubble is not approvable. Specific deficiencies are as follows:

1. The ETPS requires all emissions trades to demonstrate ambient equivalence with the use of a three-tiered screening analysis. This analysis is discussed in detail in the February 17, 1983, memo from Sheldon Meyers entitled "Emissions Trading Policy Technical Clarifications". The modeling submitted by Indiana, apparently intended as a Level II analysis, does not satisfy the requirements in the Meyers memo (e.g., a refined model was not used and receptor resolution is inadequate).

2. Only surplus reductions can be used in emission trades. Reductions are surplus if they are less than the appropriate baseline emission level. Under the proposed ETPS, the baseline in nonattainment areas lacking an approved attainment demonstration (such as Jeffersonville Township) is RACT.1.[1] The proposed T/yr limits on the Sodium and Potassium Salt Production Lines reflect status quo conditions (i.e., venturi scrubber control). No information has been provided by the State showing that the existing control technology goes beyond RACT. Consequently, there are no documented surplus emission reductions to offset the 31.3 T/yr increase in allowable emissions from the thermal process (acid line). It should also be noted that the proposed gr/dscf limits represent an increase in short-term

[1] In the notice soliciting comments on changes to the proposed ETPS (48 FR 389580, August 31, 1983), EPA stated that it is now considering changing the required trading baseline to a level more stringent than RACT for trades in nonattainment areas without an approved demonstration of attainment.

allowable emissions from each of the three processes. Consequently, there is a net increase in plant-wide short-term allowable emissions.

For these reasons, EPA is proposing to disapprove the proposed bubble for Occidental Chemical Corp. EPA is providing a 60 day comment period on this notice of proposed rulemaking. Public comments received on or before July 16, 1984 will be considered in EPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V address listed at the front of this notice.

I certify that this proposed disapproval will not have a significant economic impact on a substantial number of small entities because it applies to only one firm, Occidental Chemical.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at the EPA Region V office listed above.

**List of Subjects in 40 CFR Part 52**

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

(Secs. 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C.) 7410, 7502, and 7601(a))

Dated: January 24, 1984.

**Dale S. Byron,**

*Acting Regional Administrator.*

[FR Doc. 84-12984 Filed 5-14-84; 8:45 am]

BILLING CODE 6560-50-M

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**40 CFR Part 52**

**[A-6-FRL 2588-4]**

## Approval and Promulgation of Revisions to Louisiana State Implementation Plan

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

**ACTION:** Proposed rulemaking.

**SUMMARY:** The purpose of this notice is to propose approval of the State's Plan for the Protection of Integral Vistas to the Louisiana State Implementation Plan (SIP), which was submitted to EPA by the Governor of the State. The State's Visibility Plan was submitted by the State for the purpose of meeting the EPA Visibility Protection requirements as promulgated on December 2, 1980 (45 FR 80084).

**DATES:** Interested persons are invited to submit comments on this proposed action on or before June 14, 1984.

**ADDRESSES:** Copies of the materials submitted by Louisiana, and EPA's Evaluation Report may be examined during normal business hours at the following locations: Louisiana, Department of Environmental Quality, Air Quality Division, 625 North 4th Street, Baton Rouge, LA 70804 and EPA, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270.

**FOR FURTHER INFORMATION CONTACT:** J. Ken Greer, Jr., State Implementation Plan Section, Air Branch, Air & Waste Management Division, EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-9859, FTS 729-9859.

**SUPPLEMENTARY INFORMATION:**

### I. Background

The Governor of Louisiana submitted to EPA the State's plan for the Protection of Integral Vistas on October 19, 1983. A public hearing was held and the submittals were adopted by the Louisiana Environmental Control Commission on July 28, 1983. Brief descriptions of the submitted State plan and EPA's proposed actions are outlined below. An analysis of the submittal and EPA's determination of its approvability is provided in EPA's Evaluation Report which is available for public review at the addresses listed in the Addresses section of this notice.

### II. Description of the Revised Sections

The Louisiana Plan for the Protection of Integral Vistas is the State's explanation that the visibility of the only Class I federal area in the State boundaries, the Breton Island Bird Refuge, is not impaired and will continue to be protected. The Refuge is off the eastern coast of Louisiana, consisting of a chain of small islands and surrounding water in the gulf stretching from near the mouth of the Mississippi River toward the State of Mississippi coast line. Louisiana's submittal describes the area near the Refuge, explains the lack of industrial activity nearby, explains the lack of a designation of any integral vistas for the Refuge, and asserts that the visibility of the Refuge will be protected by the State's judicious review of any new source permit applications for the area surrounding the Refuge. The State's new source review regulations do not include a requirement that the Federal Land Manager will be notified if any new major stationary source or major modification of a source is to be located on land near the Refuge, as required by 40 CFR 51.307. The Regional Office has requested the State to commit to not allowing any new sources to locate in the areas near the Refuge until the State has adopted revisions to the State's new source review regulations which meet the requirements of § 51.307. The State has also been requested to develop a monitoring strategy and make a periodic review in the coming years of the visibility of the Refuge to determine that the visibility for the area continues to be unimpaired.

With the inclusion of the additional commitments requested from the State, EPA finds that the Louisiana Plan for the Protection of Visibility will protect the visibility of the Breton Island Wildlife Refuge, and agrees with PA guidance concerning visibility plan as fully explained in the Evaluation Report (available at the addresses listed above in the Addresses section).

### EPA's Action

EPA proposes to approve the Louisiana Plan for the Protection of Integral Vistas, with the understanding that the requested commitments will be submitted to EPA before EPA's final rulemaking.

The Regional Administrator hereby issues the notice setting forth EPA's approval of the Louisiana Plan for the Protection of Integral Vistas as a proposed rulemaking, and advises the public that interested persons may participate by submitting written comments to the Region 6 office. Comments received on or before the date listed in the DATES section will be considered. Comments received will be available for public inspection at the EPA Region 6 Office and at the locations listed in the ADDRESSES section of the notice.

The Administrator's final decision to approve or disapprove the Louisiana Visibility Plan will be based on the comments received on the submittal of additional commitments by the States concerning visibility protection and new source review and on a determination whether the SIP meets the requirements of section 110(a) of the Clean Air Act and 40 CFR Part 51 Subpart B and P.

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

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (46 FR 8709.)

**List of Subjects in 40 CFR Part 52**

Air pollution control, Ozone, Sulfur dioxides, Nitrogen dioxides, Lead,

Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

This notice of proposed rulemaking is issued under the authority of section 110(a) of the Clear Air Act, 42 U.S.C. 7410(c).

Dated: April 5, 1984.

**Frances E. Phillips,**

*Regional Administrator.*

[FR Doc. 84-13005 Filed 5-14-84; 8:45 am]

BILLING CODE 6560-50-M

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**40 CFR Part 52**

**[Region II Docket No. 28; FRL-2588-5]**

## New Jersey; Approval and Promulgation of Revision to State Implementation Plan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice announces that, under the provisions of the Clean Air Act, the Environmental Protection Agency is proposing to approve a revision to the New Jersey State Implementation Plan (SIP). The revision consists of three State regulations related to the operation of the State's motor vehicle emissions inspection and maintenance program. These regulations, which previously had been adopted by the State on an emergency basis, have now been made permanent. Such action was committed to by New Jersey in its 1982 SIP revision for attainment of the ozone and carbon monoxide national ambient air quality standards.

**DATE:** EPA must receive comments on or before June 14, 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 State's submittal are available for inspection during normal business hours at the following locations:

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

New Jersey Department of Environmental Protection, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625.

**FOR FURTHER INFORMATION CONTACT:** William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 1005, New York, New York 10278, (212) 264-2517.

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

On September 26, 1983, New Jersey submitted information supplementing its 1982 State Implementation Plan (SIP) revision for attainment of the ozone and carbon monoxide national ambient air quality standards. The submittal included emergency regulations related to the State's motor vehicle emissions inspection and maintenance (I/M) program. The regulations pertained to the operation of private inspection stations (formally known as licensed reinspection stations) and specifically related to:

- Operating procedures,
- Mechanic certification requirements, and
- Specifications for exhaust gas analyzers.

On November 9, 1983 (48 FR 51472), the Environmental Protection Agency (EPA) announced final approval of the 1982 New Jersey SIP revision. Information on the three regulations can be found in that notice.

On January 27, 1984 and February 1, 1984, the New Jersey Department of Environmental Protection (NJDEP) submitted to EPA three permanently adopted regulations for inclusion in the SIP. The NJDEP also submitted a State law (Pub. L. 1983 Chapter 417 c236) which has a minor effect on two of the regulations.

### II. State Submittal

*A. Operating Procedures*

The State's September 26, 1983 submittal contained a proposed emergency regulation (New Jersey Administrative Code (N.J.A.C.) 13:20-33.1, 33.2, 33.50, and 33.51) which authorized currently licensed reinspection stations to conduct initial inspections. The State committed to adopt this emergency regulation within one week of EPA's November 9, 1983 approval and in the future to adopt the regulation permanently in substantially unchanged form. In its November 9, 1983 notice, EPA granted approval of this procedure, but allowed New Jersey 30 days instead of one week to adopt its emergency regulation.

The emergency regulation was adopted by the State on November 7, 1983 and was permanently adopted on January 9, 1984. Permanent adoption is expected to be announced in the *New Jersey Register* during March 1984.

This regulation provides that licensed reinspection stations should conduct initial inspections beginning November 14, 1983. It also establishes inspection fees and billing procedures for these stations, and contains consumer protection provisions.

*B. Mechanic Certification*

The State's September 26, 1983 submittal also contained an emergency regulation (N.J.A.C. 13:20-32.4, 32.14, and 33.15) which required the certification of mechanics who work at private inspection stations. The emergency regulation became effective on September 2, 1983 and expired on November 1, 1983. In its submittal, the State committed to adopt permanently the regulation, consistent with due consideration of public comments, in substantially unchanged form and to submit it to EPA for approval.

The permanent regulation for mechanic certification was adopted on November 1, 1983 as published in the *New Jersey Register* on November 21, 1983.

This regulation as qualified by Public Law Chapter 417, c236 (see Section II.D of today's notice) establishes certification requirements for mechanics working at private inspection stations that have been or will be licensed subsequent to June 30, 1983. Reinspection stations licensed prior to June 30, 1983 will not have to meet these mechanic certification requirements until May 1, 1985. This regulation establishes:

- Qualification requirements for mechanics performing inspections,
- Required course work for certification, and
- Qualification requirements for the instructors that train mechanics.

*C. Specifications for Exhaust Gas Analyzers*

The State's September 26, 1983 submittal contained another emergency regulation (N.J.A.C. 7:27-15.1) specifying standards for the exhaust gas analyzers used at private inspection stations. This emergency regulation became effective on September 2, 1983 and expired on November 1, 1983. The State committed to adopt the regulation permanently, consistent with due consideration of public comments, in substantially unchanged form and to submit it to EPA for approval.

The permanent regulation for exhaust gas analyzer specifications was adopted on November 2, 1983 as published in the *New Jersey Register* on November 21, 1983.

This regulation establishes specifications for exhaust gas analyzers used at private inspection stations including requirements for:

- An automated system to control test sequencing, and an automatic pass or fail decision,
- A format for the test report and recorded magnetic tape file,
- A device to accept and record vehicle identification information, and
- A device to provide a printed record of the test results to the consumer.

The standards apply to all inspection stations licensed after June, 30, 1983 (see Section II.D of today's notice). Those stations licensed prior to June 30, 1983 will not have to meet the emission analyzer requirements until May 1, 1985.

*D. State Law*

On February 6, 1984 New Jersey submitted to EPA a Public Law, Chapter 417, c236, which became effective on January 4, 1984. The law establishes June 30, 1983 as the date after which new private inspection centers have to meet the provisions of the regulations for mechanic certification and exhaust gas analyzer specifications. Prior to the passage of this law May 1, 1983 had been the effective date of mechanic certification and analyzer specifications. Therefore, the law changes the effective dates which actually appear in these regulations.

**III. Findings**

Based upon its review of these regulations, EPA is proposing approval of this SIP revision. The regulation establishing operating procedures for private stations is substantially the same as the emergency regulation that EPA approved on November 9, 1983. The regulations for mechanic certification and exhaust gas analyzer specifications adequately implement the commitments made in the 1982 SIP revision. EPA is proposing approval of the two latter requlations with the revised effective date of June 30, 1983.

EPA is soliciting comments only on the material discussed in today's notice. This notice is issued as required by Section 110 of the Clean Air Act, as amended. The Administrator's decision regarding approval of this proposed SIP revision will be based upon those comments and on the revision meeting the requirements of section 110 of the Clean Air Act and 40 CFR 51.

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

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

**List of Subjects in 40 CFR Part 52**

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

Dated: April 4, 1984.

(Section 110, 172, and 301, Clean Air Act, as amended (42 U.S.C.) 7410, 7502, and 7601))

[FR Doc. 84-13004 Filed 5-14-84; 8:45 am]

BILLING CODE 6560-50-M

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**40 CFR Part 52**

**[A-5-FRL 2583-7]**

## Approval and Promulgation of Implementation Plans; Ohio, Illinois, Indiana, and Michigan

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

**ACTION:** Proposed rulemaking.

**SUMMARY:** USEPA has completed its review of the outstanding conditions of the 1979 State Implementation Plan (SIP) approvals for all Region V States and has determined whether or not they are still germane to attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) or to meeting the Part D requirements of the Clean Air Act.

Therefore, USEPA is today proposing to revoke those conditions which the Agency believes are no longer germane. In addition, for those conditions which USEPA believes are germane but are less serious, USEPA is proposing to approve new dates by which the States have committed to satisfy these conditions. In a separate **Federal Register** notice, USEPA will address those conditions which are germane and serious to attainment and maintenance of the NAAQS or to meeting Part D requirements.

This action is consistent with USEPA's November 2, 1983, (48 FR 50686) policy statement and Guidance Document for Correction of the Part D SIP's for Nonattainment Areas issued on January 27, 1984.

**DATE:** June 14, 1984.

**ADDRESSES:** Comments on this proposed rule should be addressed to: (Please submit an original and five copies if possible) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. EPA, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604.

For Further Information, contact the following Region V Staff:

Illinois: Randy Cano, (312) 886-6035
Indiana: Robert Miller, (312) 886-6031
Michigan: Toni Lesser, (312) 886-6037
Ohio: Debra Marcantonio, (312) 886-6088.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

This notice presents a discussion of the outstanding conditions of the 1979 State Implementation Plan (SIP) approval which USEPA has determined to be either germane and less serious or no longer germane to attainment or maintenance of the NAAQS or to meeting Part D requirements. This notice is divided into the following parts, I. Introduction; II. Background Information, III. Illinois; IV. Indiana; V. Michigan; and VI. Ohio.

**II. Background Information**

On February 3, 1983 (46 FR 4972), USEPA proposed to disapprove SIPs for each nonattainment area that either the USEPA did not believe would be able to demonstrate attainment of the primary national Ambient Air Quality Standards (NAAQS) by the statutory attainment date of December 31, 1982 or failed to meet the Part D requirements (Sections 171-178) of the Act. In Region V, six areas were listed in Appendix D of the February 3, 1983 notice as areas that had failed to meet conditions EPA imposed on its approval of their Part D plans. These areas were: Illinois Sulfur Dioxide ($SO_2$)-Peoria and Tazewell Counties; Indiana $SO_2$—Lake, LaPorte and Marion Counties; and Michigan Total Suspended Particulates (TSP)-Wayne County. For these areas USEPA proposed to disapprove the States' Part D plans and to impose § 110(a)(2)(I) construction bans.

On November 2, 1938 (47 FR 50686), the Administrator of USEPA set out a general policy for correcting all of the deficiencies identified in the February 3, 1983, notice. In addition, USEPA issued a "Guidance Document for Correction of the Part D SIP's for Nonattainment Areas" on January 27, 1984, to supplement the November 2, 1983 notice. This document is intended to assist state and local agencies in taking necessary actions to remedy the SIP deficiencies.

In the November 2, 1983 notice, USEPA also indicated it would review all outstanding conditions to determine whether they are still germane to attainment or maintenance of the NAAQS or to meeting Part D requirements. USEPA's review of the conditions were to include not only those cited in the February 3, 1983 notice but the numerous other conditions attached to the 1979 Part D plans that were not cited.

USEPA stated that upon completion of its review, it would revoke any

unnecessary conditions and, where necessary, would withdraw its February 3, 1983, proposal to disapprove the Part D SIPs and impose the Section 110(a)(2)(I) construction bans. If a condition is less serious, and if the State commits to meet the condition by an expeditious date, USEPA would approve the new date and would defer final action on the outstanding condition until that date. Where the condition involves a serious plan deficiency and is long overdue, USEPA would issue a final disapproval and impose a Section 110(a)(2)(I) construction ban.

USEPA has completed its review of the outstanding conditions of the 1979 SIP approvals for all Region V States. Today's notice is addressing those conditions which are no longer germane (unnecessary conditions due to new circumstances) and those conditions which are germane but less serious. USEPA will address those conditions which are germane and serious in a separate **Federal Register** which will be published in the near future. In some cases, USEPA has already initiated action to remove conditions based on recent State submittals. Those conditions are not addressed in today's notice since they will be addressed in separate action.

## III. Illinois

There are three outstanding conditions relating to the Illinois SIP which USEPA is addressing today.

### *A. Sulfur Dioxide—Peoria/Tazewell Counties*

USEPA approved the Illinois sulfur dioxide plan provided the following condition is satisfied as cited in the Code of Federal Regulations (CFR) at 40 CFR 52.724(a)(1).

*Condition:* The plan includes a reanalysis of the Pekin, Illinois area, a submittal of the analysis results to USEPA, the proposal of any additional regulations to the Illinois Pollution Control Board necessary to insure attainment and maintenance of the sulfur dioxide standard, and the promulgation of any necessary regulations. The State must complete the reanalysis, submit the results to USEPA and submit any necessary, additional regulations to the Illinois Pollution Control Board by September 30, 1980. Any necessary regulation must be finally promulgated by the State and submitted to USEPA by September 30, 1981.

*USEPA Review:* There are eight townships designated as nonattainment in Peoria and Tazewell Counties. For five of these townships, USEPA proposed redesignation to attainment and to remove the condition on September 1, 1983 (48 FR 39655)—(Limestone, Logan, Cincinnati, Pekin and Elm Grove Townships). Prior to final action on this redesignation and revocation of the condition, USEPA must take final action on an Illinois request to re-establish $SO_2$ emission limits for sources in this area. The previous emission limits were determined not to be federally enforceable by the U.S. Court of Appeals for the Seventh Circuit in *Sierra Club* v. *Indiana-Kentucky Electric Corp.*, 716 F.2d 1145 (1983). No further action is required of Illinois to satisfy the conditions in these five townships. Therefore, USEPA will address the condition as it applies to these areas when it takes final action on the redesignations, and the re-estabishment of the $SO_2$ SIP.

For Peoria, Hollis, and Groveland Townships, USEPA requested that Illinois provide additional air quality analysis to support the existing $SO_2$ regulations. Therefore, this condition is germane but less serious for the Peoria and Groveland Townships.

*State Response:* The State of Illinois has committed to satisfy the outstanding condition as it applies to the Peoria, Groveland and Hollis Townships by December 31, 1985. In requesting this date, the State has taken into consideration the complex Illinois Pollution Control Board rulemaking procedures which require technical as well as economic hearings.

*Action:* Although USEPA is familiar with the process for Illinois to adopt and submit rules to USEPA, the satisfaction of this condition is already overdue by more than two years. Therefore it is difficult for USEPA to justify extending this condition to December 31, 1985. USEPA believes that the State can however, complete the reanalyses, submit the results to USEPA and submit any necessary draft rules to USEPA and the Illinois Pollution Control Board for parallel processing by July 1, 1984.

Therefore, USEPA is proposing to approve the date of July 1, 1984, for submitting the draft rule revisions and supporting documentation to USEPA. USEPA expects the State to complete final rule adoption as expeditiously as possible but no later than December 31, 1985. USEPA will closely track the State's administrative process for adopting these rules between the draft submittal and the final submittal to USEPA.

USEPA requests that during the public comment period, Illinois submit a letter to the Agency commiting to submit the draft rules to USEPA by July 1, 1984.

### *B. Ozone*

USEPA approved the Illinois ozone plan provided the following condition was satisfied as cited at 40 CFR 52.726(a)(2).

*Condition:* The State conducts a study to demonstrate that the 75% overall control efficiency requirement in Rule 205(n) represents RACT, submits the results of the study to USEPA, and submits any necessary regulations representing RACT to the Illinois Pollution Control Board. Any necessary regulations must be finally promulgated by the State and submitted to USEPA by February 28, 1982.

*EPA Review:* A study was completed for Illinois which demonstrates that the Control Technique Guideline (CTG) recommended 81% overall control efficiency is appropriate for Illinois surface coating operations (except can coating) when add-on control is used. The study also demonstrates that the 75% overall control efficiency requirement in Rule 205(n) for can coating, when add-on control is used, represents RACT. Therefore, Illinois is required to change Rule 205(n)(2)(A) to require 81% overall control for all but can coating operations.

This conditional approval item is germane, because it affects VOC emissions but less serious because most surface coating operations do not use add-on control.

*State Response:* The State of Illinois has committed to satisfy this condition by July 31, 1984.

*Action:* USEPA is proposing to approve the new date of July 31, 1984 to satisfy this condition.

### *C. New Source Review*

USEPA approved the Illinois New Source Review (NSR) plan provided the following condition was satisfied as cited at 40 CFR 52.736(a)(1).

*Condition:* The State submits a determination signed by the Illinois Attorney General that the promulgation of the New Source Review rules is consistent with Illinois law; or, in the alternative, submits to USEPA for approval another nonattainment area New Source Review plan which is consistent with Illinois law and meets the requirements of sections 172(b)(6) and 173 of the Clean Air Act.

The State must comply with one of these conditions within 180 days of the February 21, 1980 Notice of Final Rulemaking (45 FR 11472).

*USEPA Review:* On May 26, 1981, the Court of Appeals for the Seventh Circuit ruled that the Illinois EPA adopted NSR Rules were not properly submitted

because Illinois EPA lacked promulgation authority and, therefore, the Court invalidated USEPA's conditional approval, triggering a construction moratorium under section 110(a)(2)(I), 649 F. 2d 522 (7th Circuit 1981).

*Action:* As a result of the Court decision, the condition is irrelevant. The Illinois SIP does not contain any approved new source review regulations. Normally, EPA would issue a notice of deficiency to cure this defect in the SIP. However, Illinois submitted revised NSR rules to EPA for approval on August 26, 1983. EPA is currently reviewing these rules and anticipates publishing a notice that proposes to approve the rules if certain changes are made to the rules. EPA will take appropriate action on Illinois' revised NSR rules in a separate **Federal Register** notice. Consequently, EPA is proposing to revoke the condition.

**IV. Indiana**

USEPA approved the Indiana ozone plan for Clark, Floyd, Lake, Marion and Porter Counties, provided the following condition is satisfied as cited at 40 CFR 52.777(c)(v).

*Condition:* For regulation 325 IAC 8-5, Section 6, Perchloroethylene Dry Cleaning, the State must conduct a study to demonstrate that the 1,500 gallon exemption meets RACT requirements and submit the results to USEPA within 6 months of the effective date of final rulemaking on 325 IAC 8 for VOC from Group II CTG source categories. If the demonstrated emissions resulting from the State's exemption are not essentially equivalent to those resulting from the RACT requirements, then the State must submit to USEPA by July 1, 1983, a rule which requires control of emissions from dry cleaning sources using less than 1,500 gallons of perchloroethylene per year.

*USEPA review:* This conditional approval item may soon be nongermane because on October 24, 1983 (48 FR 49097), USEPA proposed to add perchloroethylene to the list of organic compounds which have negligible photochemical reactivity and thus would be exempt from regulation.

*Action:* USEPA is proposing to revoke this condition because it may no longer be necessary as part of an ozone control strategy to attain and maintain the NAAQS or to meet other requirements of Part D of the Act. USEPA will not publish a final action revoking this condition, however, until USEPA takes final action exempting perchloroethylene from regulation. If EPA decides not to exempt perchloroethylene from regulation, it will be necessary for Indiana to satisfy this condition.

**V. Michigan**

USEPA approved the Michigan Rules 336.1603 and 336.1606 regarding the ozone control strategy provided the following conditions are satisfied as cited at 40 CFR 52.1174(a) (1) and (2).

*Conditions:* (1) Rule 336.1603—The State submits detailed compliance schedules containing increments of progress by March 31, 1981 for sources with final compliance dates prior to December 31, 1982 and by September 30, 1981 for sources with final compliance dates beyond December 31, 1982.

(2) Rule 336.1606—The State either promulgates a rule with a 120,000 gallon per year throughput exemption for gasoline dispensing facilities and submits it to USEPA or demonstrates that allowable emissions resulting from the application of its existing rule with 250,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of the CTG presumptive norm. The State must comply with this condition by May 6, 1981, and any necessary regulations must be finally promulgated by the State and submitted to USEPA by September 30, 1981.

*USEPA Review:* Condition (a)(1) is considered unnecessary because: (a) interim compliance schedules are no longer relevant for those sources with final compliance dates up to December 31, 1982, and (b) the only source category with final compliance dates past December 31, 1982 and subject to this RACT I Conditional approval item is automobile and light duty truck manufacturing. However, the automotive and light duty truck surface coating rules have annual interim limitations which are actually contained within the rule. Additional increments of progress are unnecessary. Therefore, this condition is no longer germane.

Condition (a)(2) is no longer considered necessary in Michigan except as it applies to the counties of Wayne, Macomb and Oakland because the State has approved demonstrations which provided for attainment of the $O_3$ NAAQS by the end of 1982. Therefore, this condition is no longer germane for Michigan except for Wayne, Macomb and Oakland Counties. USEPA will address this condition as it applies to Wayne, Macomb and Oakland counties in a separate **Federal Register** notice.

*Action:* USEPA is proposing to revoke both condition (a)(1) and (a)(2) (except as condition (a)(2) applies to Wayne, Macomb, and Oakland Counties) because they are unnecessary to attainment and maintenance of the $O_3$ NAAQS or to meet other requirements of Part D of the Act.

**VI. Ohio**

There are several outstanding conditions relating to the Ohio SIP which EPA is addressing today.

*A. Inspection and Maintenance*

USEPA approved the Ohio vehicle inspection and maintenance (I/M) program for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area provided the following conditions are satisfied by January 8, 1982, as cited at 40 CFR 52.1878(h) (1), (2) and (3).

*Conditions:* (1) An identification of the staff and financial resources necessary to carry out and enforce the vehicle inspection and maintenance program and a more specific commitment to obtain those resources.

(2) Detailed schedule which contains dates for all the milestones specified in July 17, 1978 I/M policy memorandum.

(3) Detailed programmatic information relating to the specific geographic coverage of the program, enforcement mechanisms and procedures to be used, those vehicle categories to be included in the inspection program, and other factors which aid in determining the effectiveness of an I/M program.

*USEPA Review:* The Ohio Environmental Protection Agency submitted 1982 SIP revisions which demonstrated that ozone and CO standards would be attainment in the Cleveland and Cincinnati urban areas by December 31, 1982. The State requested that the 5-year extension for meeting the National Ambient Air Quality Standards (NAAQS) be rescinded. Rescinding the 5-year extension would mean that the State would not have to implement a vehicle inspection and maintenance I/M program. On February 3, 1983 (48 FR 5118), USEPA proposed to approve the ozone and CO attainment demonstrations and to rescind the 5-year extension request. However, in 1983 several exceedances of the ozone standard were recorded at sites in both the Cleveland and Cincinnati areas. Because Ohio's plan does not demonstrate attainment by the end of 1982 for these cities, the extension of the attainment deadline cannot be rescinded, and USEPA's requirements with respect to vehicle inspection and maintenance must still be met.

On March 28, 1984, EPA sent a letter to the Governor of Ohio requesting the State submit a reasonable and

expeditious schedule for implementing an I/M program. In developing this schedule, EPA is requiring the State to ensure that the outstanding conditions are addressed within the context of the schedule.

In the March 28, 1984, letter to the Governor, EPA informed the State that because of its failure to implement an I/M program by December 31, 1982, EPA will be proposing federal restrictions as authorized by sections 176(b) and 173(4) of the Clean Air Act. Further, if the State fails to submit expeditious schedule which, among other things, addresses the outstanding conditions by EPA will issue a notice disapproving the SIP for failure to fulfill these conditions. Additionally, EPA will propose highway funding restrictions and air quality planning fund restrictions as authorized by section 176(a) of the CAA. Because this schedule will address the outstanding conditional items for I/M, EPA will propose action on the adequacy of Ohio's commitment to resolve the 1979 SIP conditions after the schedule is submitted. EPA will propose to approve the schedule if it addresses the outstanding conditions in an expeditious timeframe. If the outstanding conditions are not addressed in an expeditious timeframe, then EPA will disapprove this element of the I/M program of the 1979 SIP.

*B. Ozone*

USEPA approved the Ohio azone SIP provided the following condition as cited at 40 CFR 52.1885(b)(2) is satisfied.

*Condition:* For Rule 09(R) of Chapter 3745–21 of the Ohio Administrative Code the State must submit to USEPA by October 1, 1980 either a demonstration that allowable emissions resulting from the application of its existing rule with a 240,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of the CTG presumptive norm or if the demonstration indicates otherwise then the State must submit to USEPA by February 15, 1981 a rule with a 120,000 gallon per year throughput exemption for gasoline dispensing facilities.

*USEPA Review:* USEPA published a proposed rulemaking pertaining to numereous conditions including the above condition on August 8, 1983 (48 FR 35918). At that time, USEPA proposed to: (1) Retain the above conditions for the Akron demonstration area because attainment of the $O_3$ NAAQS was not expected by the end of 1982 and (2) to approve Ohio's SIP as satisfying this condition for the remainder of the State. As noted in the discussion of the I/M condition, it was recently determined that Cleveland and Cincinnati did not in fact attain the ozone standards by the end of 1982. It is, therefore, appropriate to classify this condition as germane but less serious and to give the State more time to meet this condition for not only Akron but also for the Cleveland and Cincinnati demonstration areas. It is anticipated that Ohio will be revising its $O_3$ SIP for these areas and will be addressing this condition at that time.

*State Response:* The State of Ohio has committed to satisfy this condition as it applies to the Cincinnati, Cleveland, and Akron ozone demonstration areas by December 31, 1984.

*Action:* USEPA is proposing to approve the new date of December 31, 1984 to satisfy this condition for the Cincinnati, Cleveland and Akron ozone demonstration areas.

USEPA will address this condition as it applies to the remaining areas of the State and the other conditions discussed in the August 8, 1983 proposed rule in a separate final rulemaking action which will be published in the near future.

*C. Total Suspended Particulate (TSP)*

EPA approved a TSP SIP revision for Ohio provided the following condition as cited at 40 CFR 52.1880(d) is satisfied.

*Condition:* For the Middletown, Ohio primary nonattainment area, Rule 08 of Chapter 3745–17 of the Ohio Administrative Code provided the State submits by December 31, 1981 the individual enforceable control programs required by Rule 08 for each of the fugitive emission sources, located in the primary nonattainment area.

*USEPA Review:* Ohio submitted draft fugitive dust control programs for the fugitive sources within the nonattainment area (now secondary nonattainment) and awaits specific guidance from USEPA as to how to correct problems with the enforceability of these programs. USEPA has determined this condition to be germane but less serious.

*State Response:* The State of Ohio has committed to satisfy this condition by December 31, 1984.

*Action:* USEPA is proposing to approve the new date of December 31, 1984 to satisfy this condition.

All interested persons are invited to submit written comments on this proposed action. After review of all comments submitted, the Administrator of USEPA will publish in the **Federal Register** the Agency's final action.

Under 5 U.S.C. Section 605(b), the Administrator has certified that actions relating to SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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

**List of Subjects in 40 CFR Part 52**

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

(Secs. 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601(a)))

Dated: February 16, 1984.

**Alan Levin,**

*Regional Administrator.*

[FR Doc. 84–12309 Filed 5–14–84; 8:45 am]

BILLING CODE 6560–50–M

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**40 CFR Part 756**

**[OPTS–62034; TSH–FRL 2555–1]**

## Toxic Substances; 1,3-Butadiene; Initiation of Regulatory Action

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

**ACTION:** Advance Notice of Proposed Rulemaking (ANPR).

**SUMMARY:** This notice announces the initiation of regulatory action by the EPA to determine and implement the most effective means of controlling exposures to the chemical 1,3-butadiene under the Toxic Substances Control Act (TSCA). Recent bioassays have established that 1,3-butadiene causes cancer in experimental animals. EPA, concerned about potential unreasonable risks posed mainly by occupational exposures to 1,3-butadiene, will explore regulatory options to reduce or eliminate such risks. The Occupational Safety and Health Administration (OSHA) has decided to cooperatively collect and evaluate information regarding 1,3-butadiene with EPA. To this end, EPA and OSHA have initiated a series of activities to obtain the necessary information about risks and exposures, and invite interested parties to submit data and comments relevant to controlling exposures to 1,3-butadiene.

**DATE:** All comments, directed to EPA, must be received by July 16, 1984. OSHA's comment period on 1,3-butadiene has been extended until further notice.

**ADDRESS:** Since some comments are expected to contain TSCA Confidential Business Information (CBI), four copies

of all comments should be sent to: Document Control Officer (TS–793), Office of Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460.

Comments should include the docket control number OPTS–62034. Commenters need not submit duplicate comments to both EPA and OSHA, because all comments will be reviewed by both EPA and OSHA. Comments received on this ANPR, except those containing Confidential Business Information (CBI), will be available for review and copying from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays, in Rm. E–107 at the address given above.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M Street SW., Washington, D.C. 20460, Toll-Free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator 202–554–1404).

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

In the **Federal Register** of January 5, 1984 (Ref. 1), the EPA announced initiation of a 180-day review of 1,3-butadiene under section 4(f) of TSCA, which requires such a review if the Administrator receives information indicating "that there may be a reasonable basis to conclude that a chemical substance or mixture presents or will present a significant risk of serious or widespread harm to human beings from cancer, gene mutations, or birth defects * * *."

The announcement of initiation of the 180-day review period committed EPA "to initiate appropriate action" or, alternatively, to publish a finding, on or before May 7, 1984, that the risk posed by 1,3-butadiene is not unreasonable. This ANPR represents EPA's initiation of appropriate action as required by section 4(f). EPA is working cooperatively with OSHA, because available evidence indicates that exposure to 1,3-butadiene occurs primarily within the workplace. At this time, no decision has been made whether the Occupational Safety and Health Act (OSHAct), TSCA, the Clean Air Act or some other law administered by EPA, or a combination of these provides the most appropriate authority to control exposures to 1,3-butadiene.

## II. Health Concerns

In June 1982, the International Institute of Synthetic Rubber Producers (IISRP) submitted to EPA, under TSCA section 8(e), the results of a two-year 1,3-butadiene inhalation oncology bioassay and a inhalation teratology study in rats (Refs. 2 and 3). In October 1983, the National Toxicology Program (NTP) concluded a similar chronic oncology testing program of 1,3-butadiene in mice (Ref. 4). These oncology studies show that 1,3-butadiene was carcinogenic in both sexes of Sprague-Dawley rates and $B6C3F_1$ mice; significantly increased incidences of neoplasms were observed at multiple sites. Both oncology studies have been reviewed and found valid by EPA scientists as well as NTP's Board of Scientific Counselors.

Each chronic oncology study of 1,3-butadiene employed two dose levels: 1,000 and 8,000 parts per million (ppm) for rates, and 625 and 1,250 ppm for mice. The doses were administered to both species via inhalation for a period of six hours per day, five days per week, for 105–111 weeks in rats and 60–61 weeks in mice. Survival rates in both species were poor, and the mouse study was terminated early because of rapidly declining survival, primarily due to the formation of tumors.

In rats, statistically significant increases were observed in mammary tumors, uterine/vaginal tumors, and thyroid follicular tumors in females; Leydig cell tumors and pancreatic exocrine tumors in males; and Zymbal gland tumors in both sexes. Also, reproductive effects such as ovarian and testicular atrophy were observed. In the rat teratology study, fetal malformations were observed at the dose level of 8,000 ppm. Growth retardation and fetal toxicity were observed at 200 ppm, 1,000 ppm, and 8,000 ppm. These three dose levels were also toxic to the dam.

In mice, statistically significant increases were observed in hemangiosarcomas of the heart, malignant lymphomas (diagnosed as early as week 20), alveolar/bronchiolar adenomas and alveolar/bronchiolar carcinomas, epithelial hyperplasia of the forestomach, and liver necrosis in both sexes; papillomas of the forestomach, acinar cell adenoma of the mammary gland, granulosa cell tumor of the ovaries, and ovarian atrophy in females; and nasal cavity lesions and testicular atrophy in males. It should be noted that hemangiosarcomas, although not statistically significant, were observed in the peritoneal cavity, subcutaneous tissue, and liver.

Based on the results of these bioassays, 1,3-butadiene should be considered a potential carcinogen in humans, pursuant to the Agency's "Interim Procedures and Guidelines for Health Risk and Economic Impact Assessments of Suspected Carcinogens," as published in the **Federal Register** of May 25, 1976 (41 FR 21402). According to that policy, a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals.

EPA is currently evaluating the teratogenic and reproductive effects of 1,3-butadiene. The National Institute for Occupational Safety and Health (NIOSH) recently published a report with the recommendation that 1,3-butadiene be regarded as a potential teratogen and as a possible reproductive hazard (Ref. 5). The NTP has placed 1,3-butadiene in its queue for further teratology testing.

## III. Production and Uses

1,3-butadiene is produced commercially by one of three processes: recovery as a byproduct of ethylene manufacture, dehydrogenation of n-butane, or oxidative dehydrogenation of n-butenes. Total U.S. consumption in 1981 was 3.4 billion pounds, of which about 86 percent was produced domestically. In 1982, imports increased to about 25 percent of U.S. 1,3-butadiene consumption, which dropped overall to about 2.6 billion pounds. Total domestic consumption of 1,3-butadiene is believed to have increased slightly in 1983, to approximately 3.0 billion pounds (Refs. 6, 7, and 8).

The predominant uses of butadiene are for the manufacture of elastomers (70 percent), nylon (12 percent), styrene-butadiene copolymer latexes (8 percent), and acrylonitrile-butadiene-stryrene resins (5.5 percent). The remainder is used as a chemical intermediate in the manufacture of pesticides, solvents, and other products.

Tires and tire products account for approximately one-half of the butadiene consumed. Additional applications include molded and extruded goods, belts, hoses, wire and cable coating, footwear, foam rubber, carpet backing, automotive goods, appliances, recreational equipment, adhesives, textiles, pipe, building materials, and toys.

## IV. Potential for Occupational Exposure

Available evidence indicates that the primary potential for human exposure to 1,3-butadiene occurs in the workplace (Ref. 5). Since 1,3-butadiene is a gas at ambient temperatures, all exposures occur via inhalation. Worker exposure may occur during manufacture of the monomer, during processing into

polymers, and during fabrication of products from the polymers.

Few data regarding occupational exposure levels of 1,3-butadiene are available. Prior to the recent chronic oncology studies discussed in Unit II above, the chemical was not considered particularly toxic and thus was not routinely monitored. In addition, there did not appear to be an incentive for frequent monitoring since the measured levels were generally significantly below the OSHA standard of 1,000 ppm (which had been established on the basis of acute toxicity rather than carcinogenic potential).

However, the limited information that is available on the subject of worker exposure to 1,3-butadiene does indicate a cause for concern. Estimates derived from the National Occupational Hazard Survey conducted by NIOSH from 1972 to 1974 suggest that approximately 65,000 workers are potentially exposed to 1,3-butadiene during its production and use (Ref. 5). In the rubber and plastics industry, some information is available on the levels of worker exposure to 1,3-butadiene. Recently, the IISRP compiled worker exposure data from eleven North American polymer plants, covering the period 1976 to 1981. These data are based on almost 4,000 personal breathing zone samples, which were analyzed for 1,3-butadiene and categorized according to occupational titles (Ref. 6). Although these data have not been validated, they indicate that some workers in certain job categories may be exposed to levels of 1,3-butadiene roughly equivalent to those that produced tumors in experimental animals in the two bioassays. Many other workers are exposed to lower levels which should still be considered significant, since those exposures are within two orders of magnitude of the exposure levels which induced tumors in the experimental animals. Another data source on occupational exposures is currently being evaluated by the Agency. It consists of 1,3-butadiene monitoring data submitted by several rubber producers to the United Rubber, Cork, Linoleum and Plastic Workers of America in November 1983 (Ref. 9).

Epidemiological data concerning workers exposed to 1,3-butadiene are very difficult to obtain, not only because of the small size of the populations of most concerns, but also because rubber industry workers are generally exposed to other potentially carcinogenic chemicals. It should be noted that the International Agency for Cancer Research (IARC) designated certain occupations in the rubber industry among seven industrial processes and occupational exposures where a causal association with cancer in humans was established (Ref. 10).

### V. Potential for Other Than Occupational Exposure

Large amounts of 1,3-butadiene are likely to be released to the atmosphere during production and processing operations (Ref. 6). Additional emissions of the substance may occur from the disposal of process wastes and accidental releases (e.g., spills and leaks from tanks and pipes). In air, 1,3-butadiene reacts quickly with hydroxyl radicals, nitrogen oxides, and ozone. Laboratory studies have indicated that under ultraviolet irradiation, complete degradation of 1,3-butadiene will occur in about four hours (Ref. 11).

Data on ambient air concentrations resulting from the production and processing of butadiene are scarce. One State reported detectable ambient levels of 1,3-butadiene at seven sites where monitoring data were available: six samples were taken in the vicinity of hazardous waste disposal sites, and the seventh near a 1,3-butadiene processing plant. All levels were reported to be below 0.5 part per billion (ppb) (Ref. 6).

1,3-butadiene is a minor component of hydrocarbons measured in urban air, with detectable levels ranging from 1 to 60 ppb. The 60 ppb value was measured in a tunnel; the substance is a component of gasoline and diesel engine exhausts (Ref. 6).

It should be noted that the chemical of concern to the Agency is the monomer 1,3-butadiene and not the polymeric products fabricated from it. Although it is conceivable that polymeric consumer products might contain trace amounts of unreacted 1,3-butadiene monomer, it is unlikely that significant amounts of the gaseous chemical remain entrapped in rubbers and plastics, since these products are subject to high-temperature processing during manufacture. During the 180-day review period, the Agency performed laboratory screening tests on several children's products and did not find any detectable levels of 1,3-butadiene. Under the same contractor study, EPA took air samples in a tire warehouse and a carpet warehouse and did not find detectable levels of 1,3-butadiene at the detection limit of 10 ppb (Ref. 12). The Agency will perform further analyses for 1,3-butadiene in consumer products if information is received which would indicate a cause for concern.

The Office of Air Quality Planning and Standards of EPA is currently reviewing 1,3-butadiene for any risks posed to the general population via contamination of the ambient air, and will decide whether to initiate regulatory action under the Clean Air Act. Similarly, the Office of Solid Waste, under authorities of the Resource Conservation and Recovery Act (RCRA), is obtaining chemical analyses and other information on wastes generated from the manufacture of 1,3-butadiene, as well as other wastes which may contain it, to determine if they should be listed and controlled as hazardous wastes under section C of RCRA. The Office of Water Regulations and Standards and the Office of Drinking Water are reviewing their data files regarding possible discharges of 1,3-butadiene via industrial wastewaters (including treated effluents) and any contamination of drinking-water supplies. In addition, the Office of Water Regulations and Standards, in its ongoing investigation of toxic pollutants other than the 129 "priority pollutants," is currently sampling and analyzing industrial process effluents for 1,3-butadiene. This work is part of an effort to promulgate effluent guidelines and standards for the organic chemicals and plastics & synthetic materials industries.

The Food and Drug Administration (FDA) is currently examining the potential for exposure to 1,3-butadiene from food packaging and chewing gum.

### VI. Regulatory Investigation

EPA is considering regulation under section 6 of TSCA to control any unreasonable risks from the manufacture, processing, distribution in commerce, use, and disposal of 1,3-butadiene. The agency is also consulting with OSHA on possible actions under its legal authorities.

A determination of unreasonable risk under TSCA represents an administrative judgment reached by balancing the probability that harm will occur and the magnitude and severity of that harm against the impact of regulation. Regulatory impact is evaluated in terms of benefits provided to society by the chemical under consideration, taking into account the availablility of substitutes and reasonably ascertainable economic consequences, including effects on the national economy, small business, and technological innovation. Thus, the existence of potential harm does not in itself constitute unreasonable risk. If the economic or other adverse impacts of regulatory control outweigh the risk of harm, EPA would not find the risk unreasonable.

Section 6 of TSCA provides for a number of alternative controls for reducing human exposure to chemical substances which pose an unreasonable

risk to health or the environment. Examples of the control alternatives under this section include a total or partial ban on the manufacture, processing, or use of a substance; regulation of its concentraction in products; labeling requirements; requirements for controlling the use of a substance; requirements for quality controls during manufacture or processing; and regulation of waste disposal.

During the 180-day review period, the Agency initiated work in five general areas in order to expedite the appropriate regulatory response to risks posed by 1,3-butadiene. These five areas are: (1) health effects; (2) manufacturing, processing, use, and disposal; (3) human exposures; (4) appropriate controls and their cost; and (5) substitutes. As part of its regulatory investigation, EPA requests comments and available data relevant to the various efforts, which are summarized below.

1. *Health effects.* The Agency has undertaken risk analyses to determine the carcinogenic as well as teratogenic risks poses by 1,3-butadiene at various levels of human exposure, based on the rat and mouse bioassays and the rat teratology study described above. Also, EPA is following the progress of a pharmacokinetic study on 1,3-butadiene, currently being performed by NTP. The Agency solicits additional information that could facilitate the assessment of health hazards poses by 1,3-butadiene.

2. *Manufacture, processing, use, and disposal.* The Agency is fully aware that 1,3-butadiene is of such commercial importance that any regulatory action will necessitate an especially thorough understanding of the economic benefits of this chemical as well as the industrial processes by which the mnomer is manufactured, processed into polymers or other chemicals, and ultimately fabricated into products. An initial study in this general area was completed before the start of the 180-day review period (Ref. 6); however, EPA would be assisted by more information on the economic benefits of 1,3-butadiene, volumes of monomer and polymer production, types of products manufactured from 1,3-butadiene, industrial processing techniques, existing engineering controls for minimizing exposure to the chemical, industrial hygiene measures used, waste disposal practices, and any other information which would enable the Agency to assess the economic importance of this chemical and current industrial practices relative to it.

3. *Human exposures.* An understanding of the extent and levels of human exporues to 1,3-butadiene is important for determining whether the manufacture, processing, distribution, use, or disposal of the chemical or wastes containing the chemical poses an unreasonable risk. There are a number of steps during the manufacture, processing, distribution, use, and disposal of 1,3-butadiene when exposure can occur. The Agency believes that available monitoring data, although limited, are sufficient to show that significant occupational exposures occur in certain job categories in rubber and plastics production plants. Through an interagency agreement with the National Institute for Occupational Safety and Health (NIOSH), EPA has initiated a monitoring study of worker exposure levels in 1,3-butadiene monomer production facilities. Also, the Agency plans to initiate similar worker exposure studies in rubber and plastics production plants and in rubber products (e.g., tire) manufacturing plants. EPA solicits additional monitoring data on detected levels of 1,3-butadiene at the workplace, in ambient air, in surface- and ground-water, in process waste streams, and as unreacted monomer in manufactured products.

4. *Appropriate controls.* The Agency plans to perform a detailed control options analysis and solicits information on the expected effectiveness and costs of various control measures that could be instituted to reduce exposures to 1,3-butadiene. In particular, the Agency requests information on the exposure levels that could be achieved through the use of various engineering controls and personal protection devices, and the costs associated with the installation and use of such control measures.

5. *Substituts.* As part of its regulatory investigation, the Agency is examining the potential for employing substitutes for 1,3-butadiene and for certain rubber and plastic products made from 1,3-butadiene. In a preliminary study EPA has identified alternative chemicals for some uses of 1,3-butadiene, but the technical and economic feasibility of using these potential substitutes has not been finally determined, nor have their toxicological properties been fully evaluated. The Agency is very interested in receiving information from commenters regarding the availability, performance, health effects, and cost of suitable substitutes.

The Agency solicits information in each of these areas and any other relevant issues. One major issue that needs to be resolved during the regulatory investigation is whether TSCA, OSHAct, or a combination of both is the most appropriate authority to control workplace exposurs to 1,3-butadiene.

EPA will consider all information supplied in response to this notice in determining the best course of action regarding 1,3-butadiene. In the absence of adequate information, the Agency will employ risk estimates based on sufficiently conservative assumptions to protect the public health.

Following review of the data supplied by the public in response to this ANPR, the Agency will develop a schedule projecting the target date for the regulatory decision, as well as describing the various activities necessary for reaching that decision (e.g., any additional exposure assessments or economic analyses).

## VII. Confidential Business Information (CBI)

Information submitted as comments to this ANPR may be claimed confidential by marking any part of all of that information as "TSCA Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A sanitized version of any material containing TSCA CBI must be provided by the submitter for inclusion in the public record. Information not marked confidential will be disclosed publicly by EPA without prior notice. Health and safety studies of 1,3-butadiene should not be claimed confidential except under the limited circumstances described in section 14(b)(1) of TSCA.

## VIII. Public Record

EPA has established a public record for this proceeding (docket control number OPTS–62034) which, along with a complete index, is available for inspection in the OTS Public Information Office from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The Public Information Office is located in Rm. E–107, 401 M St., SW., Washington, D.C. 20460. This record includes basic information considered by EPA in developing this ANPR. The Agency will supplement the record with additional information as it is received. The record will include:

1. This notice.

2. All comments on, and data submitted pursuant to, this ANPR. Only sanitized versions of materials claimed to be TSCA CBI will be publicly available.

3. All relevant support documents and studies which contain the factual information cited in this notice.

4. Records of all communications pertaining to the development of this

notice between EPA personnel and persons outside the Agency (Inter- or intra-agency memoranda are not included, unless specifically noted in the index of this record).

## IX. References

(1) U.S. EPA. 1984. "1,3-Butadiene; Initiation of Accelerated Review," published in Federal Register of January 5, 1984 (49 FR 845).

(2) Hazleton Laboratories Europe Ltd. 1981. The Toxicity and Carcinogenicity of Butadiene Gas Administered to Rats by Inhalation for Approximately 24 months. Final Report No. 2653–52212, Volumes 1–4, dated November 1981.

(3) Hazleton Laboratories Europe Ltd. 1981. 1,3-Butadiene: Inhalation Teratogenicity Study No. 2788 522/3 prepared for the International Institute of Synthetic Rubber Producers, Inc., dated March 1981.

(4) National Toxicology Program (NTP). 1983. Toxicology and Carcinogenesis Studies of 1,3-Butadiene (CAS A106–99–0) in B6C3F$_1$ Mice (Inhalation Studies). Draft report, dated October 28, 1983.

(5) National Institute for Occupational Safety and Health (NIOSH). 1984. Current Intelligence Bulletin No. 41—1,3-Butadiene. DHHS (NIOSH) Publication No. 84–XXX, dated February 9, 1984.

(6) Environ Corporation. 1983. Production and Utilization of 1,3-Butadiene: Potential Exposure to Workers and the General Population. Report prepared for U.S. EPA, dated September 13, 1983.

(7) E.B. Leviton. 1983. Existing Chemical Market Review: 1,3-Butadiene. Internal Report of the Regulatory Impacts Branch, Office of Toxic Substances, U.S. EPA, dated May 1983.

(8) Chemical and Engineering News. 1983. "Key Chemicals—Butadiene," dated October 24, 1983, page 15.

(9) United Rubber, Cork, Linoleum and Plastic Workers of America, International Union. 1983. "1,3-Butadiene Air Analyses," dated November 1983.

(10) International Agency for Research on Cancer (IARC). 1982. IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans: Chemicals, Industrial Processes, and Industries Associated with Cancer in Humans. IARC Monographs, Volumes 1 to 29. Supplement 4, dated October 1982.

(11) Stephens, E.R. and F.R. Burleson. 1967. "Analysis of the Atmosphere for Light Hydrocarbons." J. Air Poll. Control Assoc. 17(3): 147–153.

(12) Midwest Research Institute. 1984. 1,3-Butadiene in Tire Warehouse, Carpet Warehouse, Consumer Product and Tire Air. Report prepared for U.S. EPA, draft dated March 23, 1984.

## List of Subjects in 40 CFR Part 756

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements, Synthetic additives.

Dated: May 7, 1984.

**William D. Ruckelshaus,**

*Administrator.*

[FR Doc. 84–12983 Filed 5–14–84; 8:45 am]

BILLING CODE 6560–50–M

# Notices

Federal Register
Vol. 49, No. 95
Tuesday, May 15, 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.

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

### Cigar-Filler and Binder (Types 42–44, 53–55) and Cigar-Binder (Types 51–52) Tobacco; Referenda Results: 1984 Through 1986 Crops of Tobacco

**AGENCY:** Agricultural Stabilization and Conservation Service, USDA.

**ACTION:** Notice of results of marketing quota referenda for 1984 through 1986 crop of cigar-filler and binder (types 42–44, 53–55) and cigar-binder (types 51–52) tobacco.

**SUMMARY:** This notice proclaims the results of marketing quota referenda for cigar-filler and binder (types 42–44, 53–55) and cigar-binder (types 51 and 52) tobacco which were held during the period February 27 through March 1, 1984, in accordance with Section 312(c) of the Agricultural Adjustment Act of 1938, as amended (the "1983 Act"). The referenda were conducted in order to determine whether producers of these kinds of tobacco favor or oppose marketing quotas.

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

**FOR FURTHER INFORMATION CONTACT:** Jay S. Poole, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA–ASCS, P. O. Box 2415, Washington, D.C. 20013. (202) 447–2715.

**SUPPLEMENTARY INFORMATION:** This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major." It has been determined that this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

On February 1, 1984, the Secretary of Agriculture announced that national marketing quotas would be in effect for cigar-filler and binder (types 42–44, 53–55) and cigar-binder (types 51–52) tobacco for the three marketing years beginning on October 1, 1984, subject to approval by producers of each of these kinds of tobacco in separate referenda.

During the period of February 27 through March 1, 1984, referenda for cigar-filler and binder (types 42–44, 53–55) and cigar-binder (type 51–52) tobacco were conducted. Section 312(c) of the 1938 Act provides that, if more than one-third of such producers voting in the referenda oppose national marketing quotas, such results shall be proclaimed by the Secretary and national marketing quotas shall not be in effect.

Since the only purpose of this notice is to announce the results of referenda, it has been determined that no further public rulemaking is required. Accordingly, the results of such referenda are set forth below:

### Notice

*Results of the National Marketing Quota Referenda for the 1984 Through 1986 Crops Cigar-Filler and Binder (types 42–44, 53–55) and Cigar-Binder (types 51–52) Tobacco*

(1) *Referenda period.* The national marketing quota referenda for the 1984–1985, 1985–1986, and 1986–1987 marketing years for cigar-filler and binder (type 42–44, 53–55) and cigar-binder (types 51–52) tobacco were held during the period February 27 through March 1, 1984, in accordance with 7 CFR Part 717.

(2) *Farmers Voting.* The following is a summary, by State, of the results of each referendum:

CIGAR-FILLER AND BINDER (TYPES 42–44), 53–55) TOBACCO [1]

| State | Yes | No | Total |
|---|---|---|---|
| Indiana | 1 | 0 | 1 |
| Minnesota | 15 | 3 | 18 |
| Ohio | 398 | 47 | 445 |
| Pennsylvania | 0 | 1 | 1 |
| Wisconsin | 2,381 | 547 | 2,928 |
| Totals | 2,795 | 598 | 3,393 |

[1] Of those voting, 2,795 producers, or 82.38 percent, favored marketing quotas for cigar-filler and binder (types 42–44, 53–55) tobacco, and 598 producers, or 17.62 percent, opposed quotas.

CIGAR-BINDER (TYPES 51–52) TOBACCO [2]

| State | Yes | No | Total |
|---|---|---|---|
| Connecticut | 57 | 84 | 141 |
| Massachusetts | 44 | 3 | 47 |
| Totals | 101 | 87 | 188 |

[2] Of those voting, 101 producers, or 53.72 percent, favored marketing quotas for cigar-binder (types 51–52) tobacco, and 87 producers, or 46.28 percent, opposed quotas.

(3) *Marketing quotas will be in effect for the 1984 through 1986 crops of cigar-filler and binder (types 42–44, 53–55) tobacco.* Since less than one-third of the producers of cigar-filler and binder (types 42–44, 53–55) tobacco voting in the referenda voted to disapprove marketing quotas and since the 1983–84 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect, national marketing quotas shall be in effect for cigar-filler and binder (types 42–44, 53–55) tobacco for the marketing years 1984–1985, 1985–1986, and 1986–1987.

(4) *Marketing quotas will not be in effect for the 1984 crop of cigar-binder and binder (types 51–52) tobacco.* Since more than one-third of the producers of cigar-binder (types 51–51) tobacco voting in the referenda opposed quotas, national marketing quotas shall not be in effect for cigar-binder (types 51–51) tobacco for the 1984–1985 marketing year. In accordance with Section 312 of the Agricultural Adjustment Act of 1938, the Secretary of Agricultural will proclaim national marketing quotas for cigar-binder (types 51–52) tobacco for the next three marketing years beginning with the 1985–86 marketing year. Producers engaged in the production of such kind of tobacco in the 1984 crop-year will vote again in

1985 to determine if marketing quotas for such kind of tobacco will be in effect for the next three succeeding marketing years beginning with the 1985–86 marketing year.

(Secs. 312(c), 52 Stat. 46, as amended, 7 U.S.C. 1312(c))

Signed at Washington, D.C. on May 8, 1984.

**Everett Rank,**

*Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc. 84–12979 Filed 5–14–84; 8:45 am]

BILLING CODE 3410–05–M

## Commodity Credit Corporation

### 1984 Tobacco Price Support Level—Flue-Cured Tobacco

**AGENCY:** Commodity Credit Corporation (CCC), USDA.

**ACTION:** Notice of determination of level of price support for 1984-crop flue-cured tobacco.

**SUMMARY:** The purpose of this notice is to affirm the 1984 announcement of the determinations of the level of price support for the 1984 crop of flue-cured tobacco and the grade loan rates. The determination of the level of price support is made in accordance with Section 106 of the Agricultural Act of 1949, as amended.

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

**FOR FURTHER INFORMATION CONTACT:** Robert L. Tarczy or Robert H. Miller, (202) 447–8839. The Final Regulatory Impact Analysis for describing the impact of implementing the prescribed support level is available from Dr. Miller or Mr. Tarczy.

**SUPPLEMENTARY INFORMATION:** This notice of determination has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Department Regulation 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loans and Purchases, Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of this notice.

Price support is required to be made available for flue-cured tobacco for the 1984 corp since producers approved marketing quotas for the 1983, 1984, and 1985 marketing years.

Section 106 of the Agricultural Act of 1949 (the "1949 Act") was amended by the Dairy and Tobacco Adjustment Act of 1983 (Pub. L. 98–180, approved November 29, 1983) to add a new subsection (f) which provides that the level of price support for 1984 crop of flue-cured tobacco shall be equal to the level at which the 1982 crop was supported. The level of price support for the 1982 crop of flue-cured tobacco was determined to be 169.9 cents per pound. (See 47 FR 37937). On April 20, 1984, the Secretary of Agriculture announced by press release that the level of price support for the 1984 crop of flue-cured tobacco is 169.9 cents per pound. In addition, the Secretary announced the grade loan rates which reflected this level of price support.

Since the only purpose of this notice is to affirm the announcement of the level of price support and the grade loan rates for the 1984 crop of flue-cured tobacco which were made by the Secretary, it has been determined that no further public rulemaking is required.

### Determination

Accordingly, it has been determined that the level of price support for the 1984 crop of flue-cured tobacco is 169.9 cents per pound. The grade loan rates reflecting this level of price support for the 1984 crop of tobacco are available at county Agricultural Stabilization and Conservation Service offices, producer associations, and the Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service, Washington, D.C.

**Authority:** Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); Secs. 101, 106, 401, 403, 406, 63 Stat. 1051 as amended, 74 Stat. 6, as amended, 63 Stat. 1054, as amended, 63 Stat. 1055, as amended (7 U.S.C. 1441, 1445, 1421, 1423, 1426).

Signed at Washington, D.C. on May 8, 1984.

**Everett Rank,**

*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 84–12977 Filed 5–14–84; 8:45 am]

BILLING CODE 3410–05–M

## Packers and Stockyards Administration

### Proposed Posting of Stockyards; Mike's Livestock Auction, et al.

The Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

CA–176 Mike's Livestock Auction, Mira Loma, California

GA–190 Taylor County Livestock, Inc., Reynolds, Georgia

NC–152 Southeastern Livestock Market, Inc., Chadbourn, North Carolina

TX–328 San Augustine Livestock Auction, Inc., San Augustine, Texas.

Notice is hereby given that pursuant to authority under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), it is proposed to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by May 30, 1984.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protection Branch during normal business hours.

Done at Washington, D.C., this 8th day of May 1984.

**Jack W. Brinckmeyer,**

*Chief, Financial Protection Branch, Livestock Marketing Division.*

[FR Doc. 84–13061 Filed 5–14–84; 8:45 am]

BILLING CODE 3410–02–M

### Deposting of Stockyard; Speldrich Feeder Pig Market

It has been ascertained, and notice is hereby given, that the livestock market named herein, orginally posted on the respective date specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.* ), no longer comes within the definition of a stockyard under said Act

and is, therefore, no longer subject to the provisions of the Act.

| Facility No., name, and location of stockyard | Date of posting |
|---|---|
| MN-170 Speldrich Federal Pig Market Belgrade, Minn.. | July 22, 1977 |

Notice or other public procedure has not proceeded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register.** This notice shall become effective upon publication in the **Federal Register.**

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.* )

Done at Washington, D.C., this *8th* day of *May, 1984.*

**Jack W. Brinckmeyer,**

*Chief, Financial Protection Branch, Livestock Marketing Division.*

[FR Doc. 84-13060 Filed 5-14-84; 8:45 am]

BILLING CODE 3410-02-M

## Soil Conservation Service

## Lower Birch Creek Watershed, Montana

**AGENCY:** Soil Conservation, USDA.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower Birch Creek Watershed, Supplemental Watershed Plan, Pondera County, Montana.

**FOR FURTHER INFORMATION CONTACT:** Glen H. Loomis, State Conservationist, Soil Conservation Service, Federal Building, Room 443, Bozeman, Montana 59715, telephone 406-587-5271, extension 4322.

**SUPPLEMENTARY INFORMATION:** The environmental evaluation of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Glen H. Loomis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for agricultural water management irrigation. Planned works of improvement include accelerated technical assistance, onfarm measuring structures, turnout structures, canal structures, and enlarging an existing regulating reserve to conserve water in the supplemental area.

The Notice of a Finding of No Significant Impact has been forwarded to the Environmental Protection Agency, and sent to various federal, state, and local agencies and interested parties. A limited number of copies of the Findings of No Significant Impact and Environmental Assessment are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Wallace A. Jolly.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. State and local review procedures for federal and federally assisted programs and projects are applicable)

Dated: May 7, 1984.

**Glen H. Loomis,**

*State Conservationist.*

[FR Doc. 84-13010 Filed 5-14-84; 8:45 am]

BILLING CODE 3410-16-M

## CIVIL AERONAUTICS BOARD

## Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended May 4, 1984

### Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

| Date filed | Docket No. | Description |
|---|---|---|
| Apr. 30, 1984 | 42171 | Key Airlines, Inc., c/o Theodore I. Seamon, Seamon, Wasko & Ozment, 1211 Connecticut Avenue, N.W., Suite 300, Washington, D.C. 20036.<br>Application of Key Airlines, Inc. pursuant to Section 401(d)(3) of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity authorizing foreign charter air transportation of persons property and mail:<br>(a) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Canada, on the other;<br>(b) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Mexico, on the other;<br>(c) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea, on the other hand; and<br>(d) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in British Honduras, the Canal Zone, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and in the countries on the continent of South America, on the other hand.<br>Conforming Applications, Motions to Modify Scope and Answers may be filed by May 28, 1984. |
| Do | 42172 | Key Airlines, Inc., c/o Theodore I. Seamon, Seamon, Wasko & Ozment, 1211 Connecticut Avenue, N.W., Suite 300, Washington, D.C. 20036.<br>Application of Key Airlines, Inc. pursuant to Section 401(d)(3) of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment to its certificate of public convenience and necessity authorizing interstate and overseas charter air transportation or for a new certificate authorizing interstate charter air transportation within Alaska or persons, property and mail.<br>Conforming Applications, Motions to Modify Scope and Answers may be filed by May 29, 1984. |
| Do | 42175 | Calm Air International Ltd. d/b/a Calm Air, c/o Joseph D. Barnsley, Inkster, Walker, Westbury, Irish, Rusen & Hughes, 102-219 Kennedy Street, Winnipeg, Manitoba Canada R3C 1S9.<br>Application of Calm Air International Ltd. d/b/a Calm Air pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests non-scheduled or charter foreign air transportation between points in Canada and points in the United States using large air craft. |

| Date filed | Docket No. | Description |
|---|---|---|
| | | Answers may be filed by May 29, 1984. |
| Do | 42178 | Ritter Public Limited Company, T/A Virgin Atlantic Airways, c/o Judith Richards Hope, Paul, Hastings, Janofsky & Walker, 1050 Thomas Jefferson Street, N.W., Sixth Floor, Washington, D.C. 20007.<br>Application of Ritter Public Limited Company, T/A Virgin Atlantic Airways requests a foreign air carrier permit pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations to perform scheduled combination air transportation of passengers, cargo and mail between London (Gatwick) England and Newark, New Jersey.<br>Answers may be filed by May 29, 1984. |
| May 4, 1984 | 42181 | Pacific Freight Airlines, Inc., c/o Morris R. Garfinkle, Galland, Kharasch, Morse & Garfinkle, 1054 Thirty-first Street, N.W., Washington, D.C. 20007.<br>Application of Pacific Freight Airlines, Inc. pursuant to Section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in foreign air transportation of property and mail between a point or points in the United States, on the one hand, and the coterminal points or points in Korea, Taiwan, Singapore, Thailand, and Indonesia, on the other hand.<br>Conforming Applications, Motions to Modify Scope and Answers may be filed by June 1, 1984. |
| Do | 42182 | Pacific Freight Airlines, Inc., c/o Morris R. Garfinkle, Galland, Kharasch, Morse & Garfinkle, 1054 Thirty-first Street, N.W., Washington, D.C. 20007.<br>Application of Pacific Freight Airlines, Inc. pursuant to section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas scheduled air transportation or property and mail as follows:<br>Between a point in any State in the United States, or the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States.<br>Conforming Applications, Motions to Modify Scope and Answers may be filed by June 1, 1984. |
| Do | 41479 | Million Air, Inc., c/o Harry A. Bowen, Bowen and Atkin, 2020 K Street, N.W., Suite 350, Washington, D.C. 20006.<br>Amendment No. 1 to the Application of Million Air, Inc. amends this application for a certificate of public convenience and necessity authorizing charter foreign air transportation or property by adding subparagraph 5 under Paragraph 3 so that the application will read:<br>3. Applicant requests permanent authority to engage in foreign charter air transportation of property as follows:<br>a. Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, and<br>(1) Any point in Canada;<br>(2) Any point in Mexico;<br>(3) Any point in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, Turks and Caicas and any other foreign place in the Gulf of Mexico and the Caribbean Sea; and<br>(4) Any point in Central and South America.<br>(5) Any point in Australia, Indonesia, Asia, Africa, Europe, Greenland, Iceland or the Azores.<br>Answers may be filed by June 1, 1984. |

**Phyllis T. Kaylor,**

*Secretary.*

[FR Doc. 84-13031 Filed 5-14-84; 8:45 am]

**BILLING CODE 6320-01-M**

## Application of Flight International Airlines, Inc. for Certificate Authority Under Subpart Q

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order Instituting Fitness Investigation, Order 84-5-30 Docket 421.

**SUMMARY:** The Board is instituting the *Flight International Airlines Fitness Investigation* to determine if Flight International is fit to provide interstate/overseas foreign charter air transportation of persons, property, and mail.

**DATES:** Persons wishing to file requests for additional evidence and requests to intervene should do so in Docket 42187 by May 25, 1984.

**ADDRESSES:** Requests for additional evidence and requests to intervene should be filed in Docket 42187 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Copies of such filings should be served on Flight International Airlines, Inc.

**FOR FURTHER INFORMATION CONTRACT:** Steven B. Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5340.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 84-5-30 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-5-30 to that address.

By the Bureau of Domestic Aviation: May 8, 1984.

**Phyllis T. Kaylor,**

*Secretary.*

[FR Doc. 84-13030 Filed 5-14-84; 8:45 am]

**BILLING CODE 6320-01-M**

## Use-It-Or-Lose-It Test of Essential Air Transportation

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Tentative Approval of a Use-It-Or-Lose-It Test of Essential Air Transportation—Order 84-5-31, Order to Show Cause.

**SUMMARY:** The Board is proposing to authorize Flight Line, Inc., to conduct a use-it-or-lose-it test of essential air transporation at Greenwood and University/Oxford, Mississippi, under which a higher level of essential air service will be established for a period of up to 14 provide the points with an opportunity to reestablish traffic at the communities. If the test is unsuccessful, the communities have agreed to accept a zero essential air service determination. The complete text of this order is available as noted below.

**DATES:** Objections—all interested persons wishing to object to the Board's tentative decision shall submit their response no later than May 25, 1984.

Reply Comments—all reply comments shall be submitted no later than May 31, 1984.

**ADDRESSES:** Objections should be sent to Docket 41757, Docket Section, B-12, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 and to all persons listed in Appendix C of Order 84-5-31.

**FOR FURTHER INFORMATION CONTACT:** James M. Craun, Chief, Essential Air Services Division II, Bureau of Domestic Aviation, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5408.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 84-5-31 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-5-31 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 9, 1984.

**Phyllis T. Kaylor,**

*Secretary.*

[FR Doc. 84-13029 Filed 5-14-84; 8:45 am]

**BILLING CODE 6320-01-M**

[Docket 42034]

### Air America, Inc. Fitness Investigation; Notice of Rescheduling of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding is rescheduled to be held on May 24, 1984, at 10:00 a.m. (local time) in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C. before the undersigned Administrative Law Judge.

Dated at Washington, D.C., on May 7, 1984.

**Ronnie A. Yoder,**

*Administrative Law Judge.*

[FR Doc. 84-13028 Filed 5-14-84; 8:45 am]

BILLING CODE 6320-01-M

## CIVIL RIGHTS COMMISSION

### Alabama 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 Alabama Advisory Committee to the Commission will convene at 1:30 p.m. and will end at 3:30 pm., June 11, 1984, at the Hyatt Birmingham, Governor's Room, 901 21st. Street North, Birmingham, Alabama 35203. The purpose of the meeting is to plan for the Regional Advisory Committee conference and to review the Advisory Committee's draft report on Police Community Relations in Montgomery.

Persons desiring additional information, or planning a presentation to the committee, should contact the Chairperson, Abigail Turner, at (205) 433-7409 or the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 9, 1984.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR doc. 84-12998 filed 5-14-84; 8:45 am]

BILLING CODE 6335-01-M

### Iowa 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 Iowa Advisory Committee to the Commission will meet from 7:00 p.m. until 9:00 p.m., on June 25, 1984, and from 9:00 a.m. until 1:00 p.m., on June 26, 1984. The meeting will be held at the Hilton Inn, 707 Fourth Street, Sioux City, Iowa 51101. The purpose of the meeting is to develop program plans and activities for FY 1985.

Persons desiring additional information, or planning a presentation to the Committee should contact the Chairperson, Gregory H. Williams, at (319) 353-5375 or the Central States Regional Office at (816) 621-6108.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 9, 1984.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 84-12995 Filed 5-14-84; 8:45 am]

BILLING CODE 6335-01-M

### Kansas 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 Kansas Advisory Committee to the Commission will meet from 7:00 p.m. until 9:30 p.m., on June 27, 1984, and from 8:30 a.m. until 2:00 p.m., on June 28, 1984. The meeting will be held at the Executive Inn, Chief Room, 100 East 2nd, Hutchinson, Kansas 67501. The purpose of the meeting is to develop program plans and activities for FY 1985.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Mrs. Jaclyn Gossard, at (816) 621-6108 or the Central States Regional Office at (816) 621-6108.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 9, 1984.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 84-12992 Filed 5-14-84; 8:45 am]

BILLING CODE 6335-01-M

### Kentucky 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 Kentucky Advisory Committee to the Commission will convene at 1:30 p.m. and will end at 4:30 p.m., on June 21, 1984, at the Seelbach Hotel, Gold Room, 500 Fourth Avenue, Louisville, Kentucky 40202. The purpose of the meeting is to plan for the Regional State Advisory Committee conference and to discuss program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contract the Chairperson, Paul Oberst, at (606) 257-3950 or the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 9, 1984.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 84-12999 Filed 5-14-84; 8:45 am]

BILLING CODE 6335-01-M

### Minnesota Advisory Committee; Amendment

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 Advisory Committee to the Commission scheduled for June 4, 1984, at St. Paul, Minnesota (FR Doc 84-11264 on page 17986), has a new meeting place.

The meeting will be held at the Radisson Plaza, Como Suite, 411 Minnesota Street, St. Paul, Minnesota 55101. The date and time will remain the same.

Dated at Washington, D.C., May 9, 1984.

**John I. Binkley,**

*Advisory Committee Managment Officer.*

[FR Doc. 84-12993 Filed 5-14-84; 8:45 am]

BILLING CODE 6335-01-M

### Missouri 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 Missouri Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on June 18, 1984, at the Forest Park Hotel, Italian Room, 4910 West Pine, St. Louis, Missouri 53108. The Committee will convene again at 9:00 a.m. and will end at 5:00 p.m., on June 19, 1984, at the Harris-Stowe State College, 3026 Laclede Avenue, St. Louis, Missouri 53103. The purpose of these meetings is to develop program plans and activities for FY 1985.

Persons desiring additional information, or planning a presentation to the Committee should contact the Chairperson, Ms. Frankie M. Freeman, at (314) 621-6108 or the Central States Regional Office at (816) 374-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 9, 1984.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 84-12994 Filed 5-14-84; 8:45 am]

BILLING CODE 6335-01-M

## North Carolina 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 North Carolina Advisory Committee to the Commission will convene at 1:30 p.m. and will end at 4:30 p.m., on June 7, 1984, at the Greensboro/High Point Marriott Hotel, Salon C, Greensboro/High Point Regional Airport, Greensboro, North Carolina 27409. The purpose of the meeting is to plan for the Regional State Advisory Committee conference and to discuss program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Ms. Tommie Young, at (919) 379-7944 or the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 9, 1984.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 84-13000 Filed 5-14-84; 8:45 am]

BILLING CODE 6335-01-M

## Rhode Island 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 Rhode Island Advisory Committee to the Commission will convene at 12:00 a.m. and will end at 1:30 p.m., on June 13, 1984, at the Gilbane Building Company, First Floor Conference Room, 7 Jackson Walkway, Providence, Rhode Island 02940. The purpose of the meeting is to discuss the final draft of the Advisory Committee's report and its future program activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Ms. Dorothy D. Zimmering, at (617) 223-4671 or the New England Regional Office at (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1984.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 84-12991 Filed 5-14-84; 8:45 am]

BILLING CODE 6335-01-M

## South Carolina 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 South Carolina Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 12:00 a.m., on June 5, 1984, at the Gressette Senate Office Building, Room 309, State Capitol Complex, Columbia, South Carolina 29201. The purpose of the meeting is to plan for the Regional Advisory Committee conference and to discuss program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Oscar P. Butler, at (803) 536-7040 or the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 9, 1984.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 84-12997 Filed 5-14-84; 8:45 am]

BILLING CODE 6335-01-M

## Texas 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 Texas Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:00 p.m., on June 6, 1984, at the Southwestern Regional Office, Conference Room, 418 South Main, San Antonio, Texas 78204. The purpose of this meeting is to plan the education project for Texas.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Dr. Denzer Burke, at (214) 794-9741 or the Southwestern Regional Office (512) 229-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 9, 1984.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 84-12996 File 5-14-84; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held June 12, 1984, 1:00 p.m., Herbert C. Hoover Building, Room 7808, 14th Street and Constitution Avenue NW., Washington, D.C. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

Agenda:

1. Opening remarks by the Subcommittee Chairman.
2. Presentation of papers or comments by the public.
3. a. Cost benefit study of alternate strategies.

b. Plans for informal consultation with licensing officers.

4. OEA response to:

a. Acceleration of post-COCOM procedures.

b. Report on publishing "interpretations" of our rule-making decisions with regard to licenses.

c. Report on raising the threshold level for export to the Free World.

d. Distribution license rule.

e. Status of backlog.

5. New Business.
6. Action items underway.
7. Action items due at next meeting.

The meeting will be open to the public with a limited number of seats available. for further information or copies of the minutes contact Margaret A. Cornejo (202) 377-2583.

Dated: May 9, 1984.

**Milton M. Baltas,**

*Director of Technical Programs, Office of Export Administration.*

[FR Doc. 84-12962 Filed 5-14-84; 8:45 am]

BILLING CODE 3510-DT-M

## Issuance of Export Trade Certificate of Review

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of issuance of export trade certificate of review.

**SUMMARY:** The Department of Commerce has issued export trade certificates of review to Am-Tech Export Trading Company, Inc. (Am-Tech) and United Export Trading Company, Inc. (UNEXTRA). This notice summarizes the conduct for which certification has been granted.

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

Comments should refer to the certificates as "Export Trade Certificate of Review, application number 84–00003 and/or 84–00008."

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

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97–290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595–10604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

## STANDARDS FOR CERTIFICATION

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

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937–15940 (April 13, 1983).

The Office of Export Trading Company Affairs (OETCA) received an application for an export trade certificate of review from Am-Tech on January 13, 1984. The application was deemed submitted on January 18, 1984. A summary of the application was published in the **Federal Register** on February 1, 1984 (49 FR 4029).

OETCA received an application for an export trade certificate of review from UNEXTRA on February 10, 1984. The application was deemed submitted on February 16, 1984. A summary of the application was published in the **Federal Register** on February 29, 1984 (49 FR 7423).

## DESCRIPTION OF CERTIFIED CONDUCT

Based on analysis of the applications and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by Am-Tech and UNEXTRA meet the four standards of the Act:

### Am-Tech—Application No. 84–00003

*Export Trade*

Products

a. Office and computing machines.

b. Engineering and scientific instruments.

c. Electrical industrial apparatus.

d. Electrical distributing equipment.

e. Measuring and controlling devices.

f. Medical instruments and supplies.

g. Radio and television receiving equipment.

h. Commercial printing equipment.

i. Special industry (food processing and packing) machinery.

j. Miscellaneous electrical equipment and supplies.

*Related Services*

In connection with exporting the foregoing products, Am-Tech and American Technology Corporation will:

(a) Provide export trade services (consulting; international market research; advertising; marketing; insurance; product research and design exclusively for export; legal assistance; transportation, including trade documentation and freight forwarding; communication and processing of foreign orders; warehousing; foreign exchange; financing; and taking title to goods);

(b) Establish and operate Intertrade Centers in the Export Markets to display, sell, distribute and service the products exported through Am-Tech;

(c) Provide system engineering, installation and maintenance services for products exported through Am-Tech.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

To engage in the Export Trade in the Export Markets, Am-Tech is certified to:

(a) Enter into and terminate agreements, each with a single supplier, to act as the supplier's exclusive export sales agent wherein:

(1) The supplier agrees not to sell, directly or through any intermediary other than the Am-Tech, into the Export Markets, and

(2) Am-Tech agrees not to represent in the Export Markets any competitors of such supplier unless authorized by the supplier.

(b) Enter into and terminate agreements, individually or jointly, with persons to act as Am-Tech's foreign sales representative in the Export Markets wherein each agreement:

(1) Am-Tech designates the territory in which the foreign sales representative will represent Am-Tech and the supplier and agrees not to sell the specified product or products into the designated territory through any other person,

(2) Am-Tech may establish sales quotas for the specified product or products by the foreign sales representative in the designated territory, and

(3) Am-Tech may establish prices at which the specified product or products will be sold.

(c) Together with American Technology Corporation, bid on foreign orders for systems and, for each bid, negotiate (1) individually with competing suppliers (suppliers of the same or similar products) or (2) collectively with non-competing suppliers on the price at which each supplier will supply the system's individual and separate components, parts and assemblies to fill the order.

Definition

For purposes of this certificate, "system" means an assembly of products which performs a single function or which carries out a single process.

**UNEXTRA—Application No. 84–00008.**

*Export Trade*

Products

Agricultural produce and processed food products; floor coverings; apparel; industrial inorganic chemicals; drugs; paints and allied products; agricultural chemicals; adhesives and sealants; farm machinery and equipment; food products machinery; office and computing machines; communications equipment; electronic components; industrial process controls; instruments to measure electricity; X-ray equipment, medical instruments and supplies; sporting goods; and toys.

Related Services

Consulting international market research; advertising and sales promotion; marketing; insurance; product research and design; legal assistance; transportation, including trade documentation and freight forwarding; communication and processing of foreign orders to and for exporters and foreign purchasers; warehousing; foreign exchange; financing; and taking title to goods for ultimate exportation.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

(1) UNEXTRA may enter into separate nonexclusive and exclusive agreements with U.S. suppliers of Products, or with other U.S. clients that require Related Services, to act as an Export Intermediary.

"Exclusive" means, with respect to suppliers of Products, that UNEXTRA may agree not to act as an Export Intermediary for competitors of such suppliers for the export of the same or similar Products; and/or the supplier may agree not to sell the same or similar Products, directly or indirectly through any other Export Intermediary, into the Export Markets in which UNEXTRA represents the supplier as Export Intermediary.

"Exclusive" means, with respect to U.S. clients (other than suppliers of Products) that require Related Services, that the client may agree not to obtain any number or all of the Related Services except though UNEXTRA; and/or UNEXTRA may agree not to supply the same or similar Related Services for competitors of the client.

(2) UNEXTRA may enter into separate exclusive agreements with Export Intermediaries wherein UNEXTRA may agree (a) to deal in Products in the Export Markets, or (b) to provide or arrange for the provision of Related Services, only through that Export Intermediary; and/or the Export Intermediary may agree not to obtain any number or all of the Related Services except through UNEXTRA. These agreements may contain territorial and/or price maintenance restrictions for the Export Markets.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Dated: May 10, 1984.

**Irving P. Margulies,**

*General Counsel.*

[FR Doc. 84–13096 Filed 5–14–84; 8:45 am]

**BILLING CODE 3510–DR–M**

## National Oceanic and Atmospheric Administration

### North Pacific Fishery Management Council; Meeting Cancellation

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The public meeting on May 9, 1984, of the North Pacific Fishery Management Council's Plan Maintenance Team for Gulf of Alaska Groundfish, at the Northwest and Alaska Fisheries Center, NMFS, Seattle, WA, as published and amended in the **Federal Register** (49 FR 15013, April 16, 1984, and 49 FR 19097, May 4, 1984) has been cancelled. For further information contact Jeff Povolny, Plan Coordinator, North Pacific Fishery Management Council, P.O. Box 10336, Anchorage, AK 99501; telephone (907)–274–4563. (No new date has been set.)

Dated: May 10, 1984.

**Roland Finch,**

*Director, Office of Fisheries Management, National Marine Fisheries Services.*

[FR Doc. 84–13032 Filed 5–14–84; 8:45 am]

**BILLING CODE 3510–22–M**

### Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's Budget Committee will hold a public meeting in Portland, OR, May 23, 1984, to discuss their FY85 programmatic budget request with NMFS representatives. For further information, contact Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 SW. Mill Street, Portland, OR 97201; telephone: (503)–221–6352

Dated: May 10, 1984.

**Roland Finch,**

*Director, Office of Fisheries Management, National Marine Fisheries Service.*

[FR Doc. 84–13033 Filed 5–14–84; 8:45 am]

**BILLING CODE 3510–22–M**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### Air Force Activities To Be Evaluated for Possible Conversion to Contract

**ACTION:** Notice.

**SUMMARY:** The Air Force announces the activities identified below are to be evaluated for possible conversion to contract. Activities are identified by state, installation and function; cost studies, where required, will commence no sooner than 30 days after the date of this announcement. Due to operational considerations and the need to keep contract administration costs as low as possible, the listed activities may be grouped by system, by field command or by region for the purpose of solicitation. This determination will be made on a case by case basis as part of the overall contracting strategy.

**FOR FURTHER INFORMATION CONTACT:** Major Mel Martocchia, telephone (202) 697–4935. For information concerning specific activities contact the installations involved.

**Harry C. Waters,**

*Alternate Air Force, Federal Register Liaison Officer.*

AIR FORCE ACTIVITIES TO BE EVALUATED FOR POSSIBLE CONVERSION TO CONTRACT

| State and Installation | Function |
|---|---|
| Alaska: | |
| Eielson AFB | Simulator maintenance. |
| Elmendorf AFB | Do. |
| Arizona: | |
| Davis Monthan AFB | Do. |
| Luke AFB | Do. |
| Tucson | Do. |
| Arkansas: | |
| Blytheville AFB | Do. |
| Little Rock AFB | Do. |
| California: | |
| Beale AFB | Do. |
| Castle AFB | Do. |
| George AFB | Do. |
| March AFB | Do. |
| Mather AFB | Do. |
| McClellan AFB | Do. |
| Norton AFB | Do. |
| Travis AFB | Do. |
| Van Nuys | Do. |
| Vandenberg AFB | Do. |
| Colorado: | |
| Buckley ANGB | Base operating support. |
| Buckley ANGB | Simulator maintenance. |
| Connecticut: Bradley | Do. |
| Delaware: Dover AFB | Do. |
| Florida: | |
| Eglin AFB—AFR | Do. |
| Eglin AFB—TAC | Do. |
| Homestead AFB | Do. |
| Jacksonville | Do. |
| MacDill AFB | Do. |
| Tyndall AFB | Do. |
| Georgia: | |
| Dobbins AFB | Base operating support. |
| Georgia Moody AFB | Simulator maintenance. |
| Georgia Robins AFB | Do. |
| Guam: Andersen AFB | Do. |
| Hawaii: Hickam AFB | Do. |
| Idaho: | |
| Boise | Do. |
| Mountain Home AFB | Do. |

AIR FORCE ACTIVITIES TO BE EVALUATED FOR POSSIBLE CONVERSION TO CONTRACT—Continued

| State and Installation | Function |
|---|---|
| Illinois: | |
| Ohara | Base operating support. |
| Peoria | Simulator maintenance. |
| Springfield | Do. |
| Indiana: | |
| Fort Wayne | Do. |
| Grissom AFB | Do. |
| Iowa: Des Moines | Do. |
| Kansas: | |
| Forbes | Base operating support. |
| McConnell AFB—NGB | Simulator maintenance. |
| McConnell AFB—SAC | Do. |
| Louisiana: | |
| Barksdale AFB | Do. |
| England AFB | Do. |
| New Orleans | Do. |
| Maine: | |
| Loring AFB | Do. |
| Maryland: | |
| Andrews AFB | Do. |
| Massachusetts: | |
| Otis ANGB | Base operating support. |
| Otis ANGB | Simulator maintenance. |
| Westover AFB | Base operating support. |
| Michigan: | |
| K. I. Sawyer AFB—SAC | Simulator maintenance. |
| K. I. Sawyer AFB—TAC | Do. |
| Kellogg | Do. |
| Selfridge ANGB | Base operating support. |
| Selfridge ANGB | Simulator maintenance. |
| Selfridge ANGB (F–4) | Do. |
| Wurtsmith AFB | Do. |
| Minnesota: Duluth | Base operating support. |
| Minn.-St. Paul | Do. |
| St. Paul | Simulator maintenance. |
| Missouri: | |
| St. Louis | Do. |
| Whiteman AFB | Do. |
| Montana: | |
| Great Falls | Do. |
| Malmstrom AFB | Do. |
| Nevada: | |
| Nellis AFB | Do. |
| New Hampshire: | |
| Pease AFB | Do. |
| New Jersey: | |
| Atlantic City | Do. |
| McGuire AFB—MAC | Do. |
| McGuire AFB—NGB | Do. |
| New Mexico: | |
| Cannon AFB | Do. |
| Holloman AFB | Do. |
| Kirtland AFB | Do. |
| New York: | |
| Griffiss AFB—SAC Do. | |
| Griffiss AFB—TAC | Do. |
| Niagara Falls | Base operating support. |
| Niagara Falls | Simulator maintenance. |
| Plattsburgh AFB | Do. |
| Syracuse | Do. |
| North Carolina: | |
| Charlotte | Do. |
| Pope AFB | Do. |
| Seymour Johnson AFB | Do. |
| North Dakota: | |
| Fargo | Do. |
| Grand Forks AFB | Do. |
| Minot AFB—SAC | Do. |
| Minot AFB—TAC | Do. |
| Ohio: | |
| Rickenbacker ANGB | Base operating support. |
| Rickenbacker ANGB | Do. |
| Wright-Patterson AFB | Do. |
| Youngstown | Base operating support. |
| Oklahoma: | |
| Altus AFB | Simulator maintenance. |
| Tinker AFB—TAC | Do. |
| Oregon: Portland | Do. |
| Pennsylvania: | |
| Greater Pittsburgh | Base operating support. |
| Harrisburg | Simulator maintenance. |
| Willow Grove | Base operating support. |
| Willow Grove | Simulator maintenance. |
| South Carolina: | |
| Charleston AFB | Do. |
| Myrtle Beach AFB | Do. |
| Shaw AFB | Do. |
| South Dakota: | |

AIR FORCE ACTIVITIES TO BE EVALUATED FOR POSSIBLE CONVERSION TO CONTRACT—Continued

| State and Installation | Function |
|---|---|
| Ellsworth AFB | Do. |
| Tennessee: | |
| Memphis | Do. |
| Texas: | |
| Bergstrom AFB | Do. |
| Carswell AFB | Do. |
| Carswell AFB—AFR | Do. |
| Dallas | Do. |
| Dyess AFB—MAC | Do. |
| Dyess AFB—SAC | Do. |
| Ellington | Base operating support. |
| Kelly AFB—AFR | Simulator maintenance. |
| Kelly AFB—NGB | Do. |
| Randolph AFB | Do. |
| Utah: | |
| Hill AFB—AFR | Do. |
| Hill AFB—TAC | Do. |
| Vermont: | |
| Burlington | Do. |
| Virginia: Langley AFB | Do. |
| Washington: | |
| Fairchild AFB | Do. |
| McChord AFB—MAC | Do. |
| McChord AFB—TAC | Do. |
| Wisconsin: | |
| General Mitchell | Base operating support. |
| Madison | Simulator maintenance. |
| Wyoming: F. E. Warren AFB | Do. |

AIR FORCE ACTIVITIES TO BE EVALUATED FOR POSSIBLE CONVERSION TO CONTRACT NON-U.S. TERRITORIES

| Country and installation | Function |
|---|---|
| Germany: | |
| Bitburg AB | Simulator maintenance. |
| Hahn AB | Do. |
| Ramstein AB | Do. |
| Spangdahlem AB | Do. |
| Iceland: Keflavik AB | Do. |
| Japan: Kadena AB—SAC | Do. |
| Korea: | |
| Kadena AB—PACAF | Do. |
| Kunsan AB | Do. |
| Osan AB | Do. |
| Suwon AB | Do. |
| Taegu AB | Do. |
| Phillippines: | |
| Clark AB—MAC | Do. |
| Clark AB—PACAF | Do. |
| Spain: | |
| Torrejon AB | Do. |
| United Kingdom: | |
| RAF Alconbury | Do. |
| RAF Bentwaters | Do. |
| RAF Lakenheath | Do. |
| RAF Upper Heyford | Simulator maintenance. |

[FR Doc. 84–12966 Filed 5–14–84; 8:45 am]

BILLING CODE 3910–01–M

### Department of the Navy

### Naval Research Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on Environmental Support will meet on May 31, 1984, at the Office of Naval Research, 800 No. Quincy Street, Arlington, Virginia; and on June 1, 1984, at the U.S. Naval Observatory, Washington, D.C. The first

session of the meeting will commence at 8:30 a.m. and terminate at 1:00 p.m. on May 31, 1984 The second session will commence at 1:00 p.m. and terminate at 3:30 p.m. on May 31, 1984. The third session will commence at 3:30 p.m. and terminate at 5:00 p.m. on May 31, 1984. The fourth session will commence at 8:30 a.m. and terminate at 5:00 p.m. on June 1, 1984. The second session from 1:00 p.m. to 3:30 p.m. on May 31, 1984 will be open to the public. The remaining three sessions will be closed to the public.

The purpose of the meeting is to receive various briefings relating to an assessment of the Navy's environmental support in the design, development, test, operational planning, and employment of naval systems. The open session will consist of presentations on Atmospheric, Tactical Oceanography, and Astronomy/Astrophysics. The remaining sessions of the meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The Secretary of the Navy therefore has determined in writing that the public interest requires that the first, third, and fourth sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552(c)(1) of title 5, United State 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: May 10, 1984.

**William F. Roos, Jr.**

*Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.*

[FR Doc. 84–12947 Filed 5–14–84; 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 Ship Decoy Systems will meet on May 30, 1984 at the Office of Naval Research, 800 No. Quincy Street, Arlington, Virginia. The meeting will commence at 9:30 a.m. and terminate at 4:30 p.m. on May 30, 1984. The entire meeting will be closed to the public.

The purpose of the meeting is to receive various briefings relating to the ship decoy systems program, its test plans, and trainable versus fixed launchers. 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: May 10, 1984.

**William F. Roos, Jr.,**

*Lieutenant, JAGC, U. S. Naval Reserve, Federal Register Liaison Officer.*

[FR Doc. 84–12946 Filed 5–14–84; 8:45 am]

BILLING CODE 3810–AE–M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## ANR Pipeline Co.; Application

**[Docket No. CP84–373–000]**

May 9, 1984.

Take notice that on April 27, 1984, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP–84–373–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a transportation service for CF Industries, Inc. (CFI), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to a gas sales agreement between Michigan Wisconsin Pipe Line Company[1] and Mesa Petroleum Co. (Mesa) dated June 11, 1981, ANR acquired the right to purchase the portion of gas reserves underlying Vermilion Area Block 397 (Block 397), offshore Louisiana, attributable to Mesa's 60 percent leasehold interest. ANR explains that it has subsequently been advised that its aggregate purchases of the Block 397 gas have been less than Mesa's ratable share of the production. To enable Mesa to increase its ratable share and to balance production, ANR states it has agreed to the release of up to 12,000,000 Mcf of the Block 397 gas, such quantity having been determined by ANR to be surplus of its own customers' requirements. It is asserted that Mesa would sell the quantities released by ANR to an alternative market which includes the sales arrangement with CFI.

ANR states that pursuant to a gas transportation agreement dated March 30, 1984, it would receive up to 25 billion Btu of natural gas from Mesa's production platform in Block 397 and transport on a best-efforts basis said gas for CFI to an existing point of interconnection with the facilities of Louisiana Intrastate Gas Corporation (LIG) in St. Mray Parish, Louisiana. It is indicated that ANR would cause LIG to transport and redeliver thermally equivalent volumes to CFI to be consumed in CFI's ammonia plant complex located near Donaldsonville, Ascension Parish, Louisiana.

The proposed transportation service is projected to continue for a primary term expiring April 30, 1985, and from month-to-month thereafter unless cancelled upon thirty days notice by either party.

It is further stated that CFI would pay ANR for the proposed transportation service a rate of 9.8 cents per dt equivalent for all gas ANR delivers through LIG to CFI. CFI would also pay ANR an amount to be determined by multiplying the quantities of gas delivered by LIG to CFI at the point of ultimate delivery to CFI's plant in Ascension Parish, Louisiana, by the rate LIG charges for transportation service from the existing point of interconnection between the pipeline systems of ANR and LIG located in St. Mary Parish, Louisiana, to the point of delivery in St. James Parish. LIG's rate is currently 20.0 cents per dt. ANR would also collect 1.25 cents per Mcf for all gas transported as required by the Commission's Regulations for remittance to the Gas Research Institute.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 30, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the

[1] The exact legal name of ANR was changed from Michigan Wisconsin Pipe Line Company to ANR Pipeline Company, effective January 1, 1984. The name change is currently pending Commission action in Docket No. G–669–000.

Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 84-13054 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. CP84-333-000]

## Columbia Gas Transmission Corp.; Application

May 9, 1984.

Take notice that on April 4, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84-333-000 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain natural gas facilities within the State of Maryland, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposal involves the replacement of pipe in a deteriorated condition with pipe which would either be sized differently than the original pipe or eventually operated at pressure higher than the design pressure for the original pipe, it is stated.

Specifically, Columbia proposes to abandon in place 5.4-miles of 20-inch Line MA and a four line river crossing consisting of 0.6 mile of 10-inch pipeline, all located in Baltimore and Howard Counties, Maryland, because of their deteriorating condition. Columbia states that it would utilize parts of its 26-inch Line MB, which is parallel to Line MA, to replace the abandoned pipeline and that it would construct 5.6 miles of 20-inch and 24-inch pipeline (all 24-inch pipe except for 300 feet of 20-inch pipe for a road crossing) to replace the parts of Line MB redesignated as Line MA. Additionally, the proposal involves the construction of approximately 350 feet of 26-inch pipeline as short interconnecting segments.

Columbia also proposes to construct a single 0.9-mile 20-inch pipeline river crossing located in Harford and Cecil Counties, Maryland. It is stated that this new pipeline would replace a five-line river crossing consisting of 3.7 miles of 10-inch pipeline and 0.2 mile of 20-inch pipeline, which is to be abandoned herein.

It is estimated that the construction cost of the proposed facilities would be $6,830,050, which would be financed with funds generated from internal sources. It is stated that the proposed construction projects are designed to maintain service to Columbia's existing wholesale customers at levels presently authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 30, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 84-13035 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. CP84-347-000]

## Columbia Gas Transmission Corp.; Request Under Blanket Authorization

May 9, 1984.

Take notice that on April 11, 1984, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325-1273, filed in Docket No. CP84-347-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia Proposes to transport natural gas on behalf of The Zanesville Stoneware Company (Zanesville), under the authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 100 dt equivalent of natural gas per day for Zanesville for a term of one year. Columbia states that the gas to be transported would be purchased from Ohio Shale Pipeline Corporation (Ohio Shale), by Zanesville and would be used primarily as fuel in boiler and kiln in its Zanesville, Ohio, plant. Columbia states that it would receive the gas at existing delivery points on its system in Licking County, Ohio, and redeliver such gas to Columbia Gas of Ohio, Inc., The distribution company serving Zanesville. Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt equivalent, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and

unaccounted-for gas. Columbia also states that it would collect the GRI funding unit charge of 1.21 cents per dt.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 84-13036 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket Nos. TA80-2-21-007, et al.]**

## Columbia Gas Transmission Corporation, et al.; Filing of Pipeline Refund Reports and Refund Plans

May 9, 1984.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 18, 1984. Copies of the respective filings are on file with the Commission and available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

APPENDIX

| Filing date | Company | Docket No. | Type filing |
|---|---|---|---|
| Apr. 18, 1984 | Columbia Gas Transmission Corporation | TA80-2-21-007 | Report. |
| Apr. 25, 1984 | Kentucky-West Virginia Gas Company | RP83-46-001 | Do. |
| Apr. 26, 1984 | Distrigas of Massachusetts Corp | RP81-34-008 | Do. |
| May 2, 1984 | Tennessee Gas Pipeline Company | RP82-125-010 | Do. |

[FR Doc. 84-13037 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP84-378-000]**

## Louisiana Intrastate Gas Corp.; Application

May 9, 1984.

Take notice that on April 27, 1984, Louisiana Intrastate Gas Corporation (LIG), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. CP84-378-000 an application pursuant to § 284.127 of the Commission's Regulations and section 311(a) of the Natural Gas Policy Act of 1978 (NGPA) for authorization to transport gas on behalf of ANR Pipeline Company (ANR), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that LIG proposes to transport on behalf of ANR, volumes of natural gas that CF Industries, Inc. (CFI), proposes to purchase from Mesa Petroleum Co. (Mesa) for the manufacture of fertilizer. It is explained that under the terms of an April 25, 1984, gas transportation agreement LIG would transport up to 25 billion Btu of natural gas from a point of delivery located in Section 51, Township 15 South, Range 11 East, St. Mary Parish, Louisiana, and redeliver for the account of ANR thermally equivalent volumes less ANR's *pro rata* share of compressor fuel, company-use and unaccounted-for gas to a point of redelivery in Ascension Parish, Louisiana, for ultimate redelivery to CFI's ammonia plant located near Donaldsonville, Ascension Parish, Louisiana. LIG states that title and liability would pass at the point of redelivery and that ANR and LIG have agreed that measurement, billing, and payment would occur at a point located in St. James Parish, Louisiana. It is explained that a plant delivery line owned and operated by Faustina Pipe Line Company is located between the two points and that the plant delivery line is used solely to deliver gas to be consumed in CFI's ammonia plant near Donaldsonville.

ANR is advised that 85 percent of the gas purchased by CFI from Mesa would be used for feedstock and process purposes incident to the manufacture of fertilizer. It is indicated that the remainder of the gas would be utilized by CFI to generate steam which is also associated with the manufacture of fertilizer. The proposed transportation service is projected to continue for a primary term expiring April 30, 1985, and from month-to-month thereafter unless cancelled upon thirty days notice by either party.

LIG maintains that the proposed service is not self-implementing because the gas is not being redelivered to ANR facilities either directly or indirectly as part of its system supply for resale and LIG requests a waiver from such requirement.

It is furher stated that ANR would pay LIG a base transportation charge of 20.0 cents per million Btu as a fair and equitable charge for the service rendered. It is asserted that this rate was previously approved by the Commission under the 150-day rule provided in 18 CFR 284.123(b)(2)(ii), by order issued March 12, 1982, in Docket No. CP81-4000-000, *et al.* It is maintained that the transportation agreement grants LIG the contractual right (i) to increase its rates to reimburse LIG for any increased severance tax and (ii) to file with any entity or entities having jurisdiction over its rates to receive a higher rate.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 30, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to

make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 84-13038 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. CP84-26-001]

## Mantaray Pipeline Co. and Texas Eastern Transmission Corp.; Amendment

May 9, 1984.

Take notice that on April 9, 1984, Mantaray Pipeline Company (Mantaray), P.O. Box 1642, Houston, Texas 77001, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP84-26-001 an amendment to the pending application filed October 21, 1983, in Docket No. CP84-26-000 pursuant to section 7(c) of the Natural Gas Act so as to reflect Texas Eastern's participation as a partner in the construction and operation of a pipeline system offshore Texas as well as to make certain changes in the reserves and timing associated with the project, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that on October 21, 1983, Mantaray filed in Docket No. CP84-26-000 for authorization to construct and operate a new offshore pipeline system which would operate as a contract carrier of natural gas in interstate commerce. If permitted to construct and operate the project, it is stated that Mantaray would be a natural gas company within the meaning of section 2(c) of the Natural Gas Act. The new pipeline system, it is stated, would extend from new gas supply sources in the Matagorda Island Area of offshore Texas to onshore points of interconnection with several existing major interstate pipelines in Calhoun and Victoria Counties, Texas.

Mantaray originally proposed to construct the system in two phases. Phase I, it was stated, would consist of two separate 24-inch laterals extending from Matagorda Island Blocks 624 and 568, respectively, to a common junction on a platform in Matagorda Island Block 622, together with 64 miles of 24-inch and 36-inch pipeline extending from Matagorda Island Block 622 across Espiritu Santo Bay at Calhoun County, Texas, and thence onshore to an interconnection with Trunkline Gas Company's mainline near the Edna compressor station in Victoria County, Texas. Phase I facilities, it was stated, would have a capacity of 762,000 Mcf of gas per day and would cost approximately $155 million.

Phase II facilities, it was asserted, would consist of 18 miles of 24-inch pipeline extending from the platform in Matagorda Island Block 622 southward to Matagorda Island Block 710. Phase II facilities, it was estimated, would increase the capacity of the proposed system to 880,000 Mcf of gas per day at an additional cost of $31 million. Mantaray stated that Phase I facilities would be ready for service for the 1984-1985 winter season while Phase II facilities would be available for service by the 1987-1988 winter season.

Applicants' joint amended application proposes the following changes in Mantaray's October 21, 1983, filing. First, it states that Mantaray and Texas Eastern have entered into a letter agreement pursuant to which the two parties have agreed to negotiate a general partnership agreement, which partnership would own, construct and operate the project as proposed in Docket No. CP84-26-000. Second, Applicants have submitted additional gas reserve data. Third, because of these additional data, Applicants have redesigned the Mantaray system to match more precisely the gas reserves in the Mantaray service area. Phase II facilities, it is indicated, would now be constructed at the same time as the Phase I facilities.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 30, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 84-13039 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. CI81-385-002]

## Mesa Petroleum Co.; Application for Limited-Term Partial Abandonment

May 9, 1984.

Take notice that on April 5, 1984, Mesa Petroleum Co. of Post Office Box 2009, Amarillo, Texas 79189, filed an application for limited-term partial abandonment of sales of gas to ANR Pipeline Company (formerly Michigan Wisconsin Pipe Line Company) (ANR) from Block 397, Vermilion Area, Offshore Louisiana that had been previously certificated by the Commission in Docket No. CI81-385. Gas from the block qualifies as NGPA Section 102(d) gas.

Mesa states that beginning in November, 1982, ANR failed to take Mesa's share of production from the block. Mesa's share of production is currently approximately 22 MMcf per day. ANR's average takes from the Block since December 1982 have been approximately only 6.7 MMcf per day. According to Mesa, the failure of ANR to take its contract quantity of gas has caused it to experience cash flow problems.

In order to settle civil litigation, Mesa and ANR have agreed, subject to Commission approval, that ANR will release from the contract up to 12 Bcf of gas over a three year period for sale by Mesa to an alternate market. Mesa has agreed to sell such released gas to C.F. Industries at Mesa's platform for use for fertilizer production in a new facility in Donaldsonville, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 84-13040 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP84-348-000]**

## Mississippi River Transmission Corp.; Application

May 9, 1984.

Take notice that on April 12, 1984, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP84-348-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service as a result of the termination by its terms of the contract to purchase natural gas from Trunkline Gas Company (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its present contract with Trunkline, dated October 13, 1967, ended on May 1, 1981, and has continued thereafter for successive 12-month periods "unless and until canceled by either party on eighteen (18) months written notice to the other". Applicant notes that it gave such written notice to Trunkline on October 24, 1983, with an effective date of May 1, 1985, and that while Trunkline has not challenged the effectiveness of Applicant's notice, it has not sought approval from the Commission to terminate its sale to Applicant. To remedy this omission, Applicant states it has filed this application.

In support of its filing, Applicant submits that its sales since 1970 have declined by 45 percent and that it believes that much of this decline is permanent. Accordingly, Applicant is seeking to make its gas purchase obligations compatible with this reduced market. Thus, Applicant states that purchases of high cost gas from Trunkline have been reduced but Applicant faces continued payment of substantial demand charges and minimum commodity bill charges for gas from Trunkline for which it says it has no market. Payment of these charges, Applicant alleges, serve only to increase its average cost of gas, creating an additional negative effect on its sales.

Finally, Applicant states that the benefits of approval of its application to its customers in the form of reduced gas costs outweigh any potential detriment to other customers of Trunkline, especially since Trunkline would have sufficient time to apportion Applicant's contract quantity among its other customers, to seek new customers and/or to adjust its supply to its market prior to the effective date of May 1, 1985.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 30, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 84-13041 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP83-353-001]**

## National Fuel Gas Supply Corp.; Petition to Amend

May 9, 1984.

Take notice that on April 25, 1984, National Fuel Gas Supply Corporation (National), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP83-353-001 a petition to amend the order issued June 30, 1983 in Docket No. CP84-353-000 pursuant to section 7(c) of the Natural Gas Act so as to extend the term of the transportation service by National on behalf of National Fuel Gas Distribution Corporation (Distribution), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

National requests authorization which would extend the authorized transportation service to June 15, 1985, one year beyond the currently authorized term, which terminates June 15, 1984. It is stated that the transportation service would remain unchanged in all other respects. It is further stated that the reason for the extension is that Hammermill Paper Company, the manufacturer to which Distribution delivers the gas in Erie, Pennsylvania, has requested the proposed service as an alternative to converting to fuel oil.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 30, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CRF 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 84-13042 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP84-359-000]**

## Ringwood Gathering Co.; Application

May 9, 1984.

Take notice that on April 20, 1984, Ringwood Gathering Company (Applicant), 624 South Boston Avenue, Tulsa, Oklahoma to section 7(c) of the Natural Gas Act for a limited-term certificate of public covenience and necessity authorizing the sale of natural gas to Westar Transmission Company (Westar) for a one-year period, all as

more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Northwest Central Pipeline Corporation (Northwest Central) is the only customer of Applicant, other than a few residential farm tap customers, and that in 1983 Northwest Central reduced its purchases from Applicant to 45 percent of the normal level. It is submitted that Northwest Central has further notified Applicant that it would again reduce takes beginning in the spring of 1984 and that this leaves Ringwood with the possibility of cutting back severely on the gas production it can take from its suppliers. Applicant states that much of its gas supply consists primarily of casinghead gas and that this reduction in takes would result in a concomitant reduction in associated oil production and plant production of liquids, to the detriment of producers and royalty owners of both oil and gas, to the plant operator, and to the State of Oklahoma through the loss of gross production and severance tax revenue. Applicant maintains that this reduction in purchases by Northwest Central would leave Applicant with an excess gas supply of 2,320,000 Mcf in 1984. Accordingly, Ringwood proposes to sell the excess gas to Westar. Northwest Central has agreed by letter agreement dated February 19, 1984, to release its purchase rights for one year with Applicant, it is explained.

Applicant states that the gas would be sold at the rate currently listed in Rate Schedule 1 of its FERC Gas Tariff, Volume No. 1, which is currently $2,2089 per Mcf. Applicant states further that should Northwest Central's market change, Northwest Central is retaining its call on the gas so it may increase its purchases from Applicant up to the total output of the Ringwood Plant. It is explained that at this point, the sale to Westar would end, if it has not been terminated already pursuant to the terms of the sales agreement between Applicant and Westar. Applicant states that it may request an additional one-year certificate at the end of the first year. Northwest Central has agreed to transport the gas from Ringwood's facilities in Oklahoma to a point of interconnection with Westar's facilities in Texas, it is explained.

Applicant notes that as part of the sales agreement, an additional delivery point may be established for deliveries to Northwest Central and that the meter and any additional equipment or facilities required by Northwest Central would be installed and paid for by Northwest Central. The pipeline tap would be paid for by Applicant, but subsequently reimbursed for by Westar, it is submitted.

Any person desiring to be heard or to make any protest with reference to said application shoud on or before May 30, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intevene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 84-13043 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

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**[ST84-597-000, et al.]**

## Transcontinental Gas Pipe Line Corp., et al.; Self-Implementing Transactions

May 9, 1984.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to Section 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to Section 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to Section 284.147(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to Section 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

**Kenneth F. Plumb,**

*Secretary.*

| Docket No.[1] | Transporter/seller | Recipient | Date filed | Subpart | Expiration date [2] | Transportation rate (c/MMBtu) |
|---|---|---|---|---|---|---|
| ST84-597 | Transcontinental Gas Pipe Line Corp. | Acadian Gas Pipeline Corp. | 3-1-84 | B | | |
| ST84-598 | Transcontinental Gas Pipe Line Corp. | South Jersey Gas Co. | 3-1-84 | B | | |
| ST84-599 | Transcontinental Gas Pipe Line Corp. | Faustina Pipe Line Co. | 3-1-84 | B | | |
| ST84-600 | Caprock Pipeline Co. | Westar Transmission Co. | 3-1-84 | B | | |
| ST84-601 | Michigan Gas Storage Co. | Consumers Power Co. | 2-24-84 | B | | |
| ST84-602 | Northern Natural Gas Co. | Faustina Pipe Line Co. | 3-2-84 | B | | |
| ST84-603 | Tennessee Gas Pipeline Co. | Dow Pipeline Co. | 3-2-84 | B | | |
| ST84-604 | ANR Pipeline Co. | Allied Chemical Co. | 3-2-84 | F(157) | | |
| ST84-605 | ANR Pipeline Co. | West Texas Gas, Inc. | 3-2-84 | B | | |
| ST84-606 | ANR Pipeline Co. | Industrial Natural Gas Co. | 3-2-84 | B | | |
| ST84-607 | Natural Gas Pipeline Co. of America | Mississippi River Transmission Corp. | 3-2-84 | G | | |
| ST84-608 | Natural Gas Pipeline Co. of America | Houston Pipe Line Co. | 3-2-84 | B | | |
| ST84-609 | Louisiana Intrastate Gas Corp. | Texas Gas Transmission Corp. | 3-2-84 | C | 7-30-84 | 20.00 |
| ST84-610 | Columbia Gulf Transmission Co. | Delhi Gas Pipeline Corp. | 3-2-84 | B | | |
| ST84-611 | Dow Pipeline Co. | Tennessee Gas Pipeline Co. | 3-5-84 | C | | |
| ST84-612 | United Gas Pipeline Co. | Tennessee Gas Pipeline Co. | 3-5-84 | G | | |
| ST84-613 | Columbia Gulf Transmission Co. | Mid Louisiana Gas Co. | 3-5-84 | G | | |
| ST84-614 | ANR Pipeline Co. | Gates Rubber Co. | 3-5-84 | F(157) | | |
| ST84-615 | Northern Natural Gas Co. | Northwest Pipeline Corp. | 3-5-84 | G | | |
| ST84-616 | Tennessee Gas Pipeline Co. | Natural Gas Pipeline Co. of America | 3-5-84 | G | | |
| ST84-617 | Tennessee Gas Pipeline Co. | THC Pipeline Co. | 3-5-84 | B | | |
| ST84-618 | Tennessee Gas Pipeline Co. | THC Pipeline Co. | 3-5-84 | B | | |
| ST84-619 | National Fuel Gas Supply Corp. | Hope's Architectural Products, Inc. | 3-6-84 | F(157) | | |
| ST84-620 | National Fuel Gas Supply Corp. | Ramco Fitzsimons Steel Co., Inc. | 3-6-84 | F(157) | | |
| ST84-621 | Michigan Consolidated Gas Co. | Citizens Gas and Coke Utility | 3-6-84 | G(HT) | | |
| ST84-622 | Texas Gas Transmission Corp. | Esperanza Transmission Co. | 3-7-84 | B | | |
| ST84-623 | Sea Robin Pipeline Co. | Southern Natural Gas Co. | 3-8-84 | G | | |
| ST84-624 | Sea Robin Pipeline Co. | Tennessee Gas Pipeline Co. | 3-8-84 | G | | |
| ST84-625 | Oklahoma Natural Co. | Texas Gas Transmission Corp. | 3-8-84 | G(HS) | 8-5-84 | 10.00 |
| ST84-626 | United Gas Pipe Line Co. | Southern Natural Gas Co. | 3-8-84 | G | | |
| ST84-627 | Texas Eastern Transmission Corp. | New Jersey Natural Gas Co. | 3-8-84 | B | | |
| ST84-628 | Red River Pipeline | Transwestern Pipeline Co. | 3-8-84 | C | | |
| ST84-629 | Delhi Gas Pipeline Corp. | Transwestern Pipeline Co. | 3-8-84 | C | | |
| ST84-630 | Delhi Gas Pipeline Corp. | Mississippi River Transmission Corp. | 3-8-84 | D | | |
| ST84-631 | Delhi Gas Pipeline Corp. | Transwestern Pipeline Co. | 3-8-84 | C | | |
| ST84-632 | Acadian Gas Pipeline Corp. | Northern Natural Gas Co. | 3-8-84 | C | | |
| ST84-633 | Columbia Gas Transmission Corp. | Diamond Shamrock Chemicals Co. | 3-8-84 | F(157) | | |
| ST84-634 | Columbia Gas Transmission Corp. | RCA, Video Component and Display Div. | 3-8-84 | F(157) | | |
| ST84-635 | Columbia Gas Transmission Corp. | Sohio Chemical Co. | 3-8-84 | F(157) | | |
| ST84-636 | Columbia Gas Transmission Corp. | UGI Corp. | 3-8-84 | B | | |
| ST84-637 | Columbia Gas Transmission Corp. | Eastern Shore Natural Gas Co. | 3-8-84 | G | | |
| ST84-638 | Tennessee Gas Pipeline Co. | Gulf South Pipe Line Co. | 3-8-84 | B | | |
| ST84-639 | Gas Co. of New Mexico | El Paso Natural Gas Co. | 3-9-84 | G(HT) | | |
| ST84-640 | Columbia Gulf Transmission Co. | Delhi Gas Pipeline Corp. | 3-9-84 | B | | |
| ST84-641 | Dow Pipeline Co. | Natural Gas Pipeline Co. of America | 3-12-84 | C | | |
| ST84-642 | Trunkline Gas Co. | Houston Pipe Line Co. | 3-12-84 | B | | |
| ST84-643 | Trunkline Gas Co. | Columbia Gas Transmission Corp. | 3-12-84 | G | | |
| ST84-644 | Panhandle Eastern Pipe Line Co. | Tonkawa Refining Co. | 3-12-84 | F(157) | | |
| ST84-645 | Panhandle Eastern Pipe Line Co. | Kogaf Enterprises, Inc. | 3-12-84 | F(157) | | |
| ST84-646 | Columbia Gulf Transmission Co. | Dow Intrastate Gas Co. | 3-12-84 | B | | |
| ST84-647 | Natural Pipeline Co. of America | Lukens Steel Co. | 3-12-84 | F(157) | | |
| ST84-648 | Tennessee Gas Pipeline Co. | Washington Gas Light Co. | 3-13-84 | B | | |
| ST84-649 | Texas Gas Transmission Corp. | Texaco, Inc. | 3-13-84 | F(157) | | |
| ST84-650 | Acadian Gas Pipeline Corp. | Columbia Gas Transmission Corp. | 3-13-84 | C | | |
| ST84-651 | Tennessee Gas Pipeline Co. | Houston Pipe Line Co. | 3-14-84 | B | | |
| ST84-652 | Tennessee Gas Pipeline Co. | Eastern Shore Natural Gas Co. | 3-14-84 | G | | |
| ST84-653 | ANR Pipeline Co. | The Neches Gas Distribution Co. | 3-14-84 | B | | |
| ST84-654 | Oasis Pipe Line Co. | Northern Natural Gas Co. | 3-14-84 | C | | |
| ST84-655 | Louisiana Resources Co. | Faustina Pipe Line Co. | 3-15-84 | C | | |
| ST84-656 | United Gas Pipe Line Co. | Florida Gas Transmission Co. | 3-15-84 | G | | |
| ST84-657 | Northwest Pipeline Corp. | Northern Natural Gas Co. | 3-15-84 | G | | |
| ST84-658 | Natural Gas Pipeline Co. of America | Bridgeline Gas Distribution Co. | 3-16-84 | B | | |
| ST84-659 | Arkansas Western Gas Co. | Arkansas Louisiana Gas Co. | 3-16-84 | C | 8-13-84 | 11.76 |
| ST84-660 | Consolidated Gas Transmission Corp. | Olin Corp. | 3-19-84 | F(157) | | |
| ST84-661 | Channel Industries Gas Co. | Northern Natural Gas Co. | 3-19-84 | C | | |
| ST84-662 | Tennessee Gas Pipeline Co. | Washington Gas Light Co. | 3-19-84 | B | | |
| ST84-663 | Northern Natural Gas Co. | Dow Chemical Co. | 3-20-84 | F(157) | | |
| ST84-664 | Llano, Inc. | Tennessee Gas Pipeline Co. | 3-21-84 | C | 8-18-84 | 10.20 |
| ST84-665 | Tennessee Gas Pipeline Co. | Entex, Inc. | 3-21-84 | B | | |
| ST84-666 | Caprock Pipeline Co. | Westar Transmission Co. | 3-21-84 | B | | |
| ST84-667 | Oklahoma Natural Gas Co. | Arkansas Louisiana Gas Co. | 3-21-84 | C | 8-18-84 | 24.32 |
| ST84-668 | Northern Natural Gas Co. | North Central Public Service Co. | 3-22-84 | B | | |
| ST84-669 | Natural Gas Pipeline Co. of America | ANR Pipeline Co. | 3-22-84 | G | | |
| ST84-670 | Tennessee Gas Pipeline Co. | UGI Corp. | 3-23-84 | B | | |
| ST84-671 | Transok, Inc. | Citizens Gas & Coke Utility | 3-22-84 | C | | |
| ST84-672 | Columbia Gulf Transmission Co. | N. Carolina Natural Gas Co. *et al.* | 3-22-84 | F(157) | | |
| ST84-673 | Northern Natural Gas Co. | Union Texas Petroleum Corp. | 3-23-84 | F(157) | | |
| ST84-674 | United Gas Pipe Line Co. | Georgia-Pacific Corp. | 3-23-84 | F(157) | | |
| ST84-675 | Columbia Gulf Transmission Co. | Panhandle Eastern Pipe Line Co. | 3-23-84 | G | | |
| ST84-676 | Tennessee Gas Pipeline Co. | Valero Transmission Co. | 3-26-84 | B | | |
| ST84-677 | Transcontinental Gas Pipe Line Corp. | Washington Gas Light Co. | 3-26-84 | B | | |
| ST84-678 | Transcontinental Gas Pipe Line Corp. | Eastern Shore Natural Gas Co. | 3-26-84 | G | | |
| ST84-679 | Consolidated Gas Transmission Corp. | Jones and Laughlin Steel Corp. | 3-26-84 | F(157) | | |
| ST84-680 | Consolidated Gas Transmission Corp. | Carnegie Natural Gas Co. | 3-26-84 | B | | |
| ST84-681 | Valero Transmission Co. | Tennessee Gas Pipeline Co. | 3-26-84 | C | | |
| ST84-682 | Natural Gas Pipeline Co. of America | Producer's Gas Co. | 3-27-84 | B | | |
| ST84-683 | United Gas Pipe Line Co. | Louisiana Gas System, Inc. | 3-28-84 | B | | |
| ST84-684 | United Gas Pipe Line Co. | Transcontinental Gas Pipe Line Corp. | 3-28-84 | G | | |
| ST84-685 | ANR Pipeline Co. | Producer's Gas Co. | 3-28-84 | B | | |
| ST84-686 | ANR Pipeline Co. | Northwest Pipeline Co. | 3-28-84 | G | | |
| ST84-687 | Tennessee Gas Pipe Line Co. | Esperanza Transmission Co. | 3-29-84 | B | | |
| ST84-688 | ANR Pipeline Co. | The Dow Chemical Co. | 3-29-84 | F(157) | | |

| Docket No.[1] | Transporter/seller | Recipient | Date filed | Subpart | Expiration date [2] | Transportation rate (c/MMBtu) |
|---|---|---|---|---|---|---|
| ST84-689 | Columbia Gas Transmission Corp. | Brick and Tile Corp. of Lawrenceville | 3-29-84 | F(157) | | |
| ST84-690 | Columbia Gas Transmission Corp. | Ellwood City Forge Corp. | 3-29-84 | F(157) | | |
| ST84-691 | Columbia Gas Transmission Corp. | General Battery Corp. | 3-29-84 | F(157) | | |
| ST84-692 | Columbia Gas Transmission Corp. | U.S. Steel Corp. | 3-29-84 | F(157) | | |
| ST84-693 | Natural Gas Pipeline Co. of America | Louisiana Ind. Gas Supply System | 3-29-84 | B | | |
| ST84-694 | Natural Gas Pipeline Co. of America | Columbia Gas Transmission Corp. | 3-29-84 | G | | |
| ST84-695 | Transcontinental Gas Pipe Line Corp. | United Gas Pipe Line Co. | 3-29-84 | G | | |
| ST84-696 | Tennessee Gas Pipeline Co. | Monterey Pipeline Co. | 3-29-84 | B | | |
| ST84-697 | Seagull Shoreline System | Amoco Gas Co. | 3-30-84 | C | 8-27-84 | 30.00 |
| ST84-698 | Natural Gas Pipeline Co. of America | Westar Transmission Co. | 3-30-84 | B | | |
| ST84-699 | Natural Gas Pipeline Co. of America | Tennessee Gas Pipeline Co. | 3-30-84 | G | | |
| ST84-700 | Northern Natural Gas Co. | Delhi Gas Pipeline Corp. | 3-30-84 | B | | |
| ST84-701 | Northern Natural Gas Co. | Producer's Gas Co. | 3-30-84 | B | | |

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to Section 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

**Edwin L. Johnson,**

*Director, Office of Pesticide Programs.*

[FR Doc. 84-13044 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP75-265-006]**

## United Gas Pipe Line Company, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Petition to Amend

May 9, 1984.

Take notice that on April 16, 1984, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-265-006 a petition to amend the order issued July 15, 1975[1], as amended, in Docket No. CP75-265-000 pursuant to section 7 of the Natural Gas Act to authorize United and Tennessee to use an additional exchange point in accordance with the provisions of a gas exchange amendment dated December 7, 1982, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The proposed exchange point has already been constructed and is located on Tennessee's Second Bayou 16-inch pipeline in Cameron Parish, Louisiana. It is stated that Tennessee has installed the necessary tap and valve assembly, owns and maintains such facilities and that United has installed, owns and maintains the required interconnecting measuring and regulating facilities, which Tennessee operates. It is further stated that the installation of these facilities was accomplished under the respective blanket authorities (Order No. 234) issued to United in Docket No. CP82-430-000 and Tennessee in Docket No. CP82-413-000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 30, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 13045 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL-2587-6]**

## Issuance of a PSD Permit to Ralston Purina

**AGENCY:** Environmental Protection Agency (EPA), Region 9.

**ACTION:** Notice.

**SUMMARY:** Notice of Approval of Preventation of Significant Air Quality Deterioration (PSD) permit to Ralston Purina Company, Pago Pago, American Samoa. EPA project number AS 83-01.

**FOR FURTHER INFORMATION CONTACT:** Copies of the permit are available for public inspection upon request, address request to: Rhonda Rothschild, U.S. Environmental Protection Agency, Region 9, 215 Fremont St., San Francisco, CA 94105.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on June 6, 1983 the Environmental Protection Agency issued a PSD permit to the applicant named above granting approval to construct one 850-kilowatt diesel IC engine-generator in Pago Pago, American Samoa. This permit has been issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including an allowable emission rate as follows: $NO_x$ at 320 ppm at 15% $O_2$ and 19.36 lbs/hr.

Best Available Control Technology (BACT) requirements include: That allowable emission rate and the engine design.

Air Quality Impact modeling was required for $NO_x$. Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

**DATE:** The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by July 16, 1984.

Dated: May 2, 1984.

**David P. Howekamp,**

*Director, Air Management Division, Region 9.*

[FR Doc. 84-13001 Filed 5-14-84; 8:45 am]

BILLING CODE 6560-50-M

[FRL-2587-7]

## Issuance of a PSD Permit to Stanford University

**AGENCY:** Environmental Protection Agency (EPA), Region 9.

**ACTION:** Notice.

**SUMMARY:** Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Stanford University, Santa Clara County, California. EPA project number SFB 82-04.

**FOR FURTHER INFORMATION CONTACT:** Copies of the permit are available for public inspection upon request; address request to: Rhonda Rothschild, U.S. Environmental Protection Agency, Region 9, 215 Fremont St., San Francisco, CA 94105.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on June 29, 1983, the Environmental Protection Agency issued a PSD permit to the applicant named above granting approval to construct a cogeneration facility consisting of a gas turbine generator set, a heat recovery steam generator and a steam turbine generator at Stanford University in Santa Clara County, California. This permit has been issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including an allowable emission rate as follows: $NO_x$ at 291.6 tons/year.

*Best Available Control Technology* (BACT) requirements include: water injection and low $NO_x$ duct burners.

Air Quality Impact modeling was required for $NO_x$. Continuous monitoring is required and the source is subject to New Source Performance Standards.

**DATE:** The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by July 16, 1984.

Dated: May 2, 1984.

**David P. Howekamp,**

*Director, Air Management Division, Region 9.*

[FR Doc. 84-13009 Filed 5-14-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/38; PH-FRL 2587-3]

## Amitrole; Special Review of Pesticide Products

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

**ACTION:** Notice of special review.

**SUMMARY:** This Notice announces that EPA is initiating a Special Review of all pesticide products containing the active ingredient amitrole [3-amino-1,2,4-triazole]. EPA has determined that amitrole is oncogenic in the thyroid, pituitary and liver of laboratory animals. The Special Review will be conducted under EPA's regulations in 40 CFR 162.11(a). During the Special Review process, EPA will carefully examine the risks and benefits of using amitrole products and will determine the necessity for future regulatory actions.

**DATE:** Comments, evidence to rebut the conclusions in this Notice, and other relevant information must be received on or before June 29, 1984.

**ADDRESS:** Written comments by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:** By mail: Michael F. Branagan, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Office location and telephone number: Rm. 711-I, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7400).

**SUPPLEMENTARY INFORMATION:** In the Guidance Document for amitrole, EPA determined that amitrole caused oncogenic effects in laboratory animals and that applicator exposure and oncogenic risk were high. EPA also determined that a Special Review will be conducted for *all* products (interstate and intrastate) containing amitrole, that data necessary to refine the Agency's risk assessment must be developed on an accelerated basis, and that interim precautionary labeling, including restriction and a cancer warning statement, will be required to reduce risk during the period of Special Review.

The term "Special Review" is the name now being used by EPA for the process previously called the Rebuttable Presumption Against Registration (RPAR) process. This name and associated modifications in the process will be proposed in regulations in the near future. The presentr Special Review will adhere to RPAR procedures now in effect.

During the Special Review EPA will solicit comments on, among other things, the risks and benefits associated with all uses of amitrole, as well as the types of data required by the Guidance Document.

Issuance of this Notice (also called Position Document 1 [PD1]) announces that potential adverse effects associated with the use of amitrole have been identified and will be examined further to determine their extent and whether, in light of the benefits of amitrole, such risks are unreasonable.

A document entitled "Guidance for the Reregistration of Pesticide Products Containing Amitrole as the Active Ingredient" (also called the Guidance Document) was issued on March 30, 1984 and is available to the public from the previously mentioned contact person. The Guidance Document explains the basis of EPA's decision to start this Special Review and also contains references, background information, data requirements, and other information pertinent to the reregistration of pesticides containing amitrole.

### I. Initiation of a Special Review

*A. General*

Issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 136-136y), 40 CFR 162.11 provides that an RPAR (Special Review) shall be conducted if EPA determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in 40 CFR 162.11(a)(3). In making this determination, EPA is guided by section 3(c)(8) of FIFRA which directs EPA to begin an RPAR (Special Review) only if it is based on a "validated test or other significant evidence raising prudent concerns of unreasonable adverse risk to man or the environment." If such a determination is made, the registrant(s) will be notified by certified mail and afforded an opportunity to submit evidence in rebuttal to EPA's presumption. In addition, any registrant may voluntarily petition EPA to cancel the registration of its products(s).

Following the initiation of the Special Review, *all* pesticide use of amitrole will enter the public discussions stage of the Special Review process. During the time it takes to complete the Special Review process, EPA will take steps to reduce the risk associated with amitrole. Therefore, in the Guidance Document, EPA has classified all products for uses other than homeowner uses as "restricted use" pesticides. Under section 4 of FIFRA this means, among other things, that only certified applicators trained for and familiar with pesticide use, or persons under their direct supervision can use amitrole containing products for non-home use. Additionally, in the Guidance Document, EPA imposes label modifications such as provisions for protective clothing and a cancer

warning statement to reduce risk further. Registrants and interested members of the public may discuss the Agency's actions stated in the Guidance Document and/or their proposal for additional or alternative actions. Comments should be made in accordance with directions described in Unit V, below.

If risk issues are not eliminated, EPA would proceed to evaluate the risks and benefits of amitrole and to propose a regulatory solution in a Position Document 2/3 (PD 2/3). After obtaining comments from the Scientific Advisory Panel, the Secretary of Agriculture, registrants, and the public on PD 2/3 EPA would issue a Position Document 4 (PD 4) containing EPA's final regulatory position. If EPA determines that the risks of use exceed the benefits, EPA would issue a notice of intent to cancel the registration of products intended for such use. The notice may identify for specific uses certain changes in the composition, packaging, and/or labeling of the product which would reduce the risks to levels that EPA would consider acceptable. Cancellation would become effective unless, within 30 days of issuance of the notice, the registrant either requests a hearing to challenge the cancellation or submits an application to amend the product's registration in a manner prescribed in the notice of intent to cancel.

It is emphasized that a Notice initiating a Special Review is not a notice of intent to cancel the registration of a pesticide, and a Special Review may or may lead to cancellation. EPA issues a notice of intent to cancel only after carefully considering the risks and benefits of a pesticide and determining that the pesticide may generally cause unreasonable adverse effects on the environment. Commenters may also submit, for consideration, data on benefits which they believe are relevant to registration or continued registration of amitrole products.

*B. Presumption*

EPA has determined that registrations and applications for registration of pesticide products containing amitrole may meet or exceed the risk criteria in 40 CFR 162.11(a)(3)(ii)(A). That section provides that a Special Review (RPAR) shall be conducted if the use of a pesticide "Induces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure * * *". On the basis of the scientific studies and information summarized in the amitrole Guidance Document, EPA has concluded that this risk criterion may have been exceeded by pesticide products containing amitrole.

Data demonstrate that amitrole induces thyroid, pituitary and liver tumors in laboratory animals, with the liver tumors produced at feeding levels which exceeded the maximum tolerated dose and also exceeding the most conservative estimated human exposure. Thyroid and pituitary tumors were produced at doses much lower than those which produced liver tumors and at doses which were similar to estimated applicator exposure. Based on a review of the available data, the Agency has conducted an oncogenic risk assessment using thyroid tumor production.

The Agency has made a preliminary estimate of exposure associated with the use of amitrole. There is no dietary exposure to amitrole. All food uses of amitrole were cancelled in 1971 and no further food or feed uses will be permitted. Worker exposure associated with mixer/loader/applicators, though, remains. Worker exposure was estimated through surrogate studies employing other pesticides with similar uses and application techniques as well as the one exposure study which specifically used amitrole. The Agency's assumptions to estimate worker exposure are conservative and tend to overestimate exposure. The Agency has made a preliminary estimate that dermal exposure, especially from the hands, constitutes virtually all of the total amitrole exposure.

The Agency has estimated that, except for homeowner uses, the oncogenic risk associated with all use patterns and application techniques of amitrole may be high and their continued unrestricted use may cause unreasonable adverse effects. Homeowner risk is estimated to be low because exposure is estimated to be only one hour per year and these products are applied as a targeted (non-fogging) spray. All uses, including the homeowner use, will be the subject of the Special Review for amitrole.

The Agency believes that risks to workers can be reduced through the use of protective clothing and restricting the use to certified applicators trained in safe methods of pesticide use. Exposure associated with the homeowner use will be reduced even more by the use of waterproof gloves.

Except for homeowner uses, all use patterns and application techniques were restricted to certified applicators through the Guidance Document which was issued on March 30, 1984. The Guidance Document requires registrants to conduct studies to determine the dermal absorption of amitrole and the effectiveness of protective clothing, studies pivotal to the refinement of the Agency's risk analysis. Additionally, all registrants were required to revise labeling to require the use of protective clothing and include a cancer warning statement to reduce risk during the period of pivotal data development and Special Review.

The Agency cannot, with the available data, accurately predict the risks involved with the use of amitrole. While quantitative risk assessments are normally based upon assumptions and, consequently, contain uncertainties, the amitrole risk assessment contains more uncertainty than usual because of the lack of information about dermal absorption. There are wide variations in the Agency's risk estimates for amitrole. While the Guidance Document contains specific and detailed estimates of risk for each registered use, the risk estimates for amitrole range from $10^{-6}$ to $10^{-1}$. These variations are a function of the model used to estimate risk and the percent of dermal absorption used in the exposure estimates. A requirement for expeditious development of data to determine the dermal absorption and effectiveness of protective clothing is crucial to EPA's risk assessment. Thus, the Guidance Document requires submission of the above data which are privotal to the Special Review within 6 months of the receipt of the Guidance Document by registrants. Other data necessary to complete the data base for amitrole, but unrelated to the Special Review, are also required by the Guidance Document. These data include product chemistry, and studies in toxicology, ecological effects and the environmental fate of amitrole. These latter data must be submitted within 24 months of the receipt of the Guidance Document.

*C. Rebuttal Criteria*

All registrants, applicants for registration, and other interested members of the public are invited to submit evidence either to support or to rebut the presumption (as listed in Unit I.B. of this Notice) that because the use of amitrole products may cause adverse effects in laboratory animals, there is a risk of oncogenic effects in workers. Under 40 CFR 162.11(a)(4)(iii) the presumption initiating a Special Review must be rebutted by sustaining the burden of proving, in the case of acute and chronic toxicity criteria, "that the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error."

*D. Benefits Information*

An estimated 500,000 to 800,000 pounds of amitrole active ingredient are used annually as a herbicide in the United States. The major use sites are highway rights-of-ways, which accounted for an estimated 50 percent of the amitrole usage. Other use sites include marshes, drainage ditches, ornamentals, and around commercial, industrial, agricultural, domestic and recreational premises.

The Agency has estimated that the financial impact of withdrawing amitrole could result in a 1 to 3 million dollar cost increase to users for herbicide treatment on highway rights-of-way. This estimate is based on users continuing to use a contact herbicide (specifically substituting glyphosate for amitrole) in combination with a residual herbicide.

The Agency's preliminary estimate does not take into account that some users may elect not to shift to another contact herbicide but rely entirely on residual herbicides. The Agency's preliminary information does not permit an estimate of the extent that users would elect another contact herbicide in place of amitrole as opposed to relying solely on the use of residual pesticides for germination control. The Agency's current benefit review may change upon receipt of new information.

In addition to submitting evidence to rebut the presumptions of risk in the Special Review, 40 CFR 162.11(a)(5)(iii) provides that a registrant or applicant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the presumption of risk is not rebutted, the benefit evidence submitted by registrants, applicants, and other interested persons will be considered by the Administrator when determining the appropriate regulatory action.

Registrants, applicants, or other interested persons who desire to submit benefit information should consider submitting information on the following subjects along with any other relevant information they desire to submit:

1. Identification of the economically important uses of amitrole, including market studies and estimated quantities applied for those uses.

2. Identification of alternative chemical and nonchemical methods for all registered uses and application techniques.

3. Determination of the change in costs to amitrole users of obtaining equivalent pest control with available substitute products or weed management techniques.

4. Assessment of the expected changes in level of damage (if any) associated with the use of alternative control measures, as compared to weed management techniques employing amitrole.

**II. Additional Grounds for Review**

In addition, EPA is requiring, through the Guidance Document, that additional testing of the toxicological (acute, subchronic, teratogenic tests), product chemistry (product identity, analysis and certification of ingredients, physical and chemical characteristics), ecological (avian and aquatic tests) and environmental fate (degradation, photodegradation, metabolism, mobility, dissipation, accumulation) properties of amitrole be conducted. Data from these studies will be reviewed to determine whether other adverse effects are associated with this chemical and whether additional regulatory action is needed.

**III. Rebuttal Submission Procedures**

All registrants and applicants for registration are being notified by certified mail of the Special Review being initiated on their products containing amitrole.

Registrants and applicants for registration have 45 days from the date this notice is received or until June 29, 1984 to submit evidence in rebuttal to the Agency's presumption.

A registrant or applicant for registration may claim that part or all of the material being submitted in response to this Notice is trade secret or confidential business information. If a commenter makes such a claim, the commenter should clearly identify the information claimed to be confidential by placing on the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential," or by marking allegedly confidential portions of otherwise nonconfidential documents clearly. If a confidentiality claim is asserted, the information covered by the claim will be disclosed by the Agency only to the extent and by means of the procedures issued under 40 CFR Part 2, Subpart B published in the **Federal Register** of September 1, 1976 (41 FR 36906). If the information is not accompanied by a confidentiality claim at the time it is received, the Agency will place it in the public comment file where it will be available for public inspection.

A registrant or applicant who asserts a confidentiality claim for some, but not all, of the information submitted in rebuttal should furnish two copies of the information to the Agency. The first copy should contain all of the evidence submitted in rebuttal, with information claimed to be confidential clearly identified. The second copy should be identical to the first except that all information claimed as confidential should be deleted. The second copy will be placed in the public comment file. The first copy will be treated in accordance with the procedures set out above.

**IV. Duty to Submit Information on Adverse Effects**

Registrants are required by law to submit to EPA any additional information regarding adverse effects on man or the environment which comes to their attention at any time, pursuant to section 6(a)(2) of FIFRA. Registrants of amitrole products must immediately submit any published or unpublished information, studies, reports, analyses, or reanalyses regarding any amitrole adverse effects in animal species or humans, and claimed or verified accidents to humans, domestic animals, or wildlife which have not been previously submitted to EPA. As specified in the Guidance Document, registrants should notify EPA of any studies currently in progress, their purpose, the protocol, the approximate completion date, a summary of all results observed to date, the name and address of the laboratory performing the studies, and a statement as to whether these studies are being conducted in accordance with the Good Laboratory Practices specified in 48 FR 53946.

**V. Public Comments and Inspections**

During the time allowed for submission of rebuttal evidence, specific comments on the presumptions set forth in this Notice and on the material in the Guidance Document for reregistration are solicited from the public. In particular, any documented episodes of adverse effects on humans or domestic animals, and information as to any laboratory studies in progress or completed should be submitted to the Agency as soon as possible. Specifically, information on any adverse toxicological effects of amitrole, its impurities, metabolites, and degradation products is solicited. Similarly, submission of any studies or comments on the benefits from the use of amitrole is requested. All comments and information received, as well as any other relevant information and analysis thereof which comes to the attention of EPA, may serve as a basis for final

determination pursuant to 40 CFR 162.11(a)(5).

All comments and information should be sent to the address given above, preferably in triplicate, to facilitate the work of EPA and others interested in inspecting them. The comments and information should bear the identifying notation [OPP–30000/38]. Comments received after the specified time will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii).

Date: Aprl 20, 1984.

**Edwin L. Johnson,**

*Director, Office of Pesticide Programs.*

[FR Doc. 84–13003 Filed 5–14–84; 8:45 am]

BILLING CODE 6560–50–M

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[OA–FRL 2587–4]

## Scientific and Technical Publications Draft

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

**ACTION:** Notice.

**SUMMARY:** EPA is preparing to formalize and implement the Scientific and Technical Publications Draft Manual. This Manual (1) provides policy for the preparation of scientific and technical publications, including format, and (2) establishes procedures for the development and assignment of identification numbers, distribution, and storage of all EPA scientific and technical publications. The use of this and related Agency directives will ensure a high level of standardization in style, format, and reference citation that will result in maximum usefulness to users.

**DATE:** Written comments are due no later than June 14, 1984.

**ADDRESS:** As of May 15, 1984, copies of this Draft Manual will be made available to any requestor in: Room 2903 (PM 211A), Information Management and Services Division, Office of Administration, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202–382–5914).

**FOR FURTHER INFORMATION CONTACT:** Sarah Kadec, 382–5914.

**SUPPLEMENTARY INFORMATION:** This Manual applies to all scientific and technical publications sponsored or generated by EPA and available to the scientific/technical audience. The guidelines are applicable to employees acting in an official capacity related to their work for the Agency. Guidelines are also applicable to EPA contractors, consultants, and assistant recipients to the extent provided for in their agreement with EPA. Publications or reports may take several forms:

a. *Reproduced Copy.* Reports which have been printed and duplicated and are ready for distribution.

b. *Reproducible Copy.* Text and illustration pages which have been corrected, laid out, and made ready for reproduction.

c. *Manuscript.* Text and illustrations suitably assembled for review and editing, preparatory to reproducible copy.

d. *Microform.* Reports photographed in miniature on film (MF), also referred to as microfilm or microfiche.

Dated: May 8, 1984.

**Sarah Kadec,**

*Director, Information Management and Services Division.*

[FR Doc. 84–12987 Filed 5–14–84; 8:45 am]

BILLING CODE 6560–50–M

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## FEDERAL COMMUNICATIONS COMMISSION

## New FM stations; Applications for Consolidated Hearing; Davis Communications, Inc.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

| Applicant, city, and state | File No. | MM docket No. |
|---|---|---|
| A. Stephen Nye Barton, Cotulla, Tex. | BPH–830502AM | 84–436 |
| B. Davis Communications, Inc., Cotulla, Tex. | BPH–830610AD | 84–437 |

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

*Issue Heading and Applicant(s)*

1. Comparative, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632–6334.

**W. Jan Gay,**

*Assistant Chief, Audio Services Division, Mass Media Bureau.*

[FR Doc. 84–13019 Filed 5–14–84; 8:45 am]

BILLING CODE 6712–01–M

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**[MM Docket Nos. 84–443 et al.; File Nos. BPCT–830922KH]**

## Delaware Valley Television, Ltd., et al.; Hearing Designation Order

In the matter of applications of Maceo K. Sloan, et al, d/b/a Delaware Valley Television, Ltd. MM Docket No. 84–443, File No. BPCT–830922KH) Angelo Roman MM Docket No. 84–444, File No. BPCT–840103KE) Signal Ministries, Inc. MM Docket No. 84–445, File No. BPCT–840103KI) AGK Communications, Inc. MM Docket No. 84–446, File No. BPCT–840104KE) BCT Communications, Inc. MM Docket No. 84–447, File No. BPCT–840104KI) Burlington TV, Inc. MM Docket No. 84–448, File No. BPCT–840104KJ) Brunson Communications Inc. MM Docket No. 84–449, File No. BPCT–840104KL) Burlington 48, Inc. MM Docket No. 84–450, File No. BPCT–840104KM) Burlington Broadcsters, Ltd. MM Docket No. 84–451, File No. BPCT–840104KN) Adelphi Broadcasting Corporation MM Docket No. 84–452, File No. BPCT–840104KO) for construction permit for new television station, channel 48, Burlington, New Jersey.

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

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it: (1) The above-captioned mutually exclusive applications for authority to construct a new commercial television station on channel 48, Burlington, New Jersey;[1] (2) a petition to deny filed by Brunson Communications Inc., against Delaware Valley Television, Ltd. (Delaware) and (3) opposition to petition to deny filed by Delaware.

2. On January 4, 1984, Brunson Communications, Inc. filed a petition to deny the Delaware application. Although Brunson attempts to direct its petition to the acceptability of the Delaware application, upon examination of the petition we find that the petition raises questions concerning the correctness of the information submitted by Delaware. Brunson's petition,

[1] Channel 48 was licensed to Station WKBS(TV), Burlington, New Jersey. The license for Station WKBS(TV) was cancelled on October 4, 1983, at the licensee's request.

therefore, is, in effect, a predesignation petition to specify issues against a competing applicant. Such pleadings are no longer authorized. *See, Revised Procedures for the Processing of Contested Broadcast Applications*, 72 FCC 2d 202, 214 (1979). The petition will therefore be dismissed.

3. Section 73.684(g) of the Commission's Rules requires the use of U.S. Geological Survey Topographic Quadrangle Maps, if available for the area involved, to be used in constructing terrain profiles from which average terrain elevations are determined. Delaware and Angelo Roman append terrain data labelled as from "National Oceanic and Atomospheric Administration Thirty Second Interval Point Elevation Data Base." Use of that data does not comply with 73.684(g). In general, the profiles are much less precise. In particular, where a single point elevation is determined in this manner, it may be several hundred feet different from what is shown on a topographic map. Accordingly, Delaware and Angelo Roman will be required to compute radial elevations, site elevation and contour distances in accordance with Section 73.684 and submit copies of the profile graphs and topographic maps employed to the presiding Administrative Law Judge within 20 days of the release of this Order. In addition, a copy should also be filed with the Chief, Television Branch, Mass Media Bureau.

4. Delaware and Angelo Roman both specify the tower formerly utilized by Station WKBS(TV), Burlington, New Jersey. However, the antenna radiation center height above mean sea level and above average terrain specified in the applications are inconsistent with the information in the Commission's files with respect to Station WKBS(TV). The applicants specify a height above mean sea level of 1324 feet and a height above average terrain of 1112 feet. The records show heights of 1332 feet and 1104 feet, respectively. Delaware and Angelo Roman will, therefore, be required to amendment clarifying or correcting these discrepancies.

5. Section 73.682(a)(15) of the Commission's Rules states that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. BCT Communications, Inc.'s aural power is only 9% of the visual. The applicant will be required to correct this situation by an appropriate amendment.

6. The transmitter site proposed by AGK now meets all of the Commission's minimum mileage separation requirements. There is, however, a rulemaking proposal pending in Docket No. 79–269 which would allocate channel 63 to Newton, New Jersey. If this proposal is adopted, AGK's proposed site would be 72 miles from the channel 63 reference point in Newton, whereas §73.610 of the Commission's Rules would require a minimum separation of 75 miles. AGK would then be 3 miles short-spaced. AGK has, therefore, requested a waiver of the rule in the event that the rulemaking proposal is adopted. An issue would then be required to determine whether circumstances exist which would warrant a waiver of the rule. In assessing the circumstances to determine whether a waiver is warranted, the presiding Administrative Law Judge may consider the fact that the other applicants have specified sites which would comply with the separation requirements. Accordingly, a contingent issue with respect to AGK's possible short-spaced proposal will be specified.

7. Section 73.685(f) of the Commission's Rules requires an applicant proposing to use a directional antenna to include a tabulation of relative field pattern, oriented so that 0° corresponds to True North and tabulated at least every 10° plus any minima or maxima. AGK has not supplied this data. Accordingly, the applicant will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after the date of the release of this Order.

8. Delaware, Angelo Roman, Burlington 48, Inc., Brunson, Adelphi, BCT and Burlington Broadcasters, Ltd.[2] each proposes to mount its antenna on a tower near the tower of AM Radio Station WPGR, Burlington, New Jersey. Consequently, any grant of a construction permit to any of the above applicants will be conditioned to ensure that WPGR's radiation pattern is not adversely affected by the construction of the proposed station.

9. The effective radiated visual power, antenna height above average terrain and other technical data submitted by each applicant indicates that there would be a significant difference in the size of the area and population that each proposes to serve. Consequently, for the purpose of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contour of each applicant, together with the availability of other television service of Grade B or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants. AGK, BTI, Signal and Brunson have not submitted the area population data required by Item 10, Section V–C, FCC Form 301. Accordingly, AGK BTI, Signal and Brunson will each be required to submit the required information in amendment form to the presiding Administrative Law Judge within 20 day after the date of the release of this Order.

10. In response to Section II, Item 5(a), FCC Form 301, Burlington Broadcasters, Ltd. (BBL), provided a list of its partners totalling 68 percent equity. The remaining 32 percent was to be furnished in a forthcoming amendment. The Commission is not in receipt of the amendment. Section 73.3514(a) requires applicants to provide all information called for by the FCC form, unless the required information is inapplicable. Accordingly, appropriate issues will be specified to determine the identity and qualifications of the unidentified partners and to examine BBL's compliance with Section 73.3514(a).

11. Section 73.636(a)(1) of the Commission's Rules states that no license for a television station shall be granted to any party if such party directly or indirectly owns, operates or controls one or more AM or FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the AM or FM station. Note 8 to the rule provides, *inter alia*, that applications for UHF stations will be considered on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest. Sharon McWilliams, a 5% stockholder of Burlington TV, Inc. (BTI), is a sales manager at WBUD(AM) and WKXW(FM), Trenton, New Jersey. Since BTI's proposed Grade A contour would envelop Trenton, New Jersey, Ms. McWilliams has represented that she will divest herself of all interest in and connection with WBUD(AM) and WKXW(FM), Trenton, New Jersey. Accordingly, any grant of BTI's application will be subject to an appropriate condition.

12. Section 76.501(a)(2) of the Commission's Rules prohibits direct or indirect ownership of both a cable television system and a television

[2] An amendment was filed on April 11, 1984, after the "B" cut-off date, which was accompanied by a request for leave to amend. Since the amendment was required to be filed by § 1.65 of the Commission's Rules, it is accepted for § 1.65 purposes only and no comparative advantage will accrue thereby.

broadcast station if the television station would place a Grade B contour over any part of the service area of the cable system. John L. Harrison, Jr. is a 24 percent stockholder of Burlington 48, Inc. He also owns 100 shares of common stock in Comcast Cablevision of Philadelphia Ltd., which is a general partner in Comcast Cablevision of Philadelphia Inc., and which has an application pending for a cable television franchise to serve Philadelphia, Pennsylvania. However, Harrison has represented to the Commission that in the event of a grant of the television application, he willl divest himself of all interest in, and connection with, Comcast Cablevision of Philadelphia Inc., prior to the commencement of operation of the Burlington, New Jersey, station. Accordingly, any grant of a construction permit of Burlington 48, Inc. will be conditioned accordingly.

13. Section II, Item 9, FCC Form 301, inquires whether there are any documents, instruments, contracts or understandings relating to ownership or future ownership rights including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, or debentures. A positive response to this question must be accompanied by particulars as exhibits. Adelphi Broadcasting Corporation has answered "yes" to Item 9; however, it did not submit the required exhibits. Adelphi will be required to submit its exhibits in the form of an amendment to the presiding Administrative Law Judge within 20 days after the release of this Order.

14. BTI and Signal [3] have each specified the facilities of former station WKBS(TV). Signal has stated that it purchased the former transmitter site from Field Communications, Inc. (former licensee of WKBS(TV)), and would not make it available to BTI even if BTI receives the construction permit. Should BTI prevail and should Signal choose not to make the site available to it, we will entertain a request from BTI for modification of its construction permit to specify a different site. For the purposes of the hearing, however, the site specified is presumed available. *New Continental Broadcasting Co.*, 45 RR 2d 1632 (1979).

15. Section V–C, Item 12, FCC Form 301 asks whether the main studio will be located within the principal community to be served. Signal and Brunson answered with a negative response. Section 73.1125 of the Commission's Rules requires that the main studio of a television station be located within the city of license, but, upon a showing of good cause, the main studio may be located outside that community. Signal and Brunson each proposes to locate its main studio in Philadelphia, Pennsylvania. However, neither has submitted the required showing for locating outside of Burlington. An issue is therefore required to determine whether good cause exists for locating the main studio outside the principal community. In assessing the circumstances to determine whether good cause has been shown, the presiding Administrative Law Judge will consider the fact that the other applicants have specified main studio locations in Burlington. Because of the Commission's commitment to the policy of encouraging and promoting television service to New Jersey (e.g., *State of New Jersey Television Service,* 58 FCC 2d 790 (1976)), only the most persuasive and compelling reasons for a failure to propose a main studio location within the corporate limits of Burlington will suffice. An appropriate issue will be specified.

16. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

17. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Burlington Broadcasters, Ltd.:

(a) The number, identity and qualifications of the partners of Burlington Broadcasters, Ltd.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, the applicant complied with Section 73.3514(a) of the Commission's Rules; and

(c) In light of the evidence adduced pursuant to the foregoing issues, the effect of any omissions on the applicant's basic or comparative qualifications.

2. To determine with respect to Signal Ministries, Inc., and Brunson Communications, Inc., whether good cause exists for locating the main studio outside the principal community to be served and if so, whether it would be consistent with the public interest.

3. In the event the Commission finalizes the pending rulemaking in Docket No. 79–269 and allocates Channel 63 to Newton, New Jersey, to determine with respect AGK Communications, Inc. whether circumstances exist which would warrant a waiver of § 73.610 of the Commission's Rules.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

18. It is further ordered, that, in the event of a grant of Burlington TV, Inc.'s application, it will be conditioned as follows:

Prior to the commencement of operation of the television station authorized herein, permittee shall certify to the Commission that Sharon McWilliams has severed all connection with Stations WBUD(AM) and WKXW(FM), Trenton, New Jersey.

19. It is further ordered, that Delaware Valley Television, Ltd., and Angelo Roman shall each submit an amendment or clarification required by paragraph four to the presiding Administrative Law Judge within 20 days after the release of this Order.

20. It is further ordered, that Delaware Valley Television, Ltd., and Angelo Roman shall each submit an amendment that demonstrates compliance with Section 73.684 of the Commission's Rules to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

21. It is further ordered, that BCT Communications, Inc. shall submit an appropriate amendment that demonstrates compliance with Section 73.685(a)(15) of the Commission's Rules, to the presiding Administrative Law Judge, within 20 days after the release of this Order.

22. It is further ordered, that AGK Communications, Inc. shall submit an amendment providing the information required by § 73.685(f) of the Commission's Rules, to the presiding Administrative Law Judge and a copy to TV Branch, Mass Media Bureau, within 20 days after the release of this Order.

23. It is further ordered, that the Petition to Deny filed by Brunson Communications, Inc. is dismissed.

[3] Adelphi, Brunson and BCT by amendments filed March 9, 1984, no longer request the facilities of WKBS(TV). Adelphi and Brunson still request use of the tower of former Station WKBS(TV).

24. It is further ordered, that in the event of a grant of the application of Delaware Valley Television, Ltd., Angelo Roman, Burlington 48, Inc., Brunson Communications, Inc., Adelphi Broadcasting Corporation, BCT Communications, Inc., or Burlington Broadcasters, Ltd., it will be conditioned as follows:

Prior to construction of the tower authorized herein, permittee shall notify AM station WPGR so that, if necessary, the AM station may determine operating power by the indirect method and request temporary authority from the Commission in Washington, D.C. to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM station. Both prior to construction of the tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected and, prior to or simultaneous with the filing of the application for a license to cover this permit, the results submitted to the Commission.

25. It is further ordered, that in the event of a grant of Burlington 48, Inc.'s application, it will be conditioned as follows:

Prior to the commencement of operation of the television station authorized herein, permittee shall certify to the Commission that John L. Harrison has divested himself of all interest in, and connection with Comcast Cablevision of Philadelphia Inc.

26. It is further ordered, that Adelphi Broadcasting Corporation shall submit its explanation for its positive answer to Section II, Item 10, FCC Form 301, to the presiding Administrative Law Judge within 20 days after the release of this Order.

27. It is further ordered, that AGK Communications, Inc., Burlington TV, Inc., Signal Ministries, Inc., and Brunson Communications Inc., shall each submit an amendment stating the area and population within its predicted Grade B contour to the presiding Administrative Law Judge, within 20 days after the date of the release of this Order.

28. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

29. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.32594(g) of the Rules.

Federal Communications Commission.

**Roy J. Stewart,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 84-13020 5-14-84; 8:45 am]

**BILLING CODE 6712-01-M**

## New FM Stations; Applications for Consolidated Hearing; Quad City Communications, Inc.; et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

| Applicant, city, and State | File No. | MM docket No. |
|---|---|---|
| A. Quad City Communications, Inc.; Farmington, N. Mex. | BPH-830513AI | 84-432 |
| B. Keith E. Lamonica; Farmington, N. Mex. | BPH-830718AE | 84-433 |
| C. Dewey Mathew Runnels; Farmington, N. Mex. | BPH-830830AF | 84-434 |
| D. Larry Kinnamon, d/b/a Kinnamon Enterprises; Farmington, N. Mex. | BPH-830831AF | 84-435 |

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

*Issue Heading and Applicant(s)*

1. Comparative, A, B, C, D
2. Ultimate, A, B, C, D

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street NW., Washington, D.C. 20554. Telephone (202) 632-6334.

**W. Jan Gay,**

*Assistant Chief, Audio Services Division, Mass Media Bureau.*

[FR Doc. 84-13021 Filed 5-14-84; 8:45 am]

**BILLING CODE 6712-01-M**

## New FM Stations; Applications for Consolidated Hearing; WANM, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

| Applicant, city and State | File No. | MM docket No. |
|---|---|---|
| A. WANM, Inc.; Panama City, Fl. | BPH-830325AB | 84-426 |
| B. Duane Cornett; Panama City, Fl. | BPH-830406AA | 84-427 |
| C. Sun Broadcasters Limited Partnership; Panama City, Fl. | BPH-830617AC | 84-428 |
| D. BayMedia, Inc.; Panama City, Fl. | BPH-830720AI | 84-429 |
| E. Mary A. Pelham and Beverly M. Sherman, d.b.a. Panama City Radio, Ltd.; Panama City, Fl. | BPH-830831AA | 84-430 |
| F. Gulf Property & Investment Company, Inc.; Panama City, Fl. | BPH-830831AB | 84-431 |

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

*Issue Heading and Applicant(s)*

1. Air Hazard, E
2. Comparative, A, B, C, D, E, F
3. Ultimate, A, B, C, D, E, F

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may

be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street NW., Washington, D.C. 20554. Telephone (202) 632–6334.

**W. Jan Gay,**

*Assistant Chief, Audio Services Division, Mass Media Bureau.*

[FR Doc. 84–13018 Filed 5–14–84; 8:45 am]

BILLING CODE 6712–01–M

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[Report No. 1459]

## Rulemaking Proceedings; Petitions for Reconsideration of Actions

May 9, 1984.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments. (BC Docket No. 80–90)

Implementation of BC Docket No. 80–90 to Increase the Availability of FM Broadcast Assignments. (MM Docket No. 84–231)

Filed By: Arthur Stambler & Andrew Ritholz, Attorneys for Sonsway Broadcasters, Inc., on 4–13–84.

Subject: Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Gainesville, Florida) (MM Docket No. 83–488, RM–4425)

Filed By: Alfred C. Cordon & Dennis J. Kelly, Attorneys for High Springs Television, Inc., on 4–13–84. Thomas L. Root & Paul A. Mutino, Attorneys for Christian Channel/Ro-Mar Communications, Inc., on 4–16–84.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Gulf Breeze, Florida) (MM Docket No. 83–493, RM–4393)

Filed By: Zave M. Unger, Attorney for Capitol Broadcasting Corporation on 4–20–80.

**William J. Tricarico,**

*Secretary, Federal Communications Commission.*

[FR Doc. 84–13016 File 5–14–84; 8:45 am]

BILLING CODE 6712–01–M

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## FEDERAL RESERVE SYSTEM

### Acquisition of Company Engaged in Permissible Nonbanking Activities; First Valley Corporation

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 6, 1984.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennyslvania 19105:

1. *First Valley Corporation,* Bethlehem, Pennsylvania; to acquire Lehigh Securities Corporation, Lehigh County, Pennsylvania, and thereby engage in discount securities brokerage services including trading OTC stocks, and governmental, municipal and corporate bonds; and in custodial services, individual retirement accounts and cash management services. The securities brokerage service will be restricted to buying and selling securities solely as agent for the account of customers and will not include securities underwriting and dealing or investment advice or research services. These activities will be conducted in the State of Pennsylvania.

Board of Governors of the Federal Reserve System, May 9, 1984.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 84–12948 Filed 5–14–84; 8:45 am]

BILLING CODE 6210–01–M

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### Granite State Bancorp, Inc., et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 6, 1984.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Granite State Bancorp, Inc.,* Meredith, New Hampshire; to become a bank holding company by acquiring 100 percent of the voting shares of Meredith Bank & Trust, Meredith, New Hampshire.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Golden Pacific Bancorp,* New York, New York; to become a bank holding company by acquiring 80 percent of the

voting shares of Golden Pacific National Bank, New York, New York.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *GuarantyShares of West Virginia, Inc.*, Huntington, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of The Guaranty National Bank of Huntington, Huntington, West Virginia.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Highland Community Company*, Chicago, Illinois; to acquire 75 percent or more of the voting shares or assets of Highland Community Bank, Chicago, Illinois.

2. *L & W, Inc.*, Portsmouth, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of State Bank of Portsmouth, Portsmouth, Iowa.

3. *Liberty Bancorp, Inc.*, Broadview, Illinois; to become a bank holding company by acquiring 87 percent or more of the voting shares of Liberty Bank, Broadview, Illinois.

E. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *FNB Financial Corporation*, Scottsburg, Indiana; to become a bank holding company by acquiring at least 48.75 percent of First National Bank of Scottsburg, Scottsburg, Indiana.

F. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Security Richland Bancorporation*, Miles City, Montana; to acquire 100 percent of the voting shares or assets of First National Bank of Glendive, Glendive, Montana.

Board of Governors of the Federal Reserve System, May 9, 1984.

**William W. Wiles,**

*Secretary of the Board*

[FR Doc. 84-12950 Filed 5-14-84; 8:45 am]

BILLING CODE 6210-01-M

## Marine Midland Banks, Inc., et al.; Correction

This notice corrects a previous Federal Register document (FR Doc. 84-11809) published at page 18788 of the issue for Wednesday, May 2, 1984. Marine Midland Banks, Inc., The Hongkong and Shanghai Banking Corporation, Kellett N.V., and HSBC Holdings, B. V. propose to engage in non banking activities from the following national bank subsidiaries: Marine Midland Bank (Arizona), N.A., Scottsdale, Arizona; Marine Midland Bank (California), N.A., San Diego, California; Marine Midland Bank (Connecticut), N.A., Stamford, Connecticut; Marine Midland Bank (Florida), N.A., Tampa, Florida; Marine Midland Bank (Georgia), N.A., Atlanta, Georgia; Marine Midland Bank (Illinois), N.A., Evanston, Illinois; Marine Midland Bank (Maryland), N.A., Bethesda, Maryland; Marine Midland Bank (Newton), N.A., Newton, Massachusetts; Marine Midland Bank (Springfield), N.A., Springfield, Massachusetts; Marine Midland Bank (New Jersey), N.A., Morristown, New Jersey; Marine Midland Bank (Ohio), N.A., Cincinnati, Ohio; Marine Midland Bank (Pennsylvania), N.A., Pittsburgh, Pennsylvania; Marine Midland Bank (Texas), N.A., Dallas, Texas; and Marine Midland Bank (Vermont), N.A., Burlington, Vermont.

Board of Governors of the Federal Reserve System, May 9, 1984.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 84-12951 Filed 5-14-84; 8:45 am]

BILLING CODE 6210-01-M

## Agency Forms Under Review

May 9, 1984.

### Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Fedeal Register**, but occasionally the public interest requires more rapid action.

### List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

**FOR FURTHER INFORMATION CONTACT:**

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

OMB Reviewer—Judy McIntosh—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880)

### Request for approval to extend without revision

1. Report title: Bank Holding Company Financial Supplement—

Agency form number: FR Y-9
Frequency: Annual; semiannual
Reporters: Bank holding companies
Small businesses are not affected.
General description of report:

Respondent's obligation to rely is mandatory (12 U.S.C. 1844); a pledge of confidentiality is promised (5 U.S.C. 552(b)(8)).

Report filed annually by bank holding companies (BHC's) having assets exceeding $50 million and semiannually by BHC's having assets exceeding $300 million. All BHC's submit parent-only financial statements and those with assets exceeding $100 million file consolidated statements. Report is used for monitoring and surveillance purposes and analyzing BHC condition.

### Request for Revision of Existing Report

2. Report title: Report of Changes in Foreign Investments (Made Pursuant to Regulation K)—

Agency form number: FR 2064
Frequency: Occasional

Reporters: Commercial banks, bank holding companies, Edge and Agreement corporations
Small businesses are not affected.
General description of report: Respondent's obligation to reply is mandatory (12 U.S.C. 602,625,1844); a pledge of confidentiality is promised (5 U.S.C. 552(b)(4)).

This report is required to allow the Federal Reserve to monitor foreign investments by member banks, bank holding companies and Edge and Agreement corporations. It is used to notify the Federal Reserve of investment changes and to provide a basis for updating the System's information on foreign investments.

**Request for Approval to Extend Without Change**

3. Report title: Notice Claiming Status as Exempt Transfer Agent)—
Agency form number: N/A
Frequency: On occasion.
Reporters: Banks, bank holding companies, and trust companies.
Small businesses are not affected.
General description of report: Respondent's obligation to reply is mandatory (15 U.S.C. 78q–1); a pledge of confidentiality is not promised.

This notice provides a method for banks, bank holding companies, and trust companies subject to the Federal Reserve Board's supervision, who are engaged as an agent on behalf of an issuer of securities in the transfer, registration, monitoring, and other specified capacities of such securities, to claim exemption from several of the Securities Exchange Commission's rules applicable to registered transfer agents.

Board of Governors of the Federal Reserve System, May 9, 1984.
**Willaim W. Wiles,**
*Secretary of the Board.*
[FR Doc. 84–12949 Filed 5–14–84; 8:45 am]
BILLING CODE 6210–10–M

## Pan American Banks Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested person may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices" Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 6, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Pan American Banks Inc.*, Miami, Florida; to acquire Central Agency, Inc., Miami, Florida. Central Agency, Inc. is currently a nonbank subsidiary of Central Bancorp, Inc. and acts as insurance agent for credit life insurance sold through the banking subsidiaries of Central Bancorp, Inc. These activities would be conducted in the state of Florida.

Board of Governors of the Federal Reserve System, May 9, 1984.
**William W. Wiles,**
*Secretary of the Board.*
[FR Doc.84–12952 Filed 5–14–84; 8:45 am]
BILLING CODE 6210–01–M

## Security New York State Corporation, et al.; Notice of Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 4, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Security New York State Corporation*, Rochester, New York; to engage *de novo* through a subsidiary, Griffin Life Insurance Company, Phoenix, Arizona, in the reinsurance of credit health and accident insurance issued in connection with extensions of credit made by its two subsidiary banks, Security Trust Company and the Mohawk National Bank. These activities would be conducted in the state of New York.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Americorp Financial Inc.*, Rockford, Illinois; to engage *de novo* through its subsidiary, Americorp Financial Life Insurance Company, Phoenix, Arizona, in underwriting credit life and credit accident and health insurance.

2. *Marine Bancorp, Inc.*, Springfield, Illinois; to engage *de novo* through its subsidiary, Marine Credit Insurance Company, Scottsdale, Arizona, in the reinsuring of credit life, accident and health insurance that is directly related to extensions of credit by the bank holding company system.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Citizens Fidelity Corporation*, Louisville, Kentucky; to expand the geographic area for services performed by its previously approved acquisition, CFC Financial Services, Inc., Louisville, Kentucky. The following activities would be conducted on a nationwide basis: processing and transmission of financial, banking or economic data for applicant, its subsidiaries, unrelated financial institutions and others; and credit/debit cardholder and merchant processing for applicant, its subsidiaries and unrelated financial institutions.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Olsson's, Inc.*, Ronan, Montana; to engage *de novo* in the making, acquiring, or servicing of loans or other extensions of credit for the company's account or for the account of others such as would be made, for example, by the following types of companies: consumer finance; mortgage finance, and commercial or agricultural finance. Applicant will engage in such activities directly, or through a future subsidiary company.

Board of Governors of the Federal Reserve System, May 9, 1984.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 84-12953 Filed 5-14-84; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 81N-0253]**

### Skull X-Ray Referral Criteria Panel Draft Report; Availability

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice of availability

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a draft report titled "Skull X-Ray Referral Criteria Panel Report: Diagnostic Radiology Following Head Trauma." The report, developed by a panel of physicians, discusses the utility of the plain skull film series for evaluating head trauma.

**DATE:** Comments by August 13, 1984.

**ADDRESSES:** Requests for single copies of the draft report should be sent to Philip M. McClean, Center for Devices and Radiological Health (HFZ-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Philip M. McClean, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) (HFZ-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4600.

**SUPPLEMENTARY INFORMATION:** Through the Center for Devices and Radiological Health, FDA conducts and supports research and training to minimize unproductive radiation exposure from diagnostic radiological examinations, including nuclear medicine procedures. One possible source of unproductive radiation exposure is radiological examinations that are not likely to affect patient management. To reduce the use of ineffective examinations, referring physicians need up-to-date information about when a given radiological study is likely to provide needed diagnostic data. This information can take the form of decision guidelines based on patient signs, symptoms, or history, sometimes known as "referral criteria."

To assist in making this type of information available, FDA is facilitating the development, testing, and use of referral criteria for diagnostic radiological procedures. (See the **Federal Register** of June 9, 1981 (46 FR 30568) for a full discussion of the development of referral criteria and the process adopted for review of such criteria.) The agency believes that such information about the utility of radiological procedures can (1) assist physicians in using limited health care and diagnostic radiological resources more effectively, and (2) help minimize unnecessary radiation to the population.

### Draft Skull X-Ray Referral Criteria Panel Report

In its role as a facilitator, FDA has provided logistical support to a panel of physicians expert in skull radiography as it is used in the evaluation of head trauma. The panel consists of physicians in private practice and representatives appointed by the Congress of Neurological Surgeons, the American Academy of Emergency Physicians, the American College of Radiology, the American Academy of Pediatrics, and the American Academy of Family Physicians. The panel held its first meeting on September 14 and 15, 1981, and reviewed the status of skull radiography in the evaluation and management of head trauma. An overview report on the subject (Ref. 1) prepared by FDA staff was presented to members of the panel. Since the first meeting, the panel has covened four additional times. During the course of these meetings, the panel (1) reviewed studies in the literature on the utilization of skull radiography; (2) sought from the neurosurgical and emergency care physician community data on patients with significant intracranial problems sustained from minor head injury; (3) reviewed data from a major head injury study conducted by FDA; and (4) was addressed by researchers on other subjects which were of special concern to panel members.

The panel specifically considered the issue of overutilization of plain skull films in the assessment of minor injuries, the relationship between skull fracture and intracranial injury, and the diagnosis of intracranial injury without the use of plain skull films. The panel was especially concerned about missing a diagnosis of intracranial injury in a patient with a minor head injury. Based on the patient's signs and symptoms, the panel categorized the population of head injuries into three risk groups and recommended a different management strategy for each group.

The panel has submitted its draft report titled "Skull X-Ray Referral Criteria Panel Report: Diagnostic Radiology Following Head Trauma" for review by appropriate professional organizations and by interested members of the public. The American College of Radiology is coordinating the review of the draft report by professional organizations. By this notice, FDA invites and encourages interested members of the public to provide additional data and to comment on the draft report.

### Reference

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

1. McClean, P. M. and L. Joseph, "Plain Skull Film Radiology in the Management of Head Trauma; An Overview," HHS Publication FDA 81-8172, August 1981.

Single copies of the report are available from the contact person named above. Interested persons may,

on or before August 13, 1984, submit written comments to the Dockets Management Branch (address above). Two copies of any comments should be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. FDA will refer any such comments to the panel for consideration in developing a final report. The draft report and comments received may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday though Friday.

Dated: May 9, 1984.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 84-12954 Filed 5-14-84; 8:45 am]

BILLING CODE 4160-01-M

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[Docket No. 83P-0017]

## Austin Biological Laboratories; Manual and Semi-Automated Microdilution Devices for the Performance of Antimicrobial Susceptibility Testing; Panel Recommendation on Petition for Reclassification

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing for public comment the recommendation of the Microbiology Devices Panel (the Panel) (formerly the Microbiology Device Section of the Immunology Devices Panel) that FDA reclassify the manual and the semi-automated microdilution devices for the performance of antimicrobial susceptibility testing from class III (premarket approval) into class II (performance standards). The Panel made this recommendation after review of a reclassification petition filed by Austin Biological Laboratories and supplementary data submitted by another manufacturer of the generic type of device. FDA also is issuing for public comment its tentative findings on the recommendation. After reviewing any public comments on the recommendation and FDA's tentative findings, FDA will approve or deny the reclassification petition by order in the form of a letter to the petitioner. FDA's decision on this reclassification petition will be announced in the Federal Register.

**DATE:** Comments by July 16, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Thomas M. Tsakeris, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) (HFZ-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

**SUPPLEMENTARY INFORMATION:** Classification of any medical device in commercial distribution is required by section 513 of the Medical Device Amendments of 1976 (Pub. L. 94-295) (the amendments) to the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c).

On February 1, 1982, Austin Biological Laboratories, Austin, TX 78723, submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)) stating that it intended to market a device the manufacturer calls "ABL MIC-10." After reviewing the information in the premarket notification, FDA determined that the device is not substantially equivalent to any preamendments device (i.e., a device that was in commercial distribution before May 28, 1976); nor is the device substantially equivalent to any postamendments device (i.e., a device that has been placed in commercial distribution since that date) that subsequently has been reclassified. Accordingly, the new device is automatically classified into class III under section 513)f)(1) of the act (21 U.S.C. 360c(f)(1)) without rulemaking by the agency.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device which is in class III may be marketed, it must either be reclassified under section 513(f)(2) of the act (21 U.S.C. 360c(f)(2)) or have premarket approval under section 515 of the act (21 U.S.C. 360e). The ABL MIC-10 does not have premarket approval.

On January 7, 1983, Austin Biological Laboratories submitted to FDA under section 513(f)(2) of the act a reclassification petition for the "ABL MIC-10". The petitioner requested that FDA reclassify the manual microdilution device for performance of antimicrobial susceptibility testing from class III into class II. Because the petition did not include any data on automated and short-term incubation antimicrobial susceptibility devices and devices that determine solely the susceptibility of anaerobic bacterial pathogens, FDA did not consider whether such devices should be reclassified. Section 513(f)(2) of the act requires FDA to refer a reclassification petition to the appropriate FDA advisory committee and to receive a recommendation on whether to approve or deny the petition. Accordingly, FDA referred the petition to the Microbiology Device Section of the Immunology and Microbiology Devices Panel which reviewed the petition. (On April 14, 1,984, the Immunology and Microbiology Devices Panel was terminated. Concurrently, FDA established the Microbiology Devices Panel (see 49 FR 17446; April 24, 1984) to which the agency refers throughout this notice.)

To determine the proper classification of the device, the Panel considered the criteria specified in section 513(a)(1) of the act. Section 513(a) of the act establishes three classes of devices. Classification of a device is determined by the level of regulatory control needed to provide reasonable assurance of the safety and effectiveness of the device. A class I device is a device for which the "general controls" authorized by or under various sections of the act are sufficient to provide reasonable assurance of the safety and effectiveness of the device. A class II device is a device for which general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, for which there is sufficient information to establish a performance standard to provide such assurance, and for which "it is therefore necessary to establish * * * a performance standard under section 514 to provide reasonable assurance of its safety and effectiveness". A class III device is a device that cannot be classified into class I or class II and that is purported or represented to be for a use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health, or that presents a potential unreasonable risk of illness or injury. Premarket approval obtained in accordance with section 515 of the act (21 U.S.C. 360e) is required to provide reasonable assurance of the safety and effectiveness of a class III device.

The data on which any reclassification is based are required to consist of "valid scientific evidence," as defined in section 513(a)(3) of the act (21 U.S.C. 360c(1)(3)) and § 860.7 (21 CFR 860.7) of the regulations. As specified in § 860.123(a)(6), the valid scientific evidence of safety and effectiveness contained in a petition for reclassification must demonstrate (1) that the device should not be classified into its present classification and (2) that the proposed classification will

provide reasonable assurance of the safety and effectiveness of the device. For the purpose of reclassification, the valid scientific evidence upon which the agency relies may not be based on trade secret or confidential commercial information obtained by FDA under various sections of the act (see section 520(c) of the act (21 U.S.C. 360j(c)), 21 CFR 860.5(e)), or on the detailed summaries of information respecting the safety and effectiveness of devices for which there are premarket approval applications that have been approved or product development protocols that have been declared completed (see section 520(h)(3) of the act (21 U.S.C. 360j(h)(3))). However, all data and information contained in a filed petition for reclassification under section 513(f) of the act (21 U.S.C. 360c(f)) may be disclosed by the agency and used as the basis for reclassification of a device from class III into class II (21 CFR 860.5(e)).

On January 21, 1983, the Panel recommended that FDA reclassify the generic type of device into class II and assign a high priority to the application of a performance standard for this device. (See 21 CFR 860.3(i) for a definition of the term "generic type of device".) The Panel also recommended that FDA assign to this generic type of device the name "manual microdilution device or semi-automated microdilution device for the performance of antimicrobial susceptibility testing." The generic type of device is intended for use in clinical laboratories to aid in the selection of the antimicrobial agent of choice in the treatment of bacterial diseases (Ref. 3). The device is to be used only with nonfastidious aerobic and falcultative anaerobic bacteria, which require at least 15 to 18 hours incubation time (i.e., "overnight incubation").

**Summary of Reasons for the Recommendation**

The Panel gave the following summary of reasons in support of its recommendation on reclassification:

1. The device is not an implant, is neither life sustaining nor life supporting, and does not present a potential unreasonable risk of illness or injury.

2. Although general controls are insufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance by prescribing for the device acceptable ranges of accuracy and reproducibility.

3. A proposed voluntary consensus standard for microdilution antimicrobial susceptibility tests (the National Committee for Clinical Laboratory Standards (NCCLS), Proposed Standard PSM-7) is available and can serve as the basis for development of a performance standard for the device.

*Background on Antimicrobial Susceptability Testing*

Widespread use of antimicrobial agents tends to result in the natural selection of resistant bacterial variants. Antimicrobial susceptibility testing was developed when it became apparent that after a particular antimicrobial drug had been in medical use for some time, resistant bacterial strains were so common that the susceptability of a given isolated bacterial strain to an antimicrobial agent could not be predicted on the basis of previous experience with that antimicrobial agent with other strains of that species of bacteria.

Alexander Flemming, who discovered the antibiotic penicillin, developed an agar diffusion antimicrobial susceptibility test in 1929 that is still used today, although the test has undergone considerable modifications. A broth dilution test also was developed by Flemming over 50 years ago and, with minor modifications, still is widely used. Thus, the two types of susceptibility tests first used by Flemming still are used today for testing the activity of an antimicrobial agent against a bacterium. With both types of susceptibility tests, the bacterium is exposed to decreasing concentrations of the antimicrobial agent. Then, after appropriate incubation, the lowest concentration of the antimicrobial agent that produces an inhibitory effect on the growth of the bacterium is determined.

In the case of agar diffusion tests, a nutrient agar plate is inoculated with a bacterium and the antimicrobial agent diffuses from a reservoir into the agar medium. Typically, the reservoir is formed by applying an antimicrobic-impregnated filter-paper disk to the agar medium. As the bacteria grow, they are exposed to a continuous gradient of decreasing concentrations of antimicrobial agent at increasing distances from the reservoir. Agar diffusion tests are used for quantitative determinations of antimicrobial agent activity.

Antimicrobic dilution tests provide for quantitative estimates of antimicrobial agent activity. Dilutions of the antimicrobial agent may be incorporated into broth or nutrient agar and then inoculated with a standardized (predetermined concentration) suspension of the test bacterium. The term "microdilution" refers to a broth dilution test that is performed using a series of small volumes, i.e., 0.1 milliliter (ml). After incubation, the minimal inhibitory concentration (MIC) is determined to be the lowest concentration of antimicrobial agent that will inhibit growth of the bacterium. The MIC is generally expressed as micrograms ($\mu$g) per ml. The tests usually are conducted through of a series of concentrations obtained by doubling (two-fold) dilution steps, e.g., 0.5, 1.0, 2.0, 4.0 $\mu$g/ml, etc. Thus, a MIC of 2.0 $\mu$g/ml means that the test bacterium is inhibited by this concentration, but not at 1.0 $\mu$g ml. Thus, the "true" MIC is somewhere between the lowest test concentration where bacterial inhibition is observed and the next lower test concentration.

Based on such in vitro data, bacteria may be categorized into susceptible groups or resistant groups, with one or more intermediate categories. A bacterium is considered "susceptible" if its growth is inhibited by a level of concentration of an antimicrobial agent that is lower than the levels of concentration usually obtained in the blood or other body fluids and tissues of patients being treated with the antimicrobial dosage levels normally administered for the given types of infection caused by the type of bacterium in question. A bacterium is considered "resistant" if growth inhibition is observed only with a level of concentration of an antimicrobial agent greater than the level of concentration normally obtained in blood or other body fluids and tissues of patients being treated with normal doses of antimicrobial agents.

Patients with infections with bacterial strains with intermediate susceptibility may respond satisfactorily to treatment, if dose and administration of the antimicrobial agent are adjusted to obtain greater than normal concentrations of the antimicrobial agent at the site of infection. However, the final outcome of antimicrobial therapy for a patient will depend to a great degree on the patient's individual response regarding a number of "host factors" that cannot be determined by an in vitro test, but these hosts factors must be considered when interpreting the results of a susceptibility test. Such host factors include an assessment of the relatively health of the patient, the site and progression of the infection, and the pharmacological properties of the antimicrobial drug.

Further, many technical factors associated with susceptibility test procedures can greatly influence test

variability. Such factors include variations in the test organisms, the culture media, the test inoculum the antimicrobic dilutions, and several environmental factors, e.g., incubation temperature, humidity, and other atmospheric conditions.

In order to study in detail the influence of these variables on susceptibility test results and also to compare test methods, the World Health Organization sponsored the formation of a group of experts from 16 laboratories representing 11 countries. This group undertook studies to define reference procedures that could provide a basis for comparing new or different methods of antimicrobial susceptibility testing. In 1971, the conclusions and recommendations of this International Collaborative Study (ICS) were published (Ref. 1b). The ICS report recommended standard reference methods for antimicrobic diffusion and dilution techniques. Broth and agar dilution methods were developed throught the ICS, so that the two procedures gave nearly comparable results.

The ICS reference methods became the basis for the standard reference methods developed by theNational Committee for Clinical Laboratory Standards (NCCLS) (Refs. 1e, 2i, and 2k). Although the NCCLS methods primarily are intended to serve as reference methods for evaluating other test procedures, they also may be used as routine methods in the clinical laboratory. When the NCCLS methods are used as reference methods to evaluate other proposed susceptibility methods (or devices), bacterial samples are tested by both methods (reference as compared with test) and matched susceptibility data are collected and analyzed. For evaluation purposes, matched MIC endpoint values are considered within acceptable limits, if they are within one two-fold (or doubling) dilution of each other (Ref. 1e). For example, a test MIC result of 4.0μg/ml or 16.0μg/ml is considered within acceptable limits of an 8.0 μg/ml reference result.

**Summary of Data Upon Which the Recommendation is Based**

The Panel based its recommendation for the manual microdilution device for the performance of antimicrobial susceptibility testing on data in the petition (Ref. 1) and published studies cited in the petition (Refs. 1a through 1i). The Panel based its recommendation for the semi-automated microdilution device on supplementary data (Ref. 2) provided during the Panel meeting by Analytab Products (API), 200 Express St., Plainview, NY 11803, a manufacturer of a semi-automated device, and published studies cited by API (Ref. 2a through 2m). Austin Biological Laboratories and API provided the following data to support reclassification from class III into class II of the manual and the semi-automated microdilution devices for the performance of antimicrobial susceptibility tests.

*Summary of Data for Manual Devices*

The petitioner's manual microdilution device (ABL MIC–10) is indicated for use in antimicrobial susceptibility testing. It provides a measurement of the minimum inhibitory concentration (MIC) of an antimicrobial agent against various bacterial pathogens. The ABL MIC–10 system is a simplified version of the broth microdilution technique for determining the MIC of selected antimicrobics. The ABL MIC–10 is a covered, self-contained, polystyrene tray molded into 10 inoculating troughs on wells. The wells contain a series of two-fold dilutions which span the clinically useful range of a single dehydrated antimicrobic agent (vancomycin). During use, a standardized (predetermined concentration) bacterial suspension (such as an isolate from a specimen from a patient) is inoculated into each well of the tray. Then the tray is incubated for 16 to 18 hours at 35° C. The MIC value is the concentration of vancomycin in the first well that does not exhibit bacterial growth. Test results enable the clinician to evaluate the suitability of vancomycin for treatment of a patient and to assist in the selection of the appropriate dosage of vancomycin for the patient.

The petitioner provided the following data to demonstrate the safety and effectiveness of the ABL MIC–10:

The petitioner compared the ABL MIC–10 with the NCCLS proposed standard method (PSM–7) for dilution (agar and broth) antimicrobial susceptibility testing (Ref. 1e).

In one study (Ref. 1), four reference control bacterial strains prescribed by the NCCLS proposed standard broth method were tested 100 times each using the ABL MIC–10 only. MIC values from the ABL MIC–10 agreed exactly 100 percent of the time with the NCCLS method MIC values for *Escherichia coli* (American Type Culture Collection (ATCC®) 25922) and *Pseudomonas aeruginosa* (ATCC® 27853). MIC values for *Staphylococcus aureus* (ATCC® 29213) agreed exactly 87 percent of the time, while 13 percent were one two-fold dilution lower, which is within acceptable limits. MIC values for *Streptococcus faecalis* (ATCC® 29212) were one two-fold dilution higher than NCCLS values 97 percent of the time, also considered within acceptable limits.

In another study (Ref. 1a), two independent laboratories evaluated the performance of the ABL MIC–10 compared to the proposed standard agar dilution method, an alternative proposed NCCLS method. The first laboratory tested 61 clinical bacteria isolates and one reference ATCC® control strain and compared MIC values obtained using the ABL MIC–10 to those obtained by the NCCLS proposed standard agar dilution method. All MIC values obtained were within acceptable limits. The second laboratory tested 10 times each the four reference ATCC® control strains prescribed by the NCCLS-proposed standard agar dilution method. MIC values for all strains except *Streptococcus faecalis* (ATCC® 29212) agreed exactly 100 percent of the time. Seven of the 10 MIC values for *Streptococcus faecalis* were one two-fold dilution higher, which is within acceptable limits.

In a third study (Ref. 1), the ABL MIC–10 was compared to the agar dilution method described above and another commercial microdilution device, the MicroScan™ System, manufactured by American Micro Scan, a subsidiary of American Hospital Supply Corp. (The MicroScan™ System is the subject of a previously approved premarket approval application.) The same four ATCC® reference control strains described in the first two studies above were tested five times each using the ABL MIC–10 and the MicroScan™ System and four times each by the standard agar dilution method. The results from ABL MIC–10 and the MicroScan™ System agreed exactly for three of the four strains. For the fourth strain, *Streptococcus faecalis* (ATCC® 29212), the MicroScan™ System gave MIC values one two-fold dilution lower than the ABL MIC–10, which was within acceptable limits. The agar dilution method gave results identical to those of the ABL MIC–10 for each strain, with two exceptions in which the agar dilution MIC values were one two-fold dilution lower for each of two of the four strains (i.e., two out of 16 tests), which was within acceptable limits.

Further, an inter- and intralaboratory reproducibility study (Ref. 1) was performed using both the ABL MIC–10 and the standard agar dilution method, and the results of each were compared. The same four reference control strains cited above were tested once each day in three different laboratories over three

consecutive days. MIC values for both methods agreed exactly 100 percent of the time, demonstrating excellent reproducibility.

Additionally, the Panel considered several literature references provided by Austin Biological Laboratories (Refs. 1a, 1c, and 1f through 1h) and Analytab Products (Refs. 2a, 2b, 2d, 2e, 2g, and 2l) which support the safety and effectiveness of manual microdilution devices for performance of antimicrobial susceptibility tests. The literature references above describe collaborative clinical studies by independent investigators in which the performance of other manual microdilution devices (that are the subject of previously approved premarket approval applications) were compared to agar and broth dilution and/or disk agar diffusion reference methods. Organisms tested were selected from routine clinical isolates and/or laboratory stock strains. Data were analyzed typically by comparing matched pairs of MIC results. MIC results for the two methods, which agreed within a two-fold dilution, were considered acceptable for the purpose of determining device accuracy and reproducibility. Based on these studies, overall accuracy levels for the devices evaluated ranged from 86.8 percent to 95.3 percent, with accuracy levels typically exceeding 90 percent with respect to reference test methods. Inter- and intralaboratory device reproducibility levels for each test method in the studies were greater than 90 percent. When the data were analyzed for each test method, the reproducibility levels of the MIC results often exceeded the reproducibility levels of the reference methods.

*Summary of Data for Semi-Automated Devices*

At the January 20, 1983, meeting of the Panel, Analytab Products presented information in support of the petition for reclassification (Refs. 2 and 3). Analytab Products' microdilution antimicrobial susceptibility device is a miniaturized, semi-automated modification of the broth dilution technique for determination of antimicrobial susceptibility of bacterial pathogens. Susceptibility tests are accomplished in single-use plastic microtube cuvette carriers or rotors which contain two concentrations (a high and a low concentration) of various lyophilized antimicrobics. The antimicrobics are reconstituted by adding a measured amount of a standardized suspension of a test bacterium and the rotors are incubated. Test results (the presence or absence of turbidity showing bacterial growth in the microtubes) are measured electro-optically by the device. Further, FDA is aware of other designs of semi-automated antimicrobic microdilution susceptibility devices that are able to report MIC's in serial two-fold dilutions over a clinically useful range, as used in the manual ABL MIC–10 device described above, instead of two concentrations (a high and a low) of each antimicrobic used by the Analytab Product's device.

Analytab Products submitted one literature reference for each of two semi-automated devices, the MICUR® System and the API 3600S (Ref. 2e and 3m), to show the equivalent performance of these two devices when they were compared to the same reference test methods cited above that were used to support the safety and effectiveness of the manual devices (Ref. 1). FDA also is aware of an evaluation of a third semi-automated microdilution device, the Sceptor System (Ref. 4). Each of the three devices (MICUR® System, API 3600S, and the Sceptor System) is the subject of a previously approved premarket approval application.

In one study (Ref. 2e), the MICUR® System for MIC testing was evaluated by four laboratories in a three-phase study. The MICUR® System was compared with an NCCLS reference broth microdilution MIC method by using 304 recently isolated clinical strains and two collections of stock or challenge organisms. Of 7,092 MIC data pairs analyzed from the clinical isolates, 96.6 percent were within acceptable limits. Results using the MICUR® System MIC's agreed with the reference NCCLS method in 95.3 percent of 6,840 MIC pairs performed on stock cultures. The MICUR® System intralaboratory reproducibility result of 98.4 percent was within acceptable limits of one two-fold dilution for clinical isolates. MICUR® intra- and interlaboratory reproducibility results for 26 stock cultures were 98.4 and 95.1 percent, respectively. For 180 challenge cultures (4,199 MIC pairs), MICUR® results agreed with the reference method within acceptable limits 92.5 percent of the time.

In the second study (Ref. 2m), the API 3600S described above was evaluated in four laboratories using clinical and challenge isolates by comparing API 3600S results with the NCCLS disk-agar diffusion and broth microdilution MIC methods. The agreement (within acceptable limits) of results between methods were (1) API as compared with disk-agar diffusion, 89 percent for enterococci, 96 percent for staphylococci, and 93 percent for gram negative bacilli, and (2) API as compared with MIC, 92 percent, 97 percent, and 91 percent, respectively.

In the third study (Ref. 4), the Sceptor System described above was compared with a reference microdilution MIC method using two collections of stock cultures and 305 fresh clinical isolates. Sceptor test results agreed with the reference methods in 96.9 to 98.3 percent of 9,840 MIC determinations performed on stock strains and 95.0 percent of 7,308 MIC's obtained from clinical isolates. The intra- and interlaboratory reproducibility results for stock strains were 97.6 and 97.2 percent, respectively. The intralaboratory reproducibility result for clinical isolates was 96.9 percent.

*Availability of Data To Develop a Performance Standard*

The petitioner states that sufficient information currently is available to develop a performance standard for the manual and the semi-automated microdilution antimicrobial susceptibility devices, to provide reasonable assurance of their safety and effectiveness. The petitioner's statement is based on the current availability of nationally recognized voluntary standard reference methods for antimicrobial susceptibility testing, notably the NCCLS standard reference methods for agar and broth dilution (macrodilution and microdilution) susceptibility tests (Ref. 1e),. The NCCLS standard methods base their validity upon the information gathered from the report of the ICS, which provided performance data comparing the susceptibility test methods above and recommended guidelines for their use (Ref. 1b).

**Risks to Health**

The Panel noted that failure of the device to perform its intended use may result in the selection and the administration to a patient of an inappropriate antimicrobial agent.

**Additional Findings**

The Panel determined that the NCCLS Tentative Standard M7–T (which replaced Proposed Standard PSM–7) and the approved NCCLS Standard M2–A2 (disk-agar diffusion) apply to the generic type of device. Both standards are voluntary consensus standards.

**FDA's Tentative Findings**

FDA tentatively agrees with the recommendation of the Panel that the generic type of device manual microdilution device or semi-automated microdilution device for the performance of antimicrobial

susceptibility testing be reclassified from class III into class II.

### References

The transcripts of the Panel meeting and the following material are on public file in the Dockets Management Branch (address above) where they may be seen by interested persons between 9 a.m. and 4 p.m., Monday and Friday.


1. Petition from Austin Biological Laboratories.

a. Barry, A. L., A. L. Jones, and T. L. Gavan, "Evaluation of the Micro-Media System for Quantitative Antimicrobial Drug Susceptibility Testing: A Collaborative Study," *Antimicrobial Agents and Chemotherapy*, 13:61–69, 1978.

b. Ericsson, H. M., and J. C. Sherris, "Antibiotic Sensitivity Testing Report of an International Collaborative Study," *Acta Pathologica et Microbiologica Scandinavica Supplementum*, pp. 9–87, 1971.

c. Jones, R. N., T. L. Gavan, and A. L. Barry, "Evaluation of the Sensititre Microdilution Antibiotic Susceptibility System Against Recent Clinical Isolates: Three-Laboratory Collaborative Study," *Journal of Clinical Microbiology*, 11:426–429, 1980.

d. Lennette, E. H., E. H. Spaulding, and J. P. Truant (eds.), Manual of Clinical Microbiology, 2d Ed., American Society for Microbiology, Washington, DC, pp. 407–442, 1974.

e. National Committee for Clinical Laboratory Standards, Proposed Standard: PSM–7, Standard Methods for Dilution Antimicrobial Susceptibility Tests for Bacteria Which Grow Aerobically, 1980.

f. Peterson, L. R., D. N. Gerding, M. M. Johnson, J. E. Cherne, G. J. Opfer, and W. H. Hall, "Evaluation of a Commercial Microdilution System for Quantitative Susceptibility Testing of Aminoglycosides Against Multi-drug-resistant, Gram Negative Bacilli, *Antimicrobial Agents and Chemotherapy*, 7:20 23, 1980.

g. Reeves, D. S., A. Holt, M. J. Bywater, R. Wise, M. Logan, J. M. Andrews, and J. M. Groughall, "Comparison of Sensititre Dried Microtitration Trays with a Standard Agar Method for Determination of Minimum Inhibitory Concentrations of Anti-microbial Agents," *Antimicrobial Agents and Chemotherapy*, 18:844–852, 1980.

h. Tilton, R. C., and H. D. Isenberg, "Evaluation of the Performance Parameters of a Prediluted, Quantitative Antimicrobic Susceptibility Test Device," *Antimicrobial Agents and Chemotherapy*, 11:271–276, 1977.

i. Tilton, R. C. and H. D. Isenberg, "In-use Evaluation of a Prediluted, Quantitative Antibiotic Susceptibility Test Device," *Antimicrobial Agents and Chemotherapy*, 12:470–473, 1977.

2. Petition supplement submitted by Analytab Products.

a. Barry, A. L., R. N. Jones, and T. L. Gavan, "Evaluation of the Micro-Media System for Quantitative Antimicrobial Drug Susceptibility Testing: A Collaborative Study," *Antimicrobial Agents and Chemotherapy*, 13:61–69, 1978.

b. Gavan, T. L., R. N. Jones, and A. L. Barry, "Evaluation of the Sensititre System for Quantitative Antimicrobial Drug Susceptibility Testing: A Collaborative Study," *Antimicrobial Agents and Chemotherapy*, 17:464–469, 1980.

c. Gavan, T. L., and A. L. Barry, Microdilution Test Procedures," *in* "Manual of Clinical Microbiology," Washington, DC, Edited by Lennettee, E. H., A. Balows, W. J. Hausler, and J. P. Truant, pp. 459–462, 1980.

d. Jones, R. N., et al., "Collaborative Evaluation of the Micro-Media Systems Anaerobe Susceptibility Panel: Comparisons with Reference Methods and Test Reproducibility," *Journal of Clinical Microbiology*, 16:245–249, 1982.

e. Jones, R. N., et al., "Evaluation of the MICUR® System for Quantitative Antimicrobial Susceptibility Testing: A Multiphasic Comparison with Reference Methods," *Journal of Clinical Microbiology*, 16: 153–163, 1982.

f. Jones, R. N., et al., "Interlaboratory Performance of Disk Agar Diffusion and Dilution Antimicrobial Susceptibility Tests, 1979–1981, CAP Surveys," *Journal of Clinical Pathology*, 78:651–658, 1982.

g. Jones, R. N., T. L. Gavan, and A. L. Barry, "Evaluation of the Sensititre Microdilution Antimicrobic Susceptibility System Against Recent Clinical Isolates: Three-Laboratory Collaborative Study," *Journal of Clinical Microbiology*, 11:426–429, 1980.

h. National Committee for Clinical Laboratory Standards, "Tentative Standard Reference Agar Dilution Procedure for Antimicrobic Susceptibility Testing of Anaerobic Bacteria," April, NCCLS, Villanova, PA, 1982.

i. National Committee for Clinical Laboratory Standards, "Performance Standards for Antimicrobic Disc Susceptibility Tests," 1st Supplement, May, NCCLS, Villanova, PA 1981.

j. National Committee for Clinical Laboratory Standards, "Proposed Standard Methods for Dilution Antimicrobial Susceptibility Tests for Bacteria which grow Aerobically," July, NCCLS, Villanova, PA, 1980.

k. National Committee for Clinical Laboratory Standards, "Performance Standard for Antimicrobic Disc Susceptibility Tests," 2d Ed., September, NCCLS, Villanova, PA, 1979.

l. Peterson, L. R., et al., "Evaluation of a Commercial Microdilution System for Quantitative Susceptibility Testing of Aminoglycosides against Multidrug-Resistanta, Gram-Negative Bacilli," *Antimicrobial Agents Chemotheraphy*, 17:20–23, 1980.

m. Thornsberry, C., et al., "Collaborative Evaluation of the API Susceptibility Testing System," Abstract, American Society for Microbiology, Annual Meeting, 1981.

3. Transcript of Microbiology Devices Panel Meeting; Silver Spring, MD, January 20–21, 1983.

4. Jones, R. N., C. Thornsberry, A. L. Barry, and T. L. Gavan, "Evaluation of the Sceptor Microdilution Antibiotic Susceptibility Testing System; a Collaborative Investigation," *Journal of Clinical Microbiology*, 13: 184–194, 1981.


After considering the economic consequences of approving this reclassification, FDA certifies that this notice requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). Approval of this petition would not have a significant economic impact on a substantial number of small entities. The petitioner, and all future manufacturers of the manual and the semi-automated microdilution devices for the performance of antimicrobial susceptibility testing, would be relieved of the costs of complying with the premarket approval requirements in section 515 of the act. There are no off-setting costs that the petitioner would incur from reclassification into class II. The magnitude of the economic savings from approval of this petition depends on the extent of premarket approval studies the petitioner would have conducted and the number of future competitors satisfying the same requirements. Neither of these parameters can be reliably calculated to permit quantification of the economic savings. Because of statutory deadlines (section 513(f)(2) of the act) and requirements in the regulations (21 CFR 860.134(b)(5)), FDA is required to publish this notice in the **Federal Register** as soon as practicable. As authorized by section 8(a)(2) of Executive Order 12291, FDA is publishing in the **Federal Register** this notice without clearance of the Director, Office of Management and Budget. As soon as practicable, FDA will notify that office of the publication of this notice.

Interested persons may, on or before July 16, 1984 submit to the Dockets Management Branch (address above) written comments on this recommendation and FDA's tentative findings. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 9, 1984.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 84–12957 Filed 5–10–84; 10:43 am]

BILLING CODE 4160–01–M

## Social Security Administration

## Privacy Act of 1974; Report of New System of Records

**AGENCY:** Social Security Administration (SSA), Department of Health and Human Services (HHS).

**ACTION:** New system of records.

**SUMMARY:** In accordance with the Privacy Act (5 U.S.C. 552a(e)(4)), we are issuing public notice of our intent to establish a new system of records: the "Disability Insurance (DI) and Supplemental Security Income (SSI) Demonstration Projects and Experiments System, HHS/SSA/ORSIP, 09–60–0218." The purpose of the proposed system is to maintain information which we will use to conduct demonstrations and experiments of approaches to encourage individuals receiving either DI benefits under title II of the Social Security Act (the Act) or SSI disability payments under title XVI of the Act to find gainful employment. We also are proposing to establish routine uses of information which will be maintained in the proposed system as discussed below.

We invite public comments on this proposal.

**DATES:** We filed a report of the proposed system with the President of the Senate, the Speaker of the House of Representatives and the Director, Office of Management and Budget on May 4, 1984. The proposed system, including the routine uses, will become effective on July 3, 1984, unless we receive comments on or before that date which would result in a contrary determination.

**ADDRESSES:** Interested individuals may comment on this proposal by writing to the SSA Privacy Officer, Social Security Administration, 3–F–1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Towanda R. McIver, Social Science Research Analyst, Office of Research, Statistics and International Policy, Social Security Administration, 2218 Annex Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–0488.

**SUPPLEMENTARY INFORMATION:**

### I. Discussion of Proposed System of Records

SSA has long financed efforts to rehabilitate disabled individuals and return them to gainful employment. The benefits of such investment are twofold: Assistance of the disabled individual to achieve independence and long term savings to the Social Security Trust Fund.

Section 505 of Pub. L. 96–265 (the Social Security Disability Amendments of 1980) directs the Secretary of HHS to study and report to Congress on alternative programs which would encourage disabled beneficiaries to return to gainful employment. To comply with this provision of law, we will conduct several demonstration projects and experiments to evaluate such alternatives. The following demonstration projects and experiments are covered under the proposed system.

*A. Title II DI Demonstrations*

1. Case Management and Private Referral Demonstrations: Demonstrations will be conducted for rehabilitation of title II DI beneficiaries.

Two primary approaches to providing vocational rehabilitation (VR) services to DI beneficiaries will be tested. In one, we will test the use of case managers to review, approach and monitor the efforts of public and private VR agencies to rehabilitate DI beneficiaries. In the other, we will refer DI beneficiaries directly to private (profit and nonprofit) VR agencies to measure their ability to produce successful rehabilitation of beneficiaries, including both newly awarded beneficiaries and long term beneficiaries (3–5 years on the DI rolls).

2. Early Referral Demonstrations: Demonstrations will test whether early identification of potential DI beneficiaries from the rolls of State temporary disability programs and earlier referral to rehabilitation agencies will produce long term savings to the Social Security Trust Funds by returning rehabilitated workers to the work force.

The same primary approaches will be used as in item 1 above.

3. Work incentive Demonstrations: Experiments will test alternative ways to encourage severely disabled DI beneficiaries to return to work so that they may leave the benefit rolls.

The purpose will be to determine whether certain modifications of monthly benefit and Medicare eligibility provisions for severely disabled persons while they are working will encourage more such individuals to return to work.

*B. Title XVI SSI Demonstrations*

1. Drug Addicts and Alcoholics Demonstrations: Demonstration projects and experiments will be conducted for rehabilitation of disabled persons who are recipients of SSI payments and who are medically determined to be drug addicts or alcoholics.

A project for alcoholic and drug addicts is designed to estimate and analyze the costs and benefits of various models of case management, including rehabilitation services, to determine which are cost-effective in promoting recovery and assisting alcoholics and drug addicts to return to regular gainful employment and leave the SSI rolls.

2. Transitional Employment for the Mentally retarded Demonstration: Demonstration projects and experiments will be conducted for training and rehabilitation of mentally retarded persons who are recipients of SSI payments.

A demonstration will test the hypothesis that transitional employment training can enable mentally retarded persons to become completely or partially self-supporting, resulting in savings to the SSI program in excess of training costs. Rigorous experimental design will be used to discover the net impact of training on the employment and earnings of participants, the amount of SSI savings that can be directly attributed to the transitional employment, other quantifiable savings and costs that would accrue to Federal and State programs, objective characteristics associated with success that can be used to identify retarded recipients who have potential for rehabilitation, and other related information.

### II. Collection and Use of Data in the Demonstrations and Experiments

We will collect and maintain information about: (1) Sample groups of title II DI beneficiaries and title XVI SSI recipients who are disabled, their auxiliary beneficiaries and their representative payees, (2) disabled workers identified from State temporary disability programs as potential DI beneficiaries contacted for participation in the Early Referral Demonstrations in advance of their actual eligibility for benefits, including a control group of temporarily disabled individuals who will not be asked to participate in the early referral treatment, and (3) some beneficiaries who leave the rolls during the course of the demonstrations.

Individual participation in the SSI demonstrations and Early Referral Demonstrations will be entirely voluntary and the individual may withdraw his or her participation at any time. In the Case Management Demonstration (I.A. 1 above), the study population will be treated in the demonstration in the same way as any other beneficiaries considered for normal referral to VR under the current

SSA VR program; i.e., they will be subject to investigation and possible benefit cessation for refusal to participate in a rehabilitation treatment program without good cause. Similarly, the Work Incentive Demonstrations (I.A.3 above) will not provide for participant withdrawal, but will not permit any participant to be disadvantaged by reason of participation.

The proposed system will maintain data which will be used to perform research and statistical functions only, as well as other records which will be used to conduct experimental program functions. The data maintained will relate to demographic characteristics, education, marital status, military status, dependents, family and household composition, medical history, medical expenses, health insurance coverage and use, employment and earnings (furnished by the participants), alcoholism and drug abuse and other data necessary to conduct the demonstration projects and experiments. (Disclosure of alcoholism and drug abuse treatment records subject to 21 U.S.C. 1175, 42 U.S.C. 4582 and 42 CFR Part 2 will be made only in accordance with applicable statute and regulation.) A complete description of the data which will be maintained in the proposed system is provided in the categories of records section of the notice of system of records below.

We will collect the data by use of contractors employed by SSA, by means of interviews with participants by SSA field employees, and direct from the participants through self-administered questionnaires. We also will extract data from existing systems of records that SSA maintains; e.g., the Claims Folder system (09–60–0089) and the Master Beneficiary-Record (09–60–0090). (Claims folder records include earnings data which is subject to provisions of section 6103 of the Internal Revenue Code (IRC) (26 U.S.C. 6103). These data will not be disclosed to any third parties, including contractors, unless disclosure would otherwise be permitted by the IRC.) We must maintain the data in the proposed system and retrieve data from the system by use of a personal identifier (Social Security number) so that we can monitor the progress of participants in the demonstrations and experiments; thus, we must establish a system of records.

We will employ contractors to provide a variety of services, including collecting and processing data and preparing analytic reports. In certain projects, contractors will design and manage the projects. Contractors also will develop and prescribe training methods and criteria for participation in the training program, including personal characteristics; develop and conduct evaluations of the training; and prescribe, collect and process the data necessary to conduct those evaluations. Contractors will evaluate and screen potential participants; provide training and job placement; provide follow-up services to trainees after placement in permanent jobs; and collect data from trainees, members of control groups, employers, and other service agencies.

Operation of certain projects may involve disclosure of information to refer individuals to State and private rehabilitation agencies to obtain counseling and rehabilitation services for the participants referred to the agencies in the demonstrations and experiments. Information also may be disclosed to help the agencies' counselors plan rehabilitation programs, taking into account the altered eligibility rules for clients who have been selected to participate in experiments to help them regain work capacity. Referral of individuals other than DI beneficiaries will be made to the State VR agencies only in situations in which we have the prior consent of the participant. We will furnish information to State Disability Determination Services, as required, for their determinations based on medical evidence for initial or continuing eligibility. Records that are collected by means of surveys or interviews to be used solely for research and statistical purposes will not be disclosed for the purposes described in this paragraph unless with the consent of the individual.

Additionally, we will provide information on the Work Incentive Demonstrations to the HHS Health Care Financing Administration (HCFA) for the purpose of initiating eligibility for Hospital Insurance (HI) benefits or Supplemental Medical Insurance (SMI) benefits under the demonstrations and experiments and for the purpose of obtaining data from HCFA on HI and SMI utilization during the participants' periods of eligibility.

Operation of the Transitional Employment Demonstrations will involve making referrals and furnishing information with participants' consent to the training organizations which will provide training and job placement services to participants in the demonstrations. The demonstrations also will involve making referrals and furnishing information to prospective employers with consent of the participants for the purpose of placing participants in training jobs and permanent jobs.

**III. Proposed Routine Use Disclosures of Information**

A. *Routine Use Disclosure with respect to any records in the system, including those collected by means of survey or interview for use solely for statistical and research purposes:*

1. *Disclosure to a congressional office in response to an inquiry from that office made at the request of the subject of a record.*

We contemplate disclosing information under this routine use only in situations in which an individual may ask his or her congressional representative to intercede in an SSA matter on his or her behalf. The information would be disclosed when the congressional representative makes an inquiry and presents evidence that he or she is acting on behalf of the constituent whose record is requested.

2. *Disclosure to a contractor under contract to SSA, for the performance of research and statistical activities directly related to this system of records in conducting the demonstrations and experiments; and to provide a statistical data base for research studies.*

Contractors will perform statistical and research functions of collecting, compiling, storing, and analyzing data. When information is collected with the assurance that it will be used solely for statistical and research purposes, it will be disclosed to contractors (or their subcontractors) only to the extent necessary for the performance of contractual statistical and research duties, and not for any purpose of taking an action or making a determination about an individual.

B. *Routine Use Disclosure with respect only to records that are not collected by means of survey or interview for use solely for statistical or research purposes:*

1. *Disclosure to a third party organization under contract to SSA for the performance of project management activities directly related to this system of records.*

Certain contractors will perform services as case managers to diagnose, make referrals for suitable types of treatment or services, and make purchases of medical or vocational training services or provide counseling and other services. The types of information disclosed will vary according to the type demonstration project and the functions carried out by each contractor, and will be limited to the information necessary to perform contractual duties.

For the Case Management and Private Referral Demonstrations and the Transitional Employment Demonstrations, the contractors will use the data provided by SSA, State Disability Determination Services, State VR agencies, private VR firms and DI beneficiaries to categorize participants in these projects, assign them to appropriate treatment groups, monitor their progress through the projects, contact them for follow-up information on work activity, and to provide SSA with a complete research file at the end of the projects. Studies of the types of beneficiaries involved in these projects, their responses to the various treatments, and factors leading to successful return to work will be performed by or for SSA. The outcome of the projects will be evaluated for effectiveness in increasing benefit terminations and in generating savings to the various Social Security Trust Funds.

In certain work experiments, contractors will screen and monitor participants and make recommendations to SSA processing centers for benefit payments; will conduct mass mailings, and perform statistical and research activities directly related to the operation of these projects.

Information collected by means of surveys and interviews will not be disclosed for purposes of administering the demonstrations and experiments when collected with assurance that use will be restricted to statistical and research pruposes.

2. *Disclosure to a State VR agency in the State in which the disabled individual resides for the purpose of assisting the agency in providing rehabilitation counseling and services to the individual that are necessary in carrying out the demonstrations and experiments.*

In some treatments under the demonstrations and experiments, State VR agencies will receive funding only for providing additional reports and performing case manager services that are not a part of the usual services these agencies provide SSA in administering the DI program. In other treatments, their services will be fully reimbursed. Summaries of disability decisions and medical evidence from program files as well as data generated in these demonstrations and experiments will be furnished to State VR agencies to provide counseling services to participants in the demonstrations and experiments.

## IV. Compatibility of Routine Uses

The Privacy Act (5 U.S.C. 552a(b)(3)) and our disclosure regulation (20 CFR Part 401) permit us to disclose a record under a published routine use for a purpose which is compatible with the purpose for which we collect information. When we collect information by means of interviews and surveys solely for statistical purposes, § 401.325 of the regulations permits us to disclose the information as a routine use when the recipient: (1) Needs and will use the information in an identifiable form only for statistical or research purposes designed to increase knowledge about present or alternative Social Security programs, other State or Federal income/health-maintenance programs or epidemiological or similar research; (2) will keep the information as a system of statistical records; (3) will follow appropriate safeguards; and (4) agrees to our on-site inspection of those safeguards. The routine uses listed above for this type of information are consistent with these criteria.

Section 401.310 of the regulation permits us to disclose information under a routine use, as necessary, to assist in administering our programs and the programs of other agencies which are compatible with our programs. The routine uses proposed above will be used to provide a service to Social Security constituents and assist in conducting the demonstrations and experiments covered by the proposed system; thus, they are consistent with the provisions of the Privacy Act and the criteria contained in the regulation.

## V. Records Storage Medium and Safeguards

We will maintain records manually (e.g., on paper forms, punch cards and microfilm) and in magnetic media (e.g., magnetic tapes and discs). We employ a number of security measures which are designed to minimize the risk of unauthorized access to, and disclosure of, personal records in SSA's possession. This includes using passwards and access codes to enter computer systems maintaining records, maintaining the records in secured restricted access areas and the use of armed marshals. The safeguards section of the notice of proposed system of records below contains more detailed information about the measures we will employ to protect the information in the system. Contractors for these projects will be bound by equally stringent security safeguards. Their data procedures will be reviewed for adequacy and will be approved by SSA before the start of each project.

## VI. Effect of the Proposed System on Individual Rights

The projects are intended to assist or encourage disabled individuals to engage in regular, substantial work. In projects which modify DI or HI eligibility provisions during periods of the beneficiaries' employment, the beneficiary will not be allowed to suffer a disadvantage by reason of his or her inclusion in the project; i.e., his or her benefits will not be smaller than they would be under existing law in identical circumstances. Also, no beneficiary who is chosen to receive VR services will be forced to accept services from a private VR firm. The beneficiary may choose to receive VR services from the appropriate State VR agency under normal procedures. Any beneficiary who so chooses will be replaced in the demonstrations with another DI beneficiary. Findings from the projects may be used by Congress in drafting legislation to change existing DI and assistance programs.

Dated: May 4, 1984.

**Martha A. McSteen,**

*Acting Commissioner of Social Security.*

**09-06-0218**

**SYSTEM NAME**

Disability Insurance (DI) and Supplemental Security Income (SSI) Demonstration Projects and Experiments System, HHS/SSA/ORSIP.

**SYSTEM LOCATION**

Social Security Administration, Office of System Operations, 6401 Security Boulevard, Baltimore, Maryland 21235

Social Security Administration, Office of Research, Statistics and International Policy, 1875 Connecticut Avenue NW., Washington, D.C. 20009

Contractor sites: Contractor addresses may be obtained by writing to the System Manager at the address below.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM**

A. Persons in sample groups of the Social Security title II applicants, newly awarded or longer term (those on the rolls for 3–5 years) DI beneficiaries, their auxiliary beneficiaries; persons selected from State temporary DI programs; other persons who are representative payees of these persons and temporarily disabled persons (nonapplicants) in comparison groups for the vocational rehabilitation (VR) demonstrations.

B. Persons in sample groups of the Social Security title XVI SSI population who are medically determined to be drug addicted or alcoholic, mentally retarded or developmentally disabled,

and representative payees of those individuals.

**CATEGORIES OF RECORDS IN THE SYSTEM**

The system will maintain records which will be used for statistical and research analysis only, as well as other records which will be used to conduct program functions involving the demonstrations and experiments. Participants will be informed at the time of data collection that information obtained by survey or interview exclusively for statistical and research purposes will be protected from disclosure for other purposes to the fullest extent permissible by law.

Records in the system will consist of data relating to the following: demographic characteristics, education, marital status, military service, dependents, family and household composition; medical history (mental and physical); medical expenses; disability characteristics and health information; living arrangements; health insurance coverage and use; medical and rehabilitation services; employment; occupation and industry classification; income; earnings and expenditures; referral to and participation in SSI and related Federal/State welfare programs; benefits received; types of cost of services under DI, SSI and related Federal/State welfare programs; reason or circumstances of closure; attitudes toward work, rehabilitation or treatment programs; impairment-related work expenses; workmen's compensation benefits; job search methods; knowledge and understanding of provisions affecting entitlement to benefits; also, for SSI projects only, driver's license and alcohol and drug use (disclosure of this information may be restricted by 21 U.S.C. 1175 and 42 U.S.C. 4582).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM**

Sections 222, 702, and 1110 of the Social Security Act and section 505 of Pub. L. 96–265 (the Social Security Disability Amendments of 1980).

**PURPOSE(S)**

The purpose of this system is to provide the Social Security Administration (SSA) with data necessary to carry out and evaluate demonstrations and experiments for testing alternative approaches to continuing benefit eligibility during employment and to the rehabilitation of title II DI beneficiaries and title XVI SSI recipients who are disabled and, to report to Congress as required by section 505 of Pub. L. 96–265 (the Social Security Disability Amendments of 1980).

Except for records collected by means of surveys or interviews for use solely for research and statistical purposes, SSA may also provide information from this system of records to other components of the Department of Health and Human Services (HHS); e.g., the Health Care Financing Administration (HCFA) for the purpose of determining eligibility for Hospital Insurance (HI) benefits or Supplemental Medical Insurance (SMI) benefits under the demonstrations and experiments and for the purpose of obtaining data from HCFA on HI and SMI utilization during the demonstrations and experiments; to State disability determination service units for the purpose of making disability determinations; and to State VR agencies for the purpose of screening DI beneficiaries for VR potential and designing and implementing a plan of VR services for accepted beneficiaries.

**ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INFORMATION MAY BE DISCLOSED AS INDICATED BELOW:**

1. With respect to any records, including those collected by means of survey or interview to be used solely for research and statistical purposes, disclosure may be made:

(a) To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

(b) To a contractor under contract to the SSA, for the performance of research and statistical activities directly related to this system of records in conducting the demonstrations and experiments and to provide a statistical data base for research studies.

2. With respect only to records that are not collected by means of surveys or interviews for use solely for research and statistical purposes, disclosure may be made:

(a) To a third party organization under contract to SSA for the performance of project management activities directly related to this system of records.

(b) To a State vocational rehabilitation agency in the State in which the disabled individual resides, for the purpose of assisting the agency in providing rehabilitation counseling and service to the individual that are necessary in carrying out the demonstrations and experiments.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM**

**STORAGE**

Records in this system may be stored in paper form (e.g., hard copy questionnaire, punch cards and computer printouts), on microfilm and in magnetic media (e.g., magnetic tape and disc).

**RETRIEVABILITY**

Records in this system will be indexed and retrieved by use of the Social Security number (SSN).

**SAFEGUARDS**

Safeguards have been established for automated records in accordance with the HHS Automated Data Processing (ADP) System Manual, "Part 6, ADP System Security." This includes maintaining the records in a secured building, the SSA New Computer Center. Entry into the center is restricted to employees whose duties require such entry. A special pass containing the employee's photograph is issued to all personnel authorized to enter the center. The employees are required to wear the pass at all times. Marshals are stationed in the lobby of the center to ensure that only those employees authorized to enter the center do so. Manually maintained records are kept in locked cabinets or in otherwise secure areas. Access to the records is limited to those employees who require the information to perform their assigned duties. SSA employees and employees of contractors having access to the records in this system have been notified of criminal sanctions for unauthorized disclosure of information about individuals.

Contractor use of records will be restricted to performing the duties of the contract, and contractors will be required to establish adequate safeguards to protect personal information. Additionally, contractors and their employees will be subject to criminal penalties for violations of the Privacy Act.

**RETENTION AND DISPOSAL**

Magnetic tapes or other files with personal identifiers are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. Hard copy questionnaries will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for SSA analysis. Means of disposal will be appropriate to the storage medium; e.g., erasure of tapes, shredding of paper records. Records used in administering

the demonstration and experimental programs will be retained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS**

Director, Office of Research, Statistics and International Policy, Social Security Administration, 1875 Connecticut Avenue NW., Washington, D.C. 20009

**NOTIFICATION PROCEDURE**

An individual can determine if this system contains a record about him or her by writing to the system manager at the above address and providing name, address and SSN. (Furnishing the SSN is voluntary; however, it would make searching for the individual's record easier and avoid delay. An individual who is unable or unwilling to furnish his or her SSN will be required to provide other information such as date and place of birth and both parents' name to enable us to locate the record.) These procedures are in accorance with HHS Regulations, 45 CFR Part 5.

**RECORD ACCESS PROCEDURES**

Same as notification procedures. Also, requesters should reasonably identify the record and specify the information they are attempting to obtain. These procedures are in accordance with HHS Regulations, 45 CFR Part 5.

**CONTESTING RECORD PROCEDURES**

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting, and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with HHS Regulations, 45 CFR Part 5.

**RECORD SOURCE CATEGORIES**

Records in this system will be derived in part from other SSA systems of records (e.g., the Claims Folder (09–60–0089) (disability case folders), the Master Beneficiary Record (09–60–0090) and the Supplemental Security Income Record (09–60–0103)); other SSA administrative records; program records of other Federal/State welfare programs; survey data collected by contractors; from the individual; the Health Insurance Master Record (09–70–0502) of the HHS, Health Care Financing Administration; case service reports of vocational rehabilitation agencies and referral and monitoring agencies; and employers.

[FR Doc. 84–12980 Filed 5–14–84; 8:45 am]
BILLING CODE 4190–11–M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Administration

**[Docket No. N–84–1386]**

### Submission of Proposed Information Collection to OMB

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**ADDRESS:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6374. This in not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

**Notice of Submission of Proposed Information Collection to OMB**

Proposal: Addendum to Lease and Certificate and Statement of Family Participation and Responsibility
Office: Housing
Form Number: HUD–52517B, HUD–52517C, HUD–52578, and HUD–52578A
Frequency of submission: On Occasion
Affected public: State or Local Governments
Estimated burden hours: 133,333
Status: Reinstatement
Contact: Myra Newbill, HUD, (202) 755–5353; Robert Neal, OMB, (202) 395–7316

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 30, 1984.

**Dennis F. Geer,**

*Director, Office of Information Policies and Systems.*

[FR Doc. 84–13072 Filed 5–14–84; 8:45 am]
BILLING CODE 4210–01–M

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**[Docket No. N–84–1385]**

### Submission of Proposed Information Collection to OMB

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**ADDRESS:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

**Notice of Submission of Proposed Information Collection to OMB**

Proposal: Mortgagee Questionnaire
Office: Housing
Form number: HUD–9800
Frequency of submission: On Occasion and Annually
Affected public: Businesses or Other For-Profit
Estimated burden hours: 3,250
Status: Reinstatement
Contact: William Ingleton, HUD (202) 755–6672; Robert Neal, OMB (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 23, 1984.

**Dennis F. Geer,**

*Director, Office of Information Policies and Systems.*

[FR Doc. 84–13073 Filed 5–14–84; 8:45 am]

BILLING CODE 4210–01–M

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**[Docket No. N–84–1384]**

## Submission of Proposed Information Collection to OMB

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**ADDRESS:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6374. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

**Notice of Submission of Proposed Information Collection to OMB**

Proposal: Fair Housing Assistance Program: Notice of Fund Availability and Type I an II Application Kit
Office: Fair Housing and Equal Opportunity
Form number: None
Frequency of submission: Annually
Affected public: State or Local Governments
Estimated burden hours: 360
Status: Extension
Contact: Steven Sacks, HUD, (202) 426–3500, Robert Neal, OMB (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 2, 1984

**Dennis F. Geer,**

*Acting Director, Office of Information Policies and Systems.*

[FR Doc. 84–13074 Filed 5–14–84; 8:45 am]

BILLING CODE 4210–01–M

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**[Docket No. N–84–1383]**

## Submission of Proposed Information Collections to OMB

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notices.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6374. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar

with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

**Notice of Submission of Proposed Information Collection to OMB**

Proposal: Insurance of adjustable rate Mortgages
Office: Housing
Form number: None
Frequency of submission: Annually and On Occasion
Affected Public: Businesses or Other For-Profit and Small Business or Organizations
Estimated burden hours: 1,400
Status: New
Contact: Morris Carter, HUD, (202) 426-7212, Robert Neal, OMB, (202) 395-7316

Proposal: Annual Contributions for Operating Subsidies—Performance Funding System and Determination of Operating Subsidy
Office: Public and Indian Housing
Form number: None
Frequency of submission: On Occasion
Affected public: State of Local Governments
Estimated burden hours: 4,400
Status: New
Contact: John Comerford, HUD, (202) 426-1872, Robert Neal, OMB, (202) 395-7316

Proposal: Revision of Minimum Property Standards (MPS) for Multifamily Housing
Office: Housing
Form Number: None
Frequency of submission: On Occasion
Affected public: Businesses or Other For-Profit and Small Businesses or Organizations
Estimated burden hours: 11,250
Status: New
Contact: James C. McCollom, HUD, (202) 755-6920, Robert Neal, OMB, (202) 395-7316

Proposal: American Housing Survey—1984 Metropolitan Sample (AHS-MS)
Office: Policy Development and Research
Form number: AHS-61, 62, 63, 66, 67, and 68
Frequency of submission: On Occasion
Affected public: Individuals or Households
Estimated burden hours: 20,640
Status: Reinstatement
Contact: Duane T. McGough, HUD, (202) 755-5060, Robert Neal, OMB, (202) 395-7316

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 2, 1984.

**Dennis F. Greer,**

*Director, Office of Information Policies and Systems.*

[FR Doc. 84-13075 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-01-M

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**[Docket No. N-84-1382]**

## Submission of Proposed Information Collections to OMB

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comments regarding these propoasls. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-6374. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

**Notice of Submission of Proposed Information Collection to OMB**

Proposal: Manufactured Housing Complaint Index—SAA (State Administrative Agency) Reports
Office: Housing
Form Number: HUD-54889
Frequency of Submission: Quarterly
Affected Public: State or Local Governments
Estimated Burden Hours: 2,835
Status: New
Contact: Stu Margulies, HUD, (202) 755-6584; Robert Neal, OMB, (202) 395-7316

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 19, 1984.

**Robert F. Fagin,**

*Acting Director, Office of Information Policies and Systems.*

Proposal: Schedule of Land Development Lots—Title X
Office: Housing
Form Number: HUD-3554
Frequency of Submission: On Occasion
Affected Public: Individuals or Households, Businesses or Other For-Profit, and Small Business or Organizations
Estimated Burden Hours: 100
Status: Extension
Contact: Ted Baker, HUD, (202) 426-7530; Robert Neal, OMB, (202) 395-7316

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 19, 1984.

**Robert F. Fagin,**

*Acting Director, Office of Information Policies and Systems.*

[FR Doc. 84-13079 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-84-750; FR-1862]

## Office of the Manager, Albuquerque Office; Designation

**AGENCY:** Department of Housing and Urban Development, HUD.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective September 8, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ann Hallan, Chief, Management and Budget Branch, Comptroller Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 221 W. Lancaster, P.O. Box 2905, Fort Worth, Texas 76113, Telephone (817) 870-5451. This is not a toll-free number.

### Designation

A. Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided that no officials is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position.

1. Deputy Manager/Chief, Housing Development Branch
2. Chief, Loan Management and Property Disposition Branch

B. The Manager (Acting Manager) may designate any other official to serve as Acting Manager when the Deputy Manager/Chief, Housing Development Branch, and the Chief, Loan Management and Property Disposition Branch, are unavailable to serve by reason of absence, disability, or vacancy in both positions.

This designation supersedes the designation published in the **Federal Register**, Vol. 45, No. 136, dated July 14, 1980.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

**Dick Eudaly,**

*Regional Administrator, Regional Housing Commissioner, Region VI.*

[FR Doc. 84-13084 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

[Docket No. D-84-752]

## Designation, Office of the Regional Administrator—Regional Housing Commissioner; Chicago Regional Office

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Regional Administrator—Regional Housing Commissioner is designating officials who may serve as Acting Regional Administrator—Regional Housing Commissoner during the absence, disability or vacancy in the position of the Regional Administrator—Regional Housing Commissioner.

**EFFECTIVE DATE:** This designation is effective September 15, 1983.

**FOR FURTHER INFORMATION CONTACT:** Walter J. Ratzki, Acting Director, Management and Budget Division, Office of Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois 60606 (312) 353-5952. (This is not a toll-free number).

### Designation

Each of the officials appointed to the following positions is designated to serve as Acting Regional Administrator—Regional Housing Commissioner during the absence, disability or vacancy in the position of Regional Administrator— Regional Housing Commissioner, with all the powers, functions and duties redelegated or assigned to the Regional Administrator—Regional Housing Commissioner: Provided that no official in this designation is authorized to serve as the Regional Administrator—Regional Housing Commissioner unless all other officials whose title precedes his or hers in this designation are unable to act by reason of absence, disability or vacancy.

### Designation

1. Deputy Regional Administrator
2. Executive Assistant to the Regional Administrator—Regional Housing Commissioner
3. State Program Director
4. Regional Counsel
5. Director, Office of Administration
6. Director, Office of Housing
7. Director, Office of Community Planning and Development
8. Director, Office of Fair Housing and Equal Opportunity

This designation supersedes the designation published May 27, 1983 (at Docket No. D-83-696) and Fed. Reg. (Citation) Vol. 48, No. 104, effective May 27, 1983.

**Authority:** Delegation of Authority, 27 FR 4319 (1962); Sec. 9(c), Department of Housing and Urban Development Act, 42 U.S.C. 3531 note; and Interim Order II, 31 FR 815 (1966).

**Alfred C. Moran,**

*Regional Administrator, Regional Housing Commissioner, Region V, Chicago Regional Office.*

[FR Doc. 84-13086 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

[Docket No. D-84-759]

## Office of the Manager, Cincinnati Office; Designation

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective October 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Walter J. Ratzki, Acting Director, Management and Budget Division, Office of Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois 60606. Phone Number: (312) 353-5952. This is not a toll-free number.

### Designation

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager with all powers, functions, and duties redelegated or assigned to the Manager* unless all other officials whose title precedes his or hers in this designation are unable to act by reason of absence, disability or vacancy.

*Provided, that no official is authorized to serve as Acting Manager.

1. Director, Housing Management Division
2. Director, Housing Development Division
3. Program Officer
4. Chief Counsel
5. Chief, Property Disposition Br.
6. Chief, Valuation Br.

This designation supersedes the designation effective October 1, 1970 36 FR 3389, February 23, 1971.

**Norman L. Deas,**

*Manager, Cincinnati Office.*

**Alfred C. Moran,**

*Regional Administrator—Regional Housing Commissioner, Region No. V.*

[FR Doc. 84-13093 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

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**[Docket No. D-84-760]**

## Office of the Manager, Cleveland, Ohio; Delegation of Authority and Designation of Succession

**AGENCY:** Department of Housing & Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective September 6, 1983.

**FOR FURTHER INFORMATION CONTACT:** Walter J. Katzki, Acting Director, Management and Budget Division, Office of Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois 60606, 312-353-5952. (This is not a toll-free number).

### Designation

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager with all powers, functions, and duties redelegated or assigned to the Manager* unless all other officials whose title precedes his or hers in this designation are unable to act by reason of absence, disability or vacancy.

Provided that no official is authorized to serve as Acting Manager.

1. Director, Housing Management
2. Director, Housing Development
3. Chief, Loan Management Branch
4. Chief, Property Disposition Branch
5. Legal Counsel
6. Chief, Architect & Engineering
7. Chief, Cost Branch.

This designation supersedes the designation published at Docket No. D-78-511, **Federal Register** Volume 43, No. 174, dated Thursday, September 7, 1978.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970, 36 FR 3389, February 23, 1971.

**Michael T. Scanlon,**

*Manager, 5.2S, Cleveland Office.*

**Alfred C. Moran,**

*Regional Administrator—Regional Housing Commissioner, Region No. V.*

[FR Doc. 84-13076 File 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

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**[Docket No. D-84-756]**

## Office of the Manager, Columbus Office; Designation

**AGENCY:** Department of Housing & Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective September 8, 1983.

**FOR FURTHER INFORMATION CONTACT:** Walter J. Ratzki, Acting Director, Management and Budget Division, Office of Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, IL 60606, (312) 353-5952. (This is not a toll-free number.)

### Designation

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager with all powers, functions and duties redelegated or assigned to the Manager* unless all other officials whose title precedes his or hers in this designation are unable to act by reason of absence, disability or vacancy.

1. Deputy Manager
2. Director, Community Planning & Development Division
3. Director, Housing Management Division

*4. Director, Housing Development Division*

5. Director, Fair Housing & Equal Opportunity Division
6. Chief Counsel.

This designation supersedes the designation effective June 19, 1978.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970, 36 FR 3389, February 23, 1971.

* :Provided that no official is authorized to serve as Acting Manager

**Judith Y. Brachman,**

*Manager, Columbus, Ohio.*

**Alfred C. Moran,**

*Regional Administrator—Regional Housing Commissioner, Region 5.*

[FR Doc. 84-13090 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

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**[Docket No D-84-746; FR-1862]**

## Office of the Manager, Dallas Office; Designation

**AGENCY:** Department of Housing and Urban Development, HUD.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Regional Administrator—Regional Housing Commissioner is designating the Deputy Manager to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager of the HUD Dallas Office.

**EFFECTIVE DATE:** This designation is effective September 8, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ann Hallan, Chief, Management and Budget Branch, Comptroller Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 221 W. Lancaster, P.O. Box 2905, Forth Worth, Texas 76113, Telephone (817) 870-5451. This is not a toll-free number.

### Designation

A. The Deputy Manager is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager of the HUD Dallas Office.

B. The Manager (Acting Manager) may designate any other official to serve as Acting Manager when the Deputy Manager is unavailable to serve by reason of absence, disability, or vacancy in the position.

This designation supersedes the designation effective July 11, 1979.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

**Dick Eudaly,**

*Regional Administrator, Regional Housing Commissioner, Region VI.*

[FR Doc. 84-13080 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

[Docket No. D-84-755]

## Office of the Manager, Detroit Office; Designation

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The regional Administrator-Regional Housing Commissioner and Manager are designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective immediately.

**FOR FURTHER INFORMATION CONTACT:** Walter J. Ratzki, Acting Director, Management and Budget, Office of Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, IL 60606, (312) 353-5952 (This is not a toll-free number).

### Designation

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager with all powers, functions, and duties redelegated or assigned to the Manager* unless all other officials whose title precedes his or hers in this designation are unable to act by reason of absence, disability or vacancy.

1. Deputy Manager
2. Director, Housing Management Division
3. Director, Housing Development Division
4. Director, Community Planning and Development Division
5. Chief Counsel.

This designation supersedes the designation effective July 1, 1982.

*: Provided that no official is authorized to serve as Acting Manager

Regional Administrator-Regional Housing Commissioner's Authority: Delegation of Authority, 27 FR 4319 (1962): Section 9(c), Department of Housing and Urban Development Act, 42 U.S.C. 3531 note: and Interim Order II, 31 FR 815 (1966).

Manager's Authority: Delegation of Authority by the Secretary effective October 1, 1970, 36 FR 3389, February 23, 1971.

**William J. Harris,**

*Deputy Manager, Detroit Office.*

**Alfred C. Moran,**

*Regional Administrator-Regional Housing Commissioner, Region No. V.*

[FR Doc. 84-13089 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

[Docket No. D-84-758]

## Office of the Manager, Grand Rapids Office; Designation

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective Oct. 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Walter J. Ratzki, Acting Director, Management and Budget Division, Office of Administration, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, IL 60606, (312) 353-5952 (This is not a toll-free number).

### Designation

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager with all powers, functions, and duties redelegated or assigned to the Manager* unless all other officials whose title precedes his or hers in this designation are unable to act by reason of absence, disability or vacancy.

1. Director, Housing Management Division
2. Director, Housing Development
3. Chief, Assisted Housing Mgmt. Br.
4. Chief, Loan Mgmt. and Prop. Disp. Branch
5. Chief Housing Programs Branch.

This designation supersedes the designation published at *D-81-634* and FR #14 Vol. 46 dated 1/22/81. This designation supersedes the designation effective Oct. 1, 1982.

(For Regional Administrator) Authority: Delegation of Authority, 27 FR 4319 (1962): Section 9(c), Dept. of Housing & Urban Dev. Act, 42 U.S.C. 3531 note: and Interim Order II, 31 FR 815 (1966).

For Managers, Authority: Delegation of Authority by the Secretary effective October 1, 1970, 36 FR 3389, February 23, 1971.

*: Provided that no official is authorized to serve as Acting Manager

**John W. Kirkwood,**

*Manager Grand Rapids Office.*

**Alfred C. Moran,**

*Regional Administrator-Regional Housing Commissioner, Region V.*

[FR Doc. 84-13092 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

[Docket No. D-84-754]

## Office of the Manager, Indianapolis Office; Designation

**AGENCY:** Department of Housing & Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective September 27, 1983.

**FOR FURTHER INFORMATION CONTACT:** Walter J. Ratzki, Acting Director, Management and Budget Division, Office of Regional Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois 60606. Phone number 312-353-5952 (this is not a toll-free number).

### Designation

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided that no official is authorized to serve as Acting Manager unless all other officials whose title precedes his or hers in this designation are unable to act by reason of absence, disability or vacancy:

1. Deputy Manager
2. Director, CPD Division
3. Director, Housing Management Division
4. Director, Housing Development Division
5. Chief Counsel
6. Director, Administration Division
7. Director, Fair Housing & Equal Opportunity Division.

This designation supersedes the designation published at Docket No. D-82-670.

Authority: Delegation of Authority by the Secretary effective October 1, 1970, 36 FR 3389, February 23, 1971.

**Martha D. Lamkin,**

*Manager, Indianapolis Office*

**Alfred C. Moran,**

*Regional Administrator—Regional Housing Commissioner, Region V.*

[FR Doc. 84-13086 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

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[Docket No. D-84-748; FR-1862]

## Office of the Manager, Lubbock Office; Designation

**AGENCY:** Department of Housing and Urban Development, HUD.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective September 8, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ann Hallan, Chief, Management and Budget Branch, Comptroller Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 221 W. Lancaster, P.O. Box 2905, Fort Worth, Texas 76113, Telephone (817) 870-5451. This is not a toll-free number.

### Designation

A. Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the postion of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position.

1. Deputy Manager/Chief, Housing Development Branch
2. Chief, Loan Management and Property Disposition Branch.

B. The Manager (Acting Manager) may designate any other official to serve as Acting Manager when the Deputy Manager/Chief, Housing Development Branch, and the Chief, Loan Management and Property Disposition Branch, are unavailable to serve by reason of absence, disability, or vacancy in both positions.

This designation supersedes the designation dated January 1982.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

**Dick Eudaly,**

*Regional Administrator, Regional Housing Commissioner, Region VI.*

[FR Doc. 84-13082 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

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[Docket No. D-84-753]

## Office of the Manager, Milwaukee Office; Designation

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as the Acting Manager during the absence, disability or vacancy in the position of the Manager.

**EFFECTIVE DATE:** The designation is effective September 8, 1983.

**FOR FURTHER INFORMATION CONTACT:** Walter Ratzki, Acting Director, Management and Budget Division, Office of Regional Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois 60606, 312-353-5952. (This is not a toll-free number.)

### Designation

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided, that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability or vacancy in the position:

1. Deputy Manager
2. Director, CPD Division
3. Chief Counsel
4. Director, Housing Management Division
5. Director, Housing Development Division
6. Director, FH&EO Division

This designation supersedes the designation published at 47 FR 28800, July 1, 1982.

Authority: Delegation of Authority, 27 FR 4319 (1962); Section 9(c), Department of Housing and Urban Development Act, 42 U.S.C. 3531 note; and Interim Order II, 31 FR 815 (1966); Delegation of Authority, 36 FR 3389 (February 23, 1971).

**Troy L. Grigsby,**

*Manager of the Milwaukee Office.*

**Alfred C. Moran,**

*Regional Administrator—Regional Housing Commissioner, Region 5.*

[FR Doc. 84-13087 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

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[Docket No. D-84-757]

## Office of the Manager; Minneapolis-St. Paul Office; Designation

**AGENCY:** Department of Housing & Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Regional Administrator-Regional Housing Commissioner and Manager are designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective immediately.

**FOR FURTHER INFORMATION CONTACT:** Walter Ratzki, Acting Director, Management and Budget Division, Office of Regional Administration, Chicago Regional Office, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois 60606 (312) 353-5952 (this is not a toll-free number).

### Designation

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided, that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Manager
2. Director, Housing Management Division
3. Chief Counsel
4. Director, Community Planning & Development Division
5. Director, Housing Development Division
6. Director, Administration Division.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

**Thomas T. Feeney,**

*Manager, Minneapolis-St. Paul Office.*

**Alfred C. Moran,**

*Regional Administrator-Regional Housing Commissioner Region V.*

[FR Doc. 84-13091 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

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**[Docket No. D-84-751; FR-1862]**

## Office of the Manager, San Antonio Office; Designation

**AGENCY:** Department of Housing and Urban Development, HUD.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective January 20, 1984.

**FOR FURTHER INFORMATION CONTACT:** Ann Hallan, Chief, Management and Budget Branch, Comptroller Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 221 W. Lancaster, P.O. Box 2905, Fort Worth, Texas 76113, Telephone (817) 870-5451. This is not a toll-free number.

### Designation

A. Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position.

1. Deputy Manager
2. Director, Housing Development Division
3. Director, Housing Management Division.

This designation supersedes the designation published at Docket No. D-79-550, 44 FR 19044, March 30, 1979.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

**Dick Eudaly,**

*Regional Administrator, Regional Housing Commissioner, Region VI.*

[FR Doc. 84-13085 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

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**[Docket No. D-84-747; FR-1862]**

## Office of the Manager, Shreveport Office; Designation

**AGENCY:** Department of Housing and Urban Development, HUD.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective September 8, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ann Hallan, Chief, Management and Budget Branch, Comptroller Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 221 W. Lancaster, P.O. Box 2905, Fort Worth, Texas 76113, Telephone (817) 870-5451. This is not a toll-free number.

### Designation

A. Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position.

1. Deputy Manager/Chief, Housing Development Branch
2. Chief, Loan Management and Property Disposition Branch.

B. The Manager (Acting Manager) may designate any other official to serve as Acting Manager when the Deputy Manager/Chief, Housing Development Branch, and the Chief, Loan Management and Property Disposition Branch, are unavailable to serve by reason of absence, disability, or vacancy in both positions.

This designation supersedes the prior designation.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

**Dick Eudaly,**

*Regional Administrator, Regional Housing Commissioner, Region VI.*

[FR Doc. 84-13081 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

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**[Docket No. D-84-749; FR-1862]**

## Office of the Manager, Tulsa Office; Designation

**AGENCY:** Department of Housing and Urban Development, HUD.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

**EFFECTIVE DATE:** This designation is effective September 8, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ann Hallan, Chief, Management and Budget Branch, Comptroller Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 221 W. Lancaster, P.O. Box 2905, Fort Worth, Texas 76113, Telephone (817) 870-5451. This is not a toll-free number.

### Designation

A. Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position.

1. Deputy Manager/Chief, Housing Development Branch
2. Chief, Loan Management and Property Disposition Branch.

B. The Manager (Acting Manager) may designate any other official to serve as Acting Manager when the Deputy Manager/Chief, Housing Development Branch, and the Chief, Loan Management and Property Disposition Branch, are unavailable to serve by reason of absence, disability, or vacancy in both positions.

This designation supersedes the prior designation.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970: 36 FR 3389, February 23, 1971.

**Dick Eudaly,**

*Regional Administrator, Regional Housing Commissioner, Region VI.*

[FR Doc. 84-13083 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-32-M

## Office of Environment and Energy

**[Docket No. NI-120]**

## Intent To Issue a Finding of No Significant Impact and Explanation of Proposed Action in a Floodplain and Wetland

The Department of Housing and Urban Development gives notice concerning the proposed housing development of Larchmont, Mount Laurel Township, Burlington County, New Jersey that: (1) It intends to issue a Finding of No Significant Impact (FONSI) based on an Environmental Assessment (EA) for this project and (2) an explanation of why the action is proposed to be partially located in a floodplain and wetland as required by Executive Orders 11988 and 11990 on Floodplain Management and Wetlands Protection. Comments are solicited before the New York Regional Administrator of HUD makes a final determination whether to proceed without preparing an Environmental Impact Statement (EIS).

### Description

Larchmont is a Planned Unit Development on Route 38, Mount Laurel Township, Burlington County, NJ, and is in the general area bounded by Marne Highway (Route 537), Centerton Road (Route 635), Ark Road (Route 535), Hainesport-Mount Laurel Road (Route 674), and Hartford Road (Route 686).

Orleans Builders and Developers intend to build 6079 Dwelling Units consisting of 797 detached single family houses, 1120 townhouses, 1972 Garden Apartments and 2170 Mid-Rise Apartments. Construction started in 1976 and 1280 dwelling units have been completed and 270 dwellings are under construction. The 1060 acre development will also have commercial, industrial, recreational, school and open space areas. The Developer is requesting mortgage insurance under Section 234(c) and Section 203(b) of Title II of the National Housing Act of 1934, as amended.

Branches of Parkers Creek, Masons Creek and associated floodplains and wetlands are adjacent to or within the project boundaries. Floodplains and wetlands will be preserved and all are in open space areas to be deeded to the municipality and/or the condominium Association. Any impacts from development near floodplains and wetlands will be mitigated by use of storm water detention basins to reduce runoff, siltation and sedimentation. Adherence to appropriate erosion control practices and requirements of the New Jersey Soil Erosion and Sedimentation Control Act will be required.

Fifteen Indian camp sites have been identified in the project area as possibly having cultural resources. An evaluation will be made of each site prior to development. If a site is found to be eligible for the National Register, a Data Recovery Plan will be executed in accordance with a Comprehensive Program outlined in a Letter of Agreement with the Office of New Jersey Heritage, U.S. Department of Housing and Urban Development, and the Developer.

### Purpose of FONSI Notice

According to Council on Environmental Quality and HUD environmental regulations, an environmental assessment (EA) has been prepared to determine whether or not an Environmental Impact Statement is required. It is the finding of the EA that there would be no significant impact on the human environment, given the mitigating measures that are proposed. Therefore, in accordance with the applicable regulations a FONSI has been prepared, a Notice to that effect is published. Pursuant to 40 CFR 1501.4(e)(2) of the CEQ regulations, there will be a thirty (30) day comment period before HUD makes its final determination on the FONSI. Interested individuals, governmental agencies, and private organizations are invited to comment on the FONSI by the date and to the address set forth below.

### Purpose of Floodplain and Wetlands Notice

As required by Executive Order 11988, Floodplain Management and Executive Order 11990 Wetlands Protection, this Notice also provides an explanation of why HUD is considering this proposed action which is partially located in a floodplain and wetland. Interested individuals, governmental agencies, and private organizations are invited to also comment on the floodplain and wetlands implications of the development by the date and to the address set forth below.

### Additional Information and Comments

The Environmental Assessment which serves as the basis for the Finding of No Significant Environmental Impact (FONSI) and supporting documentation related to the Executive Orders and Historic Preservation Act are available for inspection until the close of the comment period at the HUD Camden Office, Monday to Friday 8:30 a.m. to 5:00 p.m. Contact concerning inspections should be made with Mr. Elmer L. Roy, Manager, HUD Camden Office, 519 Federal Street, Camden, New Jersey, 08103, telephone: Commercial (609) 757-5081 or FTS 8-488-5081. (These are not toll-free numbers.)

Comments on the FONSI and Executive Orders should be submitted to the New York Regional Administrator, Joseph D. Monticciolo, 26 Federal Plaza, New York, NY 10278 (Attention Regional Environmental Officer); telephone: (212) 264-5860 (this is not a toll-free number) within thirty (30) days of the publication of this combined notice.

Dated: May 9, 1984.

**Francis G. Haas,**

*Deputy Director, Office of Environment and Energy.*

[FR Doc. 84-13077 Filed 5-14-84; 8:45 am]

BILLING CODE 4210-29-M

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## Bisti Coal Lease Exchange; Exchange and Public Hearing

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Exchange and Public Hearing on the Proposed Bisti Coal Lease Exchange.

**SUMMARY:** The BLM, Valencia Energy Company, and Paragon Resources Inc. have agreed on a coal lease exchange proposal for leases in the Bisti Wilderness Study Area. The BLM proposed to issue a lease in an area outside the Bisti Wilderness Study Area (about 928 acres—T. 23 N., R. 12 W., S[ Section 6; N[, SW§, N[SE§, Section 7) in exchange for the north half of federal coal lease NM-0186612 and all of NM-0186613 (about 2,046 acres). These lands are called the "Leased Lands" and the "Exchange Lands," respectively. This proposed agreement is in accordance with Pub. L. 96-475.

Background Information: In response to public support for perserving the Bisti, and to Sunbelt Mining Company's disire to expedite development of the two leases and avoid conflict, Congress passed Pub. L. 96-475. (Sunbelt Mining Co. administers the existing leases.) This law directs the Secretary of the

Interior to issue a federal coal lease in an area outside the Bisti Wilderness Study Area in exchange for all or portions of Valencia Energy Company's and Paragon Resources' two existing leases. A draft Environmental Assessment was issued in December, 1981. Since that time, a more definite proposal for the exchange areas has been made and will be incorporated into the final environmental assessment.

**DATES:** Public information meetings will be held on 1:00 p.m. and 6:30 p.m., June 13, 1984 in the Albuquerque Convention Center. This meeting will provide information about the exchange and how the coal values were equalized. Public hearings will be held at 2:30 p.m. and 7:30 p.m. June 13, 1984 in the Albuquerque Convention Center.

Preliminary findings: The BLM believes the exchange would be in the public interest because removing the leases from the Bisti Wilderness Study Area would enhance its manageability and provide an equal value of coal for the lesses.

Site specific mining plans have been developed for both the Leased Lands and the Exchange Lands. These plans assume two independently operated mines with equal annual production rates of about 1,400,000 tons per year. Mined coal values for each plan were calculated by using a discounted cash flow model assuming a 0 percent rate of return on equity. The per-ton value represents the effective per-ton mining costs.

The mining plan designed for the Leased Lands utilizes dragline overburden and interburden removal with coal extracted from two seams. Coal would be transported from the excavated pit to a preparation facility where it would be crushed and stockpiled for sale. Due to geologic conditions, only 26.13 million tons of coal are recoverable from this area of the total 42 million tons in place. The costs developed in this mining plan address all aspects of mining, from exploration and development costs to reclamation and mine abandonment costs.

The final bounday of the Exchange Lands was the result of numerous plans with various mining configurations. The final configuration is the closest to the equal value provision of Pub. L. 96-475. This mine configuration also avoids an area that was determined to be unsuitable because of mine unsuitability Criterion 7 (Cultural Resources) and the presence of Indian owned surface over the coal. This plan requires a truck-and-shovel mining method because recovery would be from four to five seams. Of the 42 million in place tons in the area, 28.91 million tons are recoverable.

Similar cost criteria were applied to the Exchange Lands plan as to the Lease Lands mining plan. The resulting mine cost per ton on the Exchange Lands would be slightly higher than on the Leased Lands. To offset this higher cost and to achieve equal value, the exchange of 1,470,000 tons of recoverable coal is required.

The lessees have invested monies in both the Leased Lands and Exchange Lands (i.e., exploration costs, administrative costs, rentals, and environmental clearances). These costs, ("sunk costs") invested in the Leased Lands were determined to be reimbursable where the monies provided no benefit to the lessees in the development of the Exchange Lands or other coal leases held by the lessee. These costs were converted by negotiation into a recoverable tonnage. To equalize these costs, an additional, 1,170,000 recoverable tons must be added to the recoverable tonnage relinquished in the Leased Lands.

These two adjustments total 2,640,000 tons. When added to the 26,130,000 tons relinquished, the total tons to equalize value are 28,770,000. To avoid splitting the smallest legal subdivision (Lot 19, Section 6, T. 23 N., R. 12 W., NMPM), to avoid introducing a coal by-pass situation, and to avoid payment by the United States to the lessees, the lessees have agreed to pay the United States a sum of $3,200. This money represents a payment of $100 per acre for 32 acres of deep coal (from 180 feet to 346 feet below the surface, to be mined primarily by underground methods) in Lot 19 to equalize the value of the exchange. The $100 per acre represents a payment equivalent to the minimum bonus bid per acre set by regulations.

The final Exchange Lands configuration separates Section 2, T. 23 N., R. 13 W., NMPM, from the remaining lands which are east of the area proposed for exchange. This separation is unavolidable due primarily to Alamo Mesa which topographically separates Section 2 from the remaining lands. The overburden above uppermost coal seam in this section is prohibitively deep for surface mining operation.

TABLE 1.—EQUALIZATION OF VALUE EXPRESSED IN TONS OF RECOVERABLE COAL

| | |
|---|---|
| Lessees adjusted coal values (leased lands): | |
| Under lease | 26,130,000 |
| Mining cost differential | +1,470,000 |
| Sunk cost adjustment | +1,170,000 |
| Tons of coal | 28,770,000 |
| Adjusted coal values, (exchange lands): | |
| Under lease | 26,910,000 |
| Payment adjustment | −140,000 |
| Tons of coal | 28,770,000 |

**ADDRESS:** For more information, contact: Bureau of Land Management, Albuquerque District, Mary Zuschlag or Richard Fagan, P.O. Box 6770, Albuquerque, New Mexico 87197-6770, Telephone (505) 766-2117.

**L. Paul Applegate,**

*District Manager.*

[FR Doc. 84-12982 File 5-14-84; 8:45 am]

BILLING CODE 4310-FB-M

## Bureau of Reclamation

### Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado; Intent To Prepare a Draft Supplement to the Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare a draft supplement to the final environmental statement for the operating policy on Green Mountain Reservoir as published in the **Federal Register** on December 22, 1983 (48 FR 56657). The purposes for adopting a new operating policy for Green Mountain Reservoir are to quantify the presently perfected use of water dependent upon the reservoir and to provide an orderly means of disposition of the remaining water in the reservoir for beneficial consumptive uses in the geographic area of Colorado, west of the Continental Divide.

Green Mountain Reservoir has been in operation since 1943. The use and disposition of the water stored in this reservoir are under the jurisdiction of the Secretary of the Interior as set forth in the Senate Document 80. Green Mountain Reservoir has a total water storage capacity of 153,639 acre-feet. Of that capacity, 52,000 acre-feet are available to provide replacement water in western Colorado when water is diverted to the eastern slope through the Colorado-Big Thompson Project. The yield from the remaining capacity (commonly referred to as the 100,000 acre-feet power pool), including the refill right will to the extent feasible be released through its powerplant, and the water so released shall be available for other beneficial consumptive uses in western Colorado including domestic use, irrigation use, and industrial use.

Various alternatives are under evaluation that include water demands

of varying quantities for municipal and industrial water supply, recreation, fish and wildlife, and power.

Environmental studies and the preparation and processing of a draft supplement to the final environmental statement for the new operating policy will be in accordance with provisions of the National Environmental Policy Act of 1969 and will be accomplished under the Council on Environmental Quality regulations published in the **Federal Register** on November 29, 1978 (43 FR 55978).

A series of public meetings are scheduled to introduce the public to the project study. These meetings will serve as scoping sessions to identify the significant environmental issues associated with the revised operating policy. The dates, locations, and times of these meetings have not been set. When the scoping session dates are set, the interested public will be informed by a news release.

The contact person regarding this draft supplement will be Richard B. Eggen, Regional Environmental Officer, Bureau of Reclamation, Lower Missouri Region, P.O. Box 25247, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234–3779.

Dated: May 10, 1984.

**Richard Atwater,**

*Acting Commissoner.*

[FR Doc. 84–13015 Filed 5–14–84; 8:45 am]

BILLING CODE 4310–09–M

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## National Park Service

### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 4, 1984. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 30, 1984.

**Carol D. Shull,**

*Chief of Registration, National Register.*

CALIFORNIA

**Calaveras County**

Angels Camp, *Utica Mansion,* 1103 Bush St.

**Merced County**

Merced, *Merced County High School,* 2125 M St.

**Hartford County**

Hartford, *Parkside Historic District,* 176—230 Wethersfield Ave.

**Middlesex County**

Deep River, *Doris (sailing yacht),* Connecticut River off River Rd.

GEORGIA

**Clarke County**

Athens, *Downtown Athens Historic District (Boundary Increase),* Roughly bounded by Hancock Ave., Foundry, Mitchell, Broad, and Lumpkin Sts.

**Madison County**

Colbert, *Colbert Historic District,* Roughly bounded by 4th and 5th Sts., 4th and 8th Aves.

GUAM

Agana, *Garrido House,* Dulce Nobre DeMaria Dr.

KENTUCKY

**Jefferson County**

Middletown, *Beynroth House,* 11503 Main St.

LOUISIANA

**East Feliciana Parish**

Clinton, *Wall House,* Woodville St.

MASSACHUSETTS

**Berkshire County**

New Marlborough, *Shepard, Thomas, House,* East Hill Rd.
Pittsfield, *Morewood School,* S. Mountain Rd.
South Egremont, *South Egremont Village Historic District,* MA 23/41, Buttonball Lane, Sheffield and Pinecrest Hill Rds.

**Worcester County**

Leominster, *Wellington Piano Case Company Building,* 54 Green St.
Worcester, *Malvern Road School (Worcester MRA),* Malvern Rd. and Southbridge St.
Worcester, *Worcester Corset Company Factory (Worcester MRA),* 30 Wyman St.

MICHIGAN

**Huron County**

Port Austin, *Learned, Charles G., House,* 8544 *Lake St.*

**Jackson County**

Grass Lake, *Grass Lake Public School,* 661 E. Michigan Ave.

**Monroe County**

Monroe vicinity, *Loranger, Edward, House,* 7211 S. Stony Creek Rd.

**Wayne County**

Detroit, *Belcrest Hotel,* 5440 Cass Ave.
Detroit, *Michigan Soldiers' and Sailors' Monument,* Woodward Ave. at Campus Martius

MONTANA

**Carbon County**

Red Lodge, *Red Lodge Commercial Historic District (Boundary Increase),* Roughly Broadway from 8th to 13th Sts.

NEBRASKA

**York County**

Bradshaw, *Bradshaw Town Hall,* off U.S. 34

NEVADA

**Washoe County**

Reno, *Burke, Charles H., House,* 36 Stewart St.
Reno, *El Cortez Hotel,* 239 W. 2nd St.
Reno, *McCarthy-Platt House,* 1000 Plumas St.
Reno, *Odd Fellows Unity Lodge No. 38-Farmers and Merchants Bank (Reno Fraternal Organization Buildings TR),* 102 E. 2nd St.
Reno, *Reno Masonic Hall-Reno Mercantile Company (Reno Fraternal Organization Buildings TR),* 98 W. Commercial Row
Reno, *Washoe County Bank-Odd Fellows Lodge No. 14 (Reno Fraternal Organization Building TR),* 10 W. 2nd St.

NEW YORK

**Essex County**

Willsboro, *Willsboro Congregational Church,* NY 22

**Nassau County**

Long Beach, *Granada Towers,* 310 Riverside Blvd.

NORTH CAROLINA

**Alamance County**

Burlington, *Alamance Hotel (Burlington MRA),* Maple Ave. and S. Main St.
Burlington, *Atlantic Bank and Trust Company Building (Burlington MRA),* 358 S. Main St.
Burlington, *Efird Building (Burlington MRA),* 133 E. Davis St.
Burlington, *First Baptist Church (Burlington MRA),* 400 S. Broad St.
Burlington, *First Christian Church of Burlington (Burlington MRA),* 415 S. Church St.
Burlington, *Holt-Frost House (Burlington MRA),* 130 Union Ave.
Burlington, *Horner Houses (Burlington MRA),* 304 and 308 N. Fisher St.
Burlington, *Lakeside Mills District (Burlington MRA),* 404–418 Lakeside Ave., Kent Ave., and 428–437 Hatch St.
Burlington, *Moore-Holt-White House (Burlington MRA),* 520 Maple Ave.
Burlington, *North Carolina Railroad Company Buildings: Foundry and Roundhouse (Burlington MRA),* Off N. Main St. and 101 N. Main St.
Burlington, *Stagg House (Burlington MRA),* 317 N. Park Ave.
Burlington, *Windsor Cotton Mills Office (Burlington MRA),* Market and Gilmer Sts.

**Buncombe County**

*Alexander Inn*

**Forsyth County**

Winston-Salem, *Washovia Bank and Trust Company Building,* 8 *W. 3rd St.*

OHIO

**Cuyahoga County**

Shaker Heights, *Shaker Village Historic District,* Roughly bounded by Fairmount

and Lomond Blvds., Green Warrensville Center, Becket, and Coventry Rds.

Delaware County

Delaware, *Van Deman, Henry, House*, 6 Darlington Rd.

Franklin County

Columbus, *Felton School*, Leonard Ave. and N. Monroe St.

Columbus, *Porcelain Steel White Castle Restaurants*, 2725 N. High St. and 1097 Cleveland Ave. Marble Cliff, *Miller, J. F., House*, 1600 Roxbury Rd.

Highland County

Hillsboro, *Morrow-Overman-Fairley House*, 404 N. High St.

Lake County

*Grantham, Norman, Site (33-La-139)*

Lorain County

Wellington Vicinity, *Avery, Carlos, House*, OH 58

Mahoning County

Poland, *Poland Center School*, U.S. 224 and Struthers Rd.

Miami County

Casstown, *Castown Lutheran Stone Church*, 11 S. Main St.

Montgomery County

Dayton, *Dayton Motor Car Company Historic District*, 15, 101, 123–5; 101 Bainbridge; 9–111 and 122–124 McDonough

Dayton, *Dayton Terra-Cotta Historic District*, S. Ludlow and W. 5th Sts.

Summit County

Akron, *Westmont Building*, 22 Rhodes Ave.

Warren County

Franklin vicinity, *Deardoff, Daniel L., House*, 4374 Union Rd.

SOUTH DAKOTA

Brown County

*Finnish Apostolic Lutheran Church*

TENNESSEE

Knox County

Knoxville, *Knoxville Post Office*, 501 Main St.

Lincoln County

Fayetteville, *McDonald-Bolner House*, 400 S. Elk Ave.

Fayettville, *Mulbery-Washington-Lincoln Historic District*, Roughly Bright, Elk, Green, Main, Lincoln, Mulberry, and Washington Sts.

Obion County

Union City, *U.S. Post Office*, 114 W. Washington

TEXAS

Travis County

*Long Hog Hollow Archeological District*

[FR Doc. 84-13027 Filed 5-14-84; 8:45 am]

BILLING CODE 4310-70-M

## Bureau of Land Management

### Wyoming; Availability of Coal Core Analyses and Geophysical Logs Worland BLM District, Wyoming; Three Coal Analyses and Ten Geophysical Logs Within the Bighorn Basin, Gebo Area, Hot Springs County, Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public notice of availability of three coal analyses and ten geophysical logs within the Bighorn Basin, Gebo Area, Hot Springs County, Wyoming.

**SUMMARY:** Notice is hereby given that three coal core analyses and ten geophysical logs from ten test holes located in the Bighorn Basin, Gebo Area, Hot Springs County, Wyoming, are now available to the public. The test holes, located in Section 21, Township 44 North, Range 95 West, Sixth Principal Meridian, Wyoming, were designed to investigate the coal beds in the Mesaverde Formation, Upper Cretaceous age, Gebo Area, Bighorn Basin.

**ADDRESSES:** The geophysical logs and core analyses are available for reproduction from: Vickie D. Niermeier, Solids Specialist; Bureau of Land Management, Worland District Office, P.O. Box 119, Worland, Wyoming 82401, (307) 347–6151.

**Chester E. Conard,**

*District Manager.*

[FR Doc. 84-12964 Filed 5-14-84; 8:45 am]

BILLING CODE 4310-22-M

## Bureau of Mines

### Advisory Committee on Mining and Mineral Research; Meeting

This notice is issued in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. I) and the Office of Management and Budget Circular No. A63, Revised. The Advisory Committee on Mining and Mineral Research will meet from 8:00 a.m. to 5:00 p.m. (or completion of business), on Monday, June 18, 1984.

The Committee will meet at the Nevada Mining and Mineral Resources Research Institute and Center for Generic Mineral Technology Research in Mineral Industry Waste Treatment and Recovery. The meeting will be held in: Room 101, Mackay School of Mines Building, University of Nevada, Reno, Nevada 89557–0047.

The meeting will deal with the following subjects:

1. Welcome of new Committee members
2. Review of minutes of meeting of June 15, 1983
3. Review of the activities of the Nevada Mining and Mineral Resources Research Institute
4. Review of the research program of the Mineral Industry Waste Treatment and Recovery Generic Mineral Technology Center
5. Report to the Committee on the 1983 Mineral Industry Waste Treatment and Recovery Seminar
6. Report to the Committee on the 1983 Mine Systems Design and Ground Control Seminar
7. Report to the Committee on the 1984 Comminution Seminar
8. Reorganization of Pyrometallurgy Generic Mineral Technology Center
9. Status of 1984 grant awards
10. Future of Mineral Institute program
11. New business

The meeting is open to the public. Approximately 20 visitors can be accommodated on a first-come, first-served basis. Written statements concerning the subjects are welcome.

Visitors who expect to attend should make this known no later than June 15, by informing Dr. Ronald Munson, Chief, Office of Mineral Institutes, Bureau of Mines, MS 1020, 2401 E Street NW., Washington, D.C. 20241, phone (202) 634–1328.

Dated: May 9, 1984.

**Robert C. Horton,**

*Director.*

[FR Doc. 84-12959 Filed 5-14-84; 8:45 am]

BILLING CODE 4310-53-M

## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

## Agency for International Development

### Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the sixty-third meeting of the Board for International Food and Agricultural Development (BIFAD) on June 7, 1984.

The purpose of the meeting is to hear reports by: Glenn Crumb of Western Kentucky University on the potential of American Association of State Colleges and Universities (AASCU) institutions for participation in international development activities; Jean Weidemann of BIFAD Staff on predeparture orientation for university staff on AID projects; Nyle Brady (AID Senior Assistant Administrator for Science and Technology) on biotechnology; the Joint AID–BIFAD

Task Force on the Memorandum of Understanding; and the Joint Committee on Agricultural Research and Development (JCARD).

The meeting will begin at 9:00 a.m. and adjourn at 12:15 p.m., and will be held in Room 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Mr. Leonard Yaeger, Deputy Assistant Administrator for Science and Technology, Agency for International Development, is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, Washington, D.C. 20523, or telephone him at (202) 632–4871.

Dated: May 10, 1984.

**Leonard Yaeger,**

*A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.*

[FR Doc. 84–13094 Filed 5–14–84; 8:45 am]

BILLING CODE 6116–01–M

## INTERSTATE COMMERCE COMMISSION

**[Docket No. AB–1 (Sub–162)]**

### Chicago & North Western Transportation Co.—Abandonment in Webster County, IA; Findings

The Commission has found that the public convenience and necessity permits Chicago and North Western Transportation Company to abandon a portion of railroad known as the "M&StL Yard" extending between milepost 220.3 and milepost 222.0, a distance of 1.7 miles in Webster County, IA, and to discontinue trackage rights over the Illinois Central Gulf Railroad from ICG milepost 375.3 near Fort Dodge to ICG milepost 381.0 near Tara, a distance of approximately 5.7 miles in Webster County, IA. A certificate will be issued authorizing this abandonment and discontinuance unless within 15 days after this publication the Commission also finds: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in boldface on the lower left-hand corner of the envelope containing the offer "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

**James H. Bayne,**

*Secretary.*

[FR Doc. 84–12989 Filed 5–14–84; 8:45 am]

BILLING CODE 7035–01–M

**[Finance Docket No. 30469]**

### Consolidated Rail Corp.—Merger—Detroit Terminal Railroad Co.; Exemption

Consolidated Rail Corporation (Conrail) and Detroit Terminal Railroad Company (DTR) filed a notice of exemption concerning the proposed merger of DTR into Conrail. DTR is a wholly-owned subsidiary of Conrail. Conrail owns all of the outstanding stock of DTR and leases all of its assets. DTR is presently operated as an integral part of the Conrail system. Consummation of the merger will simplify Conrail's corporate structure by eliminating an unneeded wholly-owned subsidiary and generate an annual savings in administative, clerical and tax expenses. While the merger will result in significant benefits to Conrail, it will not materially affect the competitive balance with other rail carriers outside the corporate family, nor will there be any significant operational changes or any adverse changes in service levels.

This is a transaction within a corporate family of the type specifically exempted from the necessity of prior review and approval under 49 CFR 1180.2(d)(3).

As a condition to use of this exemption, any employee affected by the merger shall be protected pursuant to *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Decided: May 8, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

**James H. Bayne,**

*Secretary.*

[FR Doc. 84–12988 Filed 5–14–84; 8:45 am]

BILLING CODE 7035–01–M

**[Finance Docket No. 30429]**

### Erie Mining Co.—Exemption From 49 U.S.C. Subtitle IV

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. Subtitle IV the operation by Erie Mining Company of a rail transportation service over its trackage between Hoyt Lake, NM and Taconite Harbor, MN, on behalf of Jones & Laughlin Steel Corporation.

**DATES:** This exemption is effective on May 15, 1984. Petitions to reopen must be filed by June 4, 1984.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 30429 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's Representative: John F. Donelan, 914 Washington Building, Washington, DC 20005.

**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) or toll free (800) 424–5403.

Decided: May 8, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

**James H. Bayne,**

*Secretary.*

[FR Doc. 84–12990 Filed 5–14–84; 8:45 am]

BILLING CODE 7035–01–M

## DEPARTMENT OF LABOR

### Office of the Secretary

**[Secretary of Labor's Order 3–84]**

### Delegation of Authority and Assignment of Responsibility for Labor-Management Relations Programs

May 3, 1984.

1. *Purpose.* To delegate authority and assign responsibility for the administration of certain specific labor-management relations programs heretofore administered by the Labor-Management Services Administration (LMSA).

2. *Background.* Pursuant to Secretary's Order 1–84 the Office of Pension and Welfare Benefit Programs in LMSA was established as an independent DOL Agency headed by an Administrator reporting to the Secretary of Labor. That Order recognized the increased emphasis being given by the Secretary to the Employee Retirement Income Security Act program.

This Order is the authority for the realignment of the remaining LMSA components and personnel as hereinafter provided. The Order recognizes the need to elevate the labor-management relations functions in the Department to a level of greater visibility and influence to meet the economic challenges facing employers and workers in the 80's andf beyond.

3. *Delegation of Authority and Assignment of Responsibility.*

a. *The Office of Labor-Management Standards (OLMS).* There is established in the Department of Labor an Office of Labor-Management Standards (formerly the Office of Labor-Management Standards Enforcement, (LMSE), LMSA, to be headed by an Assistant Secretary for Labor-Management Standards who reports to the Secretary of Labor. The Assistant Secretary is delegated authority and assigned responsibility, except as hereinafter provided, for carrying out programs and activities performed by the Secretary of Labor under: (1) The Labor-Management Reporting and Disclosure Act of 1959, as amended; (2) Section 7120 (Standards of Conduct for Federal employee unions) of the Civil Service Reform Act of 1978 and supporting regulations; (3) Section 1017 of the Foreign Service Act of 1980; and (4) Section 1209 of the Postal Reorganization Act of 1970.

b. *The Office of Labor-Management Relations Services (LMRS).* There is continued in the Department of Labor an Office of Labor-Management Relations Services headed by a Deputy Under Secretary for Labor-Management Relations and Cooperative Programs, who reports directly to the Under Secretary. The Deputy Under Secretary is delegated authority and assigned responsibility for carrying out employee protection, and labor-management relations and cooperation programs of the Secretary of Labor, except as hereinafter provided, under:

(1) The Act of March 4, 1913;

(2) Sections 3(e),4, and 13(c) of the Urban Mass Transportation Act of 1964;

(3) Section 6(a) of the Act of 1965 Authorizing Research and Development in High Speed Ground Transportation;

(4) Section 405(a), (b), (c) and (e) of the Rail Passenger Service Act of 1970;

(5) Title II of the Redwood National Park expansion legislation (Act of March 27, 1978) as specified in Secretary's Order 6–78, as amended by this Order;

(6) Section 43(d) of the Airline Deregulation Act of 1978 as specified in Secretary's Order 1–79, as amended by this Order.

c. *The Assistant Secretary for Administration and Management* is assigned responsibility for assuring an orderly and equitable transfer and realignment of resources associated with the OLMS (formerly LMSE) and LMRS programs and functions, including assurance of consultation and negotiation, as appropriate, with representatives of the affected employees. The Assistant Secretary for Administration and Management is also responsible for providing or assuring that OLMS and LMRS are furnished appropriate administrative and management support as required for the efficient and effective operation of their programs. Consistent with that the Assistant Secretary for Administration and Management is authorized to realign, as appropriate, LMSA staff in the immediate Office of the Assistant Secretary for Labor-Management Relations/Administrator, Labor-Management Services Administration, the Office of Field Operations, the Office of Management, and the Information Staff. Appeals of decisions made by the Assistant Secretary for Administration and Management in this connection shall be referred to the Under Secretary for resolution.

d. *The Solicitor of Labor* shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutes listed in paragraphs 3(a) and (b) above, and for bringing appropriate legal actions on behalf of the Secretary, and representing the Secretary in all legal proceedings.

4. *Reservations of Authority.* The submission of reports and recommendations to the President and the Congress concerning the administration of the statutes listed in paragraphs 3(a) and (b) above is reserved to the Secretary.

5. *Directives Affected.* Secretary's Order 9–77 is cancelled. Secretary's Order 6–78 is amended to delete references to the Assistant Secretary for Labor-Management Relations in sections 4.a., 4.c., 5., and 7., and substitute therefor references to the Deputy Under Secretary for Labor-Management Relations and Cooperative Programs. Secretary's Order 1–79 is amended to delete references to the Assistant Secretary for Labor-Management Relations in section 4.b. and c., and substitute therefor references to the Deputy Under Secretary for Labor-Management Relations and Cooperative Programs.

6. *Effective Date.* This Order is effective immediately for planning purposes, and for implementation no later than 60 days from the date of this Order.

**Raymond J. Donovan,**

*Secretary of Labor.*

[FR Doc. 84–13052 File 5–14–84; 8:45 am]

BILLING CODE 4510–23–M

## Employment and Training Administration

**[TA–W–14,873]**

### Adirondack Steel Casting Company, Inc., Watervliet, New York; Revised Determination on Reconsideration

On April 11, 1984, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers producing steel castings for the truck, locomotive, valve, construction equipment and mining industries at the Adirondack Steel Casting Company, Inc., Watervliet, New York. This determination was published in the **Federal Register** on April 24, 1984 (49 FR 17607).

The United Steelworkers' application for reconsideration claims that the Department's survey of Adirondack Steel Casting's customers was inadequate and that Adirondack Steel was dropped as a supplier of castings by one of its customers because of imports of truck castings from the Orient.

Findings in the investigation case file identify the articles produced at the Watervliet plant as steel castings for the truck, locomotive, valve, construction equipment and mining industries. The Department found in its initial determination that the "contributed importantly" test of Section 222 of the Group Eligibility Requirements of the Trade Act was not met.

On reconsideration, the Department surveyed the additional customer of Adirondack Steel and found that it increased its imports of truck frame castings from the Orient by tenfold in 1982 while reducing its purchases from the subject firm. This customer accounted for the major share of Adirondack Steel's sales decline in 1982.

U.S. imports of steel castings increased absolutely and relative to domestic shipments in 1982 compared to 1981.

Company sales and production decreased in 1982 compared to 1981 and in the first nine months of 1983 compared to the same period in 1982.

Average employment at the Watervliet plant declined in 1982 compared to 1981 and in the first nine months of 1983 compared to the same period in 1982.

**Conclusion**

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of steel castings produced at the Watervliet, New York plant of Adirondack Steel Casting Company, Inc., contributed importantly to the decline in sales and production of steel castings and to the total or partial separation of workers and former workers at the Adirondack Steel Casting Company, Inc., Watervliet, New York. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of the Adirondack Steel Casting Company, Inc., Watervliet, New York who became totally or partially separated from employment on or after July 20, 1982 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of May 1984.

**Robert O. Deslongchamps,**

*Director, Office of Legislation and Acturial Services, UIS.*

[FR Doc. 84-13053 Filed 5-14-84; 8:45 am]

BILLING CODE 4510-30-M

## MERIT SYSTEMS PROTECTION BOARD

### Notice of Call for Riders for Board Decision Volume 13

**AGENCY:** Merit Protection Board.

**ACTION:** Notice of call for riders for *Decisions of the United States Merit Systems Protection Board, Volume 13.*

**SUMMARY:** The purpose of this notice is to inform Federal agencies that the Merit Systems Protection Board publication entitled *Decisions of the United States Merit Systems Protection Board, Volume 13* (covering the period January 1, 1983 through March 31, 1983) will be available on riders to the Government Printing Office. Departments and agencies may order this book by riding the Merit Systems Protection Board's printing requisition #4-00131.

**DATE:** Agency requisitions (Standard Form 1) should be submitted to the U.S. Government Printing Office, Requisitions Section, Room 836, Washington, D.C. 20401, no later than May 28, 1984 through the agency's Washington, D.C. headquarters office authorized to procure printing for the agency. Agencies may estimate cost by using the current Government Printing Office price list of printing services.

**FOR FURTHER INFORMATION CONTACT:** Ada R. Kimsey, Information Services Division, Office of the Secretary, Merit Systems Protection Board, 1120 Vermont Ave., NW., Washington, D.C. 20419, (202) 653-8891.

**SUPPLEMENTARY INFORMATION:** This volume includes an index based on the Board's key number system. Other volumes in the series of published Board decisions which are still in print may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. They are: *Decisions of the United States Merit Systems Protection Board,* Volumes 5 through 7, covering the period January 1, 1981 through September 30, 1981 (stock number 062-000-00011-2; $40); and *Decisions of the United States Merit Systems Protection Board,* Volumes 8 through 11, covering the period October 1, 1981 through September 30, 1982 (stock number 062-000-00014-7; $53). Volume 12 (October 1, 1982 through December 31, 1982) is being printed, and will be announced in the **Federal Register** when available for sale.

Dated: May 10, 1984.

For the Board.

**Herbert E. Ellingwood,**

*Chairman.*

[FR Doc. 84-13124 Filed 5-14-84; 8:45 am]

BILLING CODE 7400-01-M

## NATIONAL SCIENCE FOUNDATION

### Intent To Conduct OMB Circular A-76 Cost Comparison Reviews

**AGENCY:** National Science Foundation.

**ACTION:** Notice of intent to conduct reviews.

**SUMMARY:** Notice is hereby given pursuant to Office of Management and Budget (OMB) Circular A-76 (48 FR 3710, August 16, 1983) that the National Science Foundation intends to conduct reviews of Government operation versus contract operation of the functions listed below commencing June 25, 1984. The reviews, which involve management studies, cost analyses and other actions, are going to require several months to a year to complete. Since the reviews have not begun, specifications are not yet prepared. Appropriate advertisements for bids/proposals will be placed at the time they are needed for this purpose. Contracts may or may not ensue from the reviews. Final actions resulting from the reviews will be available on request to all interested parties. All of the functions scheduled are located at 1800 G Street NW., Washington, D.C. 20550, within the Division of Administrative Services (DAS), and include:

- Supply and Forms Distribution function (of the Supply Services Unit, DAS).
- Mail Distribution function (of the Mail and Distribution Unit, DAS).
- Building Maintenance function (of the Space and Communications Section, DAS).

**FOR FURTHER INFORMATION CONTACT:** John E. Kirsch, Room 525, 1800 G Street, NW., Washington, D.C. 20550; (202) 357-9421.

Dated: May 10, 1984.

**Burl Valentine,**

*Acting Director, Reform '88 Project Coordination Staff.*

[FR Doc. 84-12961 Filed 5-14-84; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50-366]**

### Georgia Power Co. et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia (the licensees), for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 2, located in Appling County, Georgia.

In accordance with the licensees' application for amendment dated January 23, 1984, as supplemented April 3, 1984, the amendment would modify the Hatch Unit 2 Technical Specifications to reflect the use of the new Analog Transmitter Trip System (ATTS) that is currently being installed at Hatch Unit 2. The ATTS related changes include new instrument trip setpoints/allowable values and surveillance intervals which take credit for the advantages that the new devices have over those currently installed at the plant, in terms of setpoint drift and

instrument accuracy. In addition to these types of revisions, this amendment would make a number of other types of Technical Specification changes including the following:

—Changes to plant-specific equipment identification (MPL) numbers as the result of new numbering which has been assigned to ATTS components.
—Changes which account for modifications to instrument loops or trip logic resulting from the new ATTS design.
—Changes which correct minor typographical or description errors found in the Hatch 2 Technical Specifications during the safety review process for ATTS. The errors found do not necessarily affect sections covering requirements for ATTS components.
—Changes to the Technical Specification Bases Sections to correct existing errors and to update them with respect to the other proposed ATTS changes.

The modifications are as follows:

1. Change the surveillance requirements for the ATTS instrumentation to once per shift for channel checks, once per month for channel functional tests, and once per operating cycle for channel calibrations. Additional changes to the nomenclature used in the Technical Specifications are included for clarification and consistency with this proposed change.

ATTS replaces the pressure, level, and temperature switches in the reactor protection system and emergency core cooling system (ECCS) with analog sensor/trip unit combinations. The system is designed to improve sensor intelligence and reliability, while still providing continued monitoring of critical parameters and performing the intended basic logic function. The licensees have stated that since the ATTS instrumentation is superior in design to the mechanical switches currently used at Hatch, certain surveillance intervals may be extended without any significant effect on the expected magnitude of sensor drift or frequency of instrument malfunction.

2. Lower the Level 2 trip setpoint/allowable value from −38 inches to −55 inches. This will decrease the number of plant transients by decreasing the number of HPCI/RCIC (High Pressure Coolant Injection/Reactor Core Isolation Cooling) actuations due to normal operational perturbations in water level.

3. Delete the high drywell pressure isolation trip for residual heat removal (RHR) (shutdown cooling mode), reactor pressure vessel head spray valves, and reactor water cleanup (RWCU). The purpose of this change is to stop small steam leaks in the drywell from preventing operation of the RHR and RWCU systems during the shutdown cooling mode, thereby prohibiting an acceptable normal shutdown procedure.

4. Lower the water level trip setpoint for isolation of RWCU and secondary containment, and startup of the standby gas treatment system (SGTS) from Level 3 to Level 2. A reactor scram from normal power (less than 50-percent rated) usually results in a reactor vessel water level transient due to a void collapse that causes RWCU isolation at Level 3. This usually results in the dropping of the cleanup filter cake and added radwaste processing. These problems may be avoided by lowering RWCU isolation to Level 2. Lowering the SGTS actuation and secondary containment isolation from Level 3 to Level 2 reduces the potential for spurious isolations.

5. Designate the hot leg sensor of the RWCU area ventilation high temperature differential instrument as the RWCU area high temperature sensor, eliminating the current RWCU area high temperature sensor. Use of the hot leg of the differential temperature sensor for the high ambient temperature trip rather than using an independent trip element trip device may cause slight changes in the sensitivity of the RCWU area leak detection system, depending upon the heating, ventilation, and air-conditioning (HVAC) design, but it will not defeat the intended function of the system. In general, this new arrangement will create more reliable leakage detection since the HVAC system will be drawing air across the resistance temperature detectors (RTDs). Therefore, there is no possibility of the sensors being located in a dead air space relative to certain break locations in the room.

6. Delete high drywell pressure sensors E11–N011A, B, C, D that are currently assigned a trip function for the Core Spray, RHR and HPCI and replace them with sensors E11–N010A, B, C, D that are also currently assigned a trip function for the automatic depressurization system (ADS). (There is an editorial error in the current Technical Specification Table 3.3.3–1, Item 4a. The ADS high drywell pressure trip sensors should have been listed as E11–N010A, B, C, D.)

Since these sensors (E11–N010A, B, C, D) are being incorporated into the new ATTS modification, their numbers are being changed to E11–N694A, B, C, D.

7. Replace the trip setpoints listed in the Technical Specifications with newly generated allowable values. The purpose of this change is to update the Technical Specification trip setpoints for instruments being replaced by the ATTS. Since the time that the original setpoints were determined, a better calculational method has been developed. This proposed change uses Regulatory Guide 1.105 methodology in updating the setpoints for the instruments being replaced with the new ATTS units and takes credit for the improved error and drift characteristics of the new system.

8. Delete the reactor steam dome pressure permissive which prevents the group 1 isolation valves from being bypassed on a low condenser vacuum isolation at reactor pressure above the scram setpoint. With the permissive deleted, the operator may open the valves from a hot pressurized condition before clearing a scram. Currently, the operator must clear the scram signal prior to opening the main steam isolation valves (MSIVs) when in this condition.

9. Lower the reactor vessel water level-high (Level 8) trip setpoint from 58 inches to 56.5 inches. The licensees stated that they used the criteria of Regulatory Guide 1.105 in determining this revised setpoint.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility or a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensees have provided the following evaluations against each of the above three criteria for each of the proposed changes:

**Change 1**

(1) The proposed surveillance requirement changes would not significantly increase the probability or consequences of an accident previously evaluated because the new ATTS instruments have been demonstrated to be superior in design to the existing devices in terms of instrument inaccuracy and drift characteristics. In

addition, the new setpoints have been rigorously calculated assuming the proposed surveillance frequencies.

(2) The proposed surveillance requirement changes would not create the possibility of a new or different accident from any accident previously evaluated because the new surveillance intervals for ATTS were developed to be consistent with the Hatch Unit 2 Final Safety Analysis Report (FSAR) descriptions.

(3) The proposed surveillance requirement changes would not involve a significant reduction in a margin of safety because the new surveillance requirements are tailored to the ATTS instruments using the methodology of Regulatory Guide 1.105. In addition, the basis for the margins of safety, as described in the FSAR, have been maintained.

**Change 2**

(1) This change would not significantly increase the probability or consequences of an accident previously evaluated because a reevaluation of the FSAR analysis showed that the new setpoint in conjunction with the new ATTS instrumentation would still provide the same degree of plant protection as described in the FSAR.

(2) This change would not create the possibility of a new or different kind of accident from any accident previously evaluated because the lowered setpoint is still within the bounds of the plant safety analysis and should decrease the number of unnecessary ECCS actuation system challenges.

(3) This change would not involve a significant reduction in a margin of safety because the setpoint still performs its intended safety function as described in the FSAR. In addition, the calculations which determined the new setpoint took credit for the improved drift characteristics of the ATTS instruments and the criteria of Regulatory Guide 1.105.

**Change 3**

(1) This change would not significantly increase the probability or consequences of an accident previously evaluated because the requirements of 10 CFR 100 are still met, and the Appendix K calculations are not affected.

(2) This change would not create the possibility of a new or different kind of accident from any accident previously evaluated because the deletion of the drywell pressure isolation is only being made on closed-loop systems. In addition, Georgia Power Company has determined that the reactor vessel low water level trip function which isolates the shutdown cooling mode of RHR and RWCU is adequate for reactor protection. Furthermore, this change does eliminate the possibility for isolation of the shutdown cooling system, due to high drywell pressure, during periods when its function is essential for adequate decay heat removal.

(3) This change would not involve a significant reduction in a margin of safety because the high drywell pressure isolation has little effect in preventing coolant losses and presently hinders the operability of the RHR shutdown cooling systems during certain plant scenarios.

**Change 4**

(1) These changes would not significantly increase the probability or consequences of an accident from any accident previously evaluated because the FSAR ECCS analysis already assumes SGTS initiation at Level 2. Secondary containment requires a functioning train of SGTS for full effectiveness, and isolation of the containment building is assumed to be simultaneous with SGTS initiation in the FSAR analysis. In addition, the changes will reduce operability problems associated with RWCU and secondary containment isolations.

(2) These changes would not create the possibility of a new or different kind of accident from any accident previously evaluated because the lower setpoint is within the bounds of the FSAR analysis and will not change the basic functions of these trips.

(3) These changes would not involve a significant reduction in a margin of safety because these trips still perform their intended functions as described in the FSAR.

**Change 5**

(1) The modification would not significantly increase the probability or consequences of an accident previously evaluated because this change is consistent with the applicable criteria listed in Sections 3.1 and 7.1.2 and in Appendix A of the FSAR and in general is more reliable in detecting leaks.

(2) The modification would not create the possibility of a new or different accident from any accident previously evaluated because plant trip logic remains unchanged, and the current single-failure criteria are maintained.

(3) The modification would not involve a significant reduction in a margin of safety because single-failure criteria and the level of redundancy for each trip function are maintained. Also, in general, the new location of the sensors will be more reliable for detecting leaks.

**Change 6**

(1) This change would not significantly increase the probability or consequences of an accident previously evaluated because this change is consistent with applicable criteria listed in Sections 3.1 and 7.1.2 and in Appendix A of the FSAR.

(2) This change would not create the possibility of a new or different accident from any accident previously evaluated because the basic trip functions and trip system redundancies, as described in the FSAR, are unchanged.

(3) This change would not involve a significant reduction in a margin of safety because single-failure criteria and the level of redundancy for each trip function are maintained, and the new surveillance requirements are consistent with the capabilities of the new ATTS instrumentation.

**Change 7**

(1) These changes would not significantly increase the probability or consequences of an accident previously evaluated because the new ATTS instruments are of a superior design as compared to the current instruments. In addition, the setpoints were determined using the criteria of Regulatory Guide 1.105 and therefore still meet the FSAR criteria.

(2) These changes would not create the possibility of a new or different kind of accident from any accident previously evaluated because the basic trip functions, as described in the FSAR, are unchanged.

(3) These changes would not involve a significant reduction in a margin of safety because for most trips the original design basis was maintained. Any new design bases were fully addressed with regard to the FSAR requirements. In addition, the criteria of Regulatory Guide 1.105 were used in the calculation of the new setpoints.

**Change 8**

(1) The modification would not significantly increase the probability or consequences of an accident previously evaluated because the permissive being deleted does not perform a safety function.

(2) The modification would not create the possiblity of a new or different kind of accident from any accident previously evaluated because the elimination of this permissive has no effect on the reactor protection system. Also, the mutual bypass of MSIV closure is performed only when the reactor is not operating at full power.

(3) The modification would not involve a significant reduction in a

margin of safety because the permissive being deleted does not perform a safety function.

We agree with the licensees' evaluations that changes 1 through 8 meet the three criteria of the Commission's guidance as stated above.

The Commission has also provided guidance for the application of the criteria in 10 CFR 50.92 by providing examples of amendments that are considered not likely to involve a significant hazards consideration (48 FR 14870). One such example is (ii), a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications.

Change 9, noted above, lowers the level at which a high reactor water level action will be taken and therefore constitutes a more conservative and restrictive requirement than the existing requirement. Therefore, it is similar to the above example (ii).

On the basis stated above, the Commission proposes to determine that the application for amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By June 14, 1984, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice peroid, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for

the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Bethesda, Maryland, this 10th day of May 1984.

For the Nuclear Regulatory Commission.

**John F. Stolz,**

*Chief, Operating Reactors Branch #4, Division of Licensing.*

[FR Doc. 84-13055 Filed 5-14-84; 8:45 am]

BILLING CODE 7590-01-M

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[Docket No. 50-366]

## Georgia Power Co. et al., Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia (the licensees), for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 2, located in Appling County, Georgia.

In accordance with the licensees' application for amendment dated April 3, 1984, the amendment would modify the Hatch Unit 2 Technical Specifications as follows:

1. Add a figure to define the Average Planer Linear Heat Generation Rate limit (MAPLHGR) for fuel type P8DRB284H. The licensees informed us that this change is requested in connection with the core reloading of Hatch Unit 2 to allow for introduction of a new fuel type. This fuel type has not been previously used in Hatch Unit 2 but has been used in Hatch Unit 1.

2. Increase the operating limit Minimum Critical Power Ratio (OLMCPR) for 8x8R and P8x8R fuel. This change is requested in conjunction with the core reloading of Hatch Unit 2. The licensees have stated that the intent of this change is to allow for licensing the fourth Hatch Unit 2 reload under 10 CFR 50.59 when final design and licensing work are completed.

3. Change the description of the control rod assemblies in Section 5.3.2 (Design Features) of the Hatch Unit 2 Technical Specifications to delete references to the specific materials and details of construction of the control blades. The licensees have stated that this change is intended to support the use Hatch Unit 2 of an arbitrary number (up to 137) Type I General Electric Hybrid I Control Rod (HICR) assemblies containing some hafnium as absorber material in place of the boron carbide control rods presently in use. The HICR form, fit and function are identical to that of the blade it replaces. The HICR is designed to increase control rod assembly life and to eliminate cracking of absorber tubes containing boron carbide ($B_4C$). The essential differences between the HICR and the BWR Z–4 D-lattice control rod assemblies currently in use are:

(a) Improved $B_4C$) absorber rod tube material to eliminate cracking during the lifetime of the control rod assembly, and

(b) Some $B_4C$ absorber rods are replaced with solid hafnium absorber rods to increase blade life.

4. Increase the number of fuel assemblies that can be loaded around a source range monitor (SRM) in order to assure that 3 counts per second (CPS) can be achieved without the use of additional source or dunking chambers. The current Hatch Unit 2 Technical Specifications require that the fuel assemblies be loaded into their *previous* core position next to each of the four SRMs. The loading of the bundles around the SRMS before attaining the 3 cps is permissible because these bundles were in subcritical configuration when they were removed and therefore will remain subcritical when placed back in the previous position. This request is very similar to an earlier request for Hatch Unit 2 which was granted as Amendment No. 26 for loading two bundles next to the SRMs. Because Hatch Unit 2 has been in an extended outage, more than two bundles may be required to establish the requisite 3 cps on the SRMs so that fuel loading may proceed.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility or a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensees have evaluated the proposed changes against these three standards and have provided the following information concerning them:

**Change 1**

Fuel type P8DRB284H is a standard General Electric design as described in the NRC approved fuel licensing document, GSTAR II (NEDE–24011–P–A–6). The calculated peak clad temperatures for this fuel type correspond to the criteria specified in 10 CFR 50, Appendix K, and in a letter from J. F. Stolz (USNRC) to J. T. Beckham (GPC), dated February 3, 1982; therefore, MAPLHGRS may be defined for exposures greater than 30,000 Mwd/st.

The proposed MAPLHGR limits were calculated by General Electric using methods consistent with approved analyses of the loss of coolant accident and anticipated operational transients given in the Hatch 2 FSAR, and all applicable requirements stated therein are met by the proposed values. Application of the MAPLHGR limits will not result in any reduction of the margin of safety or cause any change in the consequences for postulated accidents and transients because all acceptance criteria as defined above are met. No design changes to the plant or procedural changes are involved with this part of the amendment. Therefore, the probability of occurrence of the previously considered events would remain unaffected. Because no new failure modes would be introduced, the possibility of a new type of accident would not be created.

**Change 2**

Based on review of the anticipated fuel mix, and on the transient analysis input parameters for the fourth reload, compared to the results of transient analyses performed for previous reloads of both Hatch units, it is judged that the proposed limits will conservatively bound the OLMCPRs that result from licensing analyses of Hatch 2 reload 4 and subsequent Hatch 2 core reloads.

Conformance with the proposed MCPR operating limits shall be assured prior to reactor startup by analyses of limiting operational transients, using the analytical methods given in the approved fuel licensing document, GESTAR II (NEDE–24011–P–A–6). Application of these vertified OLMCPRS

will not cause any reduction of the margin of safety or produce any changes in the consequences of postulated accidents and transients because all acceptance criteria as defined above are met. No design changes to the plant or procedural changes are involved with this part of the amendment. Therefore, the probability of occurrence of previously considered events would remain unaffected. Because no new failure modes would be introduced, the possibility of a new type of accident would not be created.

**Change 3**

Safety design bases which must be met by control rods are enumerated in the Hatch 2 FSAR Chapter 4. Analyses documented in the approved topical report, NEDE–22290–A, have shown that those design bases are met by the HICR blades; therefore, use of these blades will cause no reduction in the margin of safety.

For example, the HICR weight and rod worth are the same as those for the currently used control rod assembly. Therefore, the scram speed and scram reactivity are also the same. It follows then that the LHGR, MCPR and MAPLHGR limits are not affected by the HICR.

Because the control rod worth is the same, the capability of the reactor to achieve the Design Basis cold shutdown reactivity margin is not affected. In addition, existing methodology for analysis of the control rod withdrawal error transient and the control rod drop accident remains valid with HICR assemblies installed. It follows then, that the probability of or consequences of all accidents and transients previously evaluated in the FSAR will not be affected by use of the HICRs.

The possibility of occurrence of an accident different than any evaluated in the FSAR is not created by use of the HICR assemblies because there is no functional change in the control rods.

As shown above, use of the HICR assemblies in Hatch 2 does not increase the probability or consequences of a previously analyzed accident, nor does it significantly reduce any safety margin. The result of this design change is clearly within all acceptance criteria given in the Hatch 2 FSAR as noted above.

**Change 4**

GE's spent fuel pool studies, GESSAR–NED010741, Chapters 4 and 9, show that: (1) Sixteen or more fuel assemblies (i.e., four or more control cells) must be loaded together before criticality is possible; and (2) for an uncontrolled 2×2 array of maximum reactivity bundles, K will always be less than .95. In spiral loading sequences in the Hatch core, an array containing four or more control cells will be at most two control cells (i.e., about two feet) away from an SRM detector. The sensitivity loss in such a case is at most one decade of sensitivity (i.e., about one fifth of the SRMs logarithmic scale). This means that criticality cannot be reached during a spiral reload without an operable SRM detecting it. A spiral sequence is any sequence in which the central control cell is last unloaded and first reloaded, all fueled locations are contiguous, and no imbedded cavities or major peripheral concavities are permitted.

The possibility of occurrence of an accident different than any evaluated in the FSAR is not created because there is no design change to any plant systems. This change does not significantly increase the probability or consequences of a previously analyzed accident because the referenced studies demonstrate inadvertent criticality with four bundles is not possible and further, the same subcritical assemblies and arrangement that was discharged is returned to the same core location. Finally, the safety margin is not significantly reduced because the bundles remain significantly subcritical.

The licensees' evaluation, as discussed above, of each of these four changes has shown that the changes are in conformance with the three standards for concluding that they involve no significant hazards consideration.

Therefore, based on its review of the above information, the Commission proposes to determine that the application involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By June 14, 1984, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possibile effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties ot the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to

present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M. Street, NW., Washington, D.C. 20036, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Bethesda, Maryland, this 10th day of May 1984.

For the Nuclear Regulatory Commission.

**John F. Stolz,**

*Chief, Operating Reactors Branch No. 4, Division of Licensing.*

[FR Doc. 84–13056 Filed 5–14–84; 8:45 am]

**BILLING CODE 7590–01–M**

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**[Docket No. 50–333]**

## Power Authority of the State of New York (James A. FitzPatrick Nuclear Power Plant); Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a decision concerning a petition dated September 12, 1983 submitted by Ellyn R. Weiss and Robert D. Pollard on behalf of the Union of Concerned Scientists (UCS). The petition had requested that the Commission take immediate action to suspend operation of the James A. FitzPatrick Nuclear Power Plant. UCS based its request upon correspondence which questions the adequacy of pipe supports at FitzPatrick. The Director, Office of Nuclear Reactor Regulation, has determined to deny the petitioner's request.

The reasons for this decision are explained the "Director's Decision under 10 CFR 2.206" (DD–84–14) which is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and in the local Public Document Room for the FitzPatrick facility, located at the Penfield Library, State University College at Oswego, Oswego, New York, 13126.

A copy of this decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland, this 8th day of May, 1984.

For the Nuclear Regulatory Commission.

**Harold R. Denton,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 84–13057 Filed 5–14–84; 8:45 am]

**BILLING CODE 7590–01–M**

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## Memorandum of Understanding (MOU) Between U.S. NRC and the State of Illinois

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Publication of Memorandum of Understanding (MOU) between U.S. NRC and the State of Illinois.

**SUMMARY:** Section 274i. of the Atomic Energy Act of 1954, as amended, allows the Commission to enter into agreements with the States "to perform inspections or other functions on a cooperative basis as the Commission deems appropriate." Section 274i. MOUs differ from agreements entered into between NRC and a State under the "Agreement State" program; the latter is accomplished only by entering into an agreement under section 274b. of the Atomic Energy Act. A 274i. MOU can be entered into by a State whether or not it has a 274b. agreement.

This MOU, signed by the NRC and the State of Illinois, provides principles of cooperation between the State and NRC in areas of concern to the State.

The MOU provides the basis for detailed subagreements in areas such as low-level radioactive waste treatment, storage and disposal, emergency preparedness, nuclear facility siting and operation, and decommissioning of nuclear facilities.

Under MOU, the State and NRC have committed to consult regularly and cooperate in devising procedures to minimize duplication of effort and avoid delays in decisionmaking.

Broad agreements such as this have been entered into by other States in the past: Washington (9/78), Oregon (1/80), Indiana (11/78), and New York (3/78).

**FOR FURTHER INFORMATION CONTACT:** Mindy Landau, Office of State Programs, U.S. NRC, Washington, DC 20555, (Telephone (301) 492–9880).

Dated at Bethesda, MD this 4th day of May, 1984.

For the U.S. Nuclear Regulatory Commission.

**G. Wayne Kerr,**

*Director, Office of State Programs.*

**Memorandum of Understanding Between the State of Illinois and the U.S. Nuclear Regulatory Commission**

This Memorandum of Understanding between the State of Illinois (hereafter "State") and the U.S. Nuclear Regulatory Commission (hereafter "NRC") expresses the desire of the parties to cooperate in the regulation of nuclear activities; it sets forth mutually agreeable principles of cooperation between the State and NRC in areas subject to the jurisdiction of the State or the NRC or both. This agreement is intended to provide the basis of subsequent detailed subagreements between the parties.

Close cooperation between the signatories will help assure that the goals and policies of State and Federal law will be carried out efficiently and expeditiously without diminishing the responsibilities or authorities of either party.

With the execution of the Memorandum, the State and NRC agree regularly to consult and cooperate in exploring and devising appropriate procedures to minimize duplication of effort to the extent permitted by State and Federal law, to avoid delays in decisionmaking and to ensure the exchange of information that is needed to make the most effective use of the resources of the State and NRC in order to accomplish the purpose of both parties.

*Principles of Cooperation*

1. The State and NRC agree to explore together the development of detailed subagreements in areas of mutual concern, including siting of nuclear facilities;* water quality; confirmatory radiological and environmental monitoring around nuclear facilities; decommissioning of nuclear facilities; emergency preparedness planning; response to radiological incidents; security planning; personnel training and exchange; low-level radioactive waste packaging, treatment, storage and transport; transport of irradiated fuel; and radioactive material transportation monitoring.

2. Subagreements under this Memorandum may provide for activities to be perfomed by either party under mutually acceptable guidelines and criteria which assure that the needs of both are met. For activities performed by one party at the request of the other party under specific subagreements to this Memoradum, either party may explore means by which compensation can be made available to the other party or by which the costs may be shared by the parties.

3. NRC agrees to explore with the State the possibility of sharing with the State proprietary and other information in NRC's possession that is exempt from mandatory public disclosure.

4. Nothing in this Memorandum is intended to restrict or extend the constitutional or statutory authority of either NRC or the State or to affect or vary the terms of a future agreement between the State and NRC under Section 274b of the Atomic Energy Act of 1954, as amended.

5. The principal NRC contact under this Memoranum shall be the Director of the Office of State Programs. The principal State contact shall be the Director of the Illinois Department of Nuclear Safety or his or her designee. Subagreements will name appropriate individuals, agencies or offices as contacts.

6. This Memorandum shall take effect upon signing by the Governor of the State of Illinois and the Chairman of the Nuclear Regulatory Commission, and may be terminated upon 30 days written notice by either party.

For the State of Illinois.

James R. Thompson,

*Governor.*

Dated at Springfield, IL, this 27th day of April, 1984.

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

*Chairman.*

Dated at Washington, D.C. this 13th day of April, 1984.

[FR Doc. 84-13058 Filed 5-14-84; 8:45 am]

BILLING CODE 7590-01-M

* For the purpose of this Memorandum of Understanding, the term nuclear facilities is defined to include the following plants or facilities within Illinois to the extent that these facilities are not covered by a future NRC-State agreement referenced in paragraph 4:

a. Nuclear power, research, and test facilities, and associated facilities;

b. Nuclear fuel reprocessing facilities;

c. Uranium isotope enrichment facilities;

d. Nuclear fuel fabrication plants;

e. Nuclear waste treatment, storage, and disposal plants;

f. Uranium milling plants and uranium mill trailings; and

g. Uranium hexafluoride conversion plants.

## Advisory Committee on Reactor Safeguards Subcommittee on Decay Heat Removal

The ACRS Subcommittee on Decay Heat Removal will hold a meeting on June 5, 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 44231), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance 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. To 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:

Tuesday, June 5, 1984—8:30 a.m. until the conclusion of business

The Subcommittee will continue review of the resolution effort for Unresolved Safety Issue A-45, "Shutdown Decay Heat Removal Requirements".

During the intitial portion of the meeting, the Subcommittee, along with any of their 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, the Electric Power Research Institute, their consultants, and other interested persons regarding this subject.

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 Employees, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close 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. 552(c)(4).

Dated: May 10, 1984.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 84-13059 Filed 5-14-84; 8:45 am]

BILLING CODE 7590-01-M

## Nominations for Membership on Advisory Committee on the Medical Uses of Isotopes

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for nominations.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is anticipating two vacancies on its Advisory Committee on

the Medical Uses of Isotopes (ACMUI) and is inviting nominations from members of the medical community and from other interested groups or individuals.

**DATE:** Nominations must be received by June 29, 1984.

**FOR FURTHER INFORMATION CONTACT:** Patricia C. Vacca, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 427–4402.

To submit nominations: Mail nominations to Mr. John C. Hoyle, Advisory Committee Management Officer, Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**SUPPLEMENTARY INFORMATION:** The purpose of the ACMUI is to advise the NRC staff on problems or questions that arise in licensing the use of radioactive material for human diagnosis and therapy. Duties and responsibilities include recommending training and experience requirements for physicians who want to use radioactive material for medical purposes; providing comments on NRC regulations and guidance concerning medical uses; evaluating certain nonroutine uses of radioactive materials for human diagnosis and therapy; and evaluating the training and experience credentials of physicians who want to use materials for patient care but who do not meet the published standards. Members must be U.S. citizens and be able to devote approximately 150 hours per year to ACMUI business.

From its inception, it has been recognized that the ACMUI needs to be composed of members with a broad range of specialties to deal effectively with complex issues cutting across several medical disciplines. The ACMUI is composed of members whose primary specialities include internal medicine, pathology, medical physics (including health physics), diagnostic radiology, and therapeutic radiology. All have experience in the diagnostic and/or therapeutic use of radioisotopes. Additionally, ACMUI members represent various types of medical practice and medical institutions, for example private practice, community hospitals, teaching institutions, and federal hospitals.

Adjustments are made in the primary specialities represented on the ACMUI from time to time in order to keep it in balance with developing nuclear medical technologies. The staff plans to continue this practice. The staff believes that the expertise of the Committee would best be complemented by two nuclear medicine physician specialists, one with a background in nuclear cardiology and one with a background in pathology, internal medicine, or diagnostic radiology.

Appointees will be required to submit an employee application form, a security clearance form, and a financial conflict of interest form. In keeping with new federal regulations, the Commission is seeking nominees who are willing to serve without compensation for services. (The NRC will continue to reimburse members for necessary travel expenses and per diem). Therefore, the NRC is asking nominees to indicate whether they are willing to serve without compensation.

Nomination packages must include:

(1) The nominee's name, address, and day telephone number;

(2) A description of the nominee's educational and professional qualifications; and

(3) A statement as to whether the nominee is willing to serve without compensation.

Appointees will be asked to serve for five years. All qualified nominees will receive full consideration.

Dated at Washington, D.C., this 10th day of May, 1984.

For the Nuclear Regulatory Commission.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 84–13054 Filed 5–14–84; 8:45 am]

**BILLING CODE 7590–01–M**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 23300; 70–6980]**

### Allegheny Power System, Inc. and Monongahela Power Co.; Proposal To Make Capital Contributions to Subsidiary

May 8, 1984.

In the matter of Alleghency Power System, Inc., 320 Park Avenue, New York, New York 10022 and Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554.

Allegheny Power System, Inc. ("Allegheny"), a registered holding company, and Monongahela Power Company ("Monongahela"), a wholly-owned subsidiary, have filed an application-declaration with this Commission pursuant to Sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(3) promulgated thereunder.

Monongahela proposes to issue and sell not more than 200,000 shares of its common stock to Allegheny for a consideration of $50 per share from time to time prior to December 31, 1984.

The net proceeds of the issuance and sale of common stock by Monongahela will be used to operate its business as a utility, including the payment or prepayment of short-term debt outstanding, and the continuation of its construction program. Monongahela expects that it will have $21.5 million of short-term debt outstanding on June 30, 1984. It also estimates that for the year 1984 its gross construction expenditures will be approximately $49 million.

Allegheny proposes to obtain the additional funds necessary to purchase the aforesaid common stock of Monongahela from internal cash generation, short-term borrowings and such other securities as the Commission and other regulatory authorities having jurisdiction may authorize. As of March 31, 1984, Allegheny had no short-term debt outstanding.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 1, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 84–13065 File 5–14–84; 8:45 am]

**BILLING CODE 8010–01–M**

**[Release No. 13934; 811–1966]**

### Crusade Fund, Inc.; Proposal To Terminate Registration

May 9, 1984.

In the matter of Crusader Fund, Inc., 1346 Connecticut Avenue, Washington, D.C. 20036.

Notice is hereby given that the Commission proposes, pursuant to

Section 8(f) of the Investment Company Act of 1940 ("Act") to declare by order on its own motion that Crusader Fund, Inc. ("Crusader"), registered under the Act as an open-end, diversified management investment company, ceased ot be an investment company required to be registered under the Act.

Information contained in the files of the Commission indicates that Crusader, a corporation organized under the laws of Maryland, registered under the Act on October 31, 1969, and subsequently became inactive.

Section 8(f) provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order.

Notice is further given that any interested person wishing to request a hearing on the proposal may, not later than June 4, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon VIP at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the proposal will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 84-13066 Filed 5-14-84; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 34-20937; File No. SR-NYSE-84-13]**

## Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc., Relating to Minimum Fractional Change for Index Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 23, 1984, the New York Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change provides for a minimum fractional change in premium bids and offers for index options of one-sixteenth of $100 ($6.25) regardless of the size of the premium.[1]

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(1) *Purpose.* The purpose of the proposed rule change is to create more sensitive and flexible index option products and therefore a more competitive index options marketplace by permitting members to bid for or offer all index options at intervals of one-sixteenth of $100 (i.e., $6.25). Currently, a member can bid for or offer an index option at "sixteenths" only if he bids or offers less than $300 for the contract. In the case of greater bids and offers, Rules 751 and 752 currently require members to express premium fractions as one-eighth of $100 (i.e., $12.50) and its multiples.

To understand the need for the change, one must note an important difference between individual stock options and index options. Stock option premiums can track changes in the price of an underlying stock more readily than index option premiums can track changes in the value of an underlying index. The industry expresses the value of an option stock in "eighths" and expresses the value of a stock option in "sixteenths" and "eighths". Bids or offers for a stock option can, therefore, closely track changes in the price of the stock. For example, given a stock price of $94 and an option bid of $4, a member can increase his bid to $4⅛ if the price of the underlying stock moves to $94⅛.[2]

However, the index options participants cannot so precisely alter their bids or offers to track changes in the underlying index. The industry expresses the values of a stock index in decimals, but, as in the case of stock options, expresses bids and offers for index options in "sixteenths" and "eighths". For example, given an index value of 94.00 and an option bid of "4" (i.e., $400), Rules 751 and 752 currently permit a member to increase his bid to no less than "4⅛" (i.e., $412.50) if the value of the index moves to 94.01. As the example illustrates, an index value change can occur in increments as small as $1.00. Yet the smallest permissible change in the bid is $12.50.

To illustrate the effect, consider that movements of "one-eighth" from bids or offers of "3", "5" and "8" represent changes of 4.17 percent, 2.50 percent and 1.56 percent from the previous bid or offer. Percentage changes of that size may deter members from raising a bid or reducing an offer. An index option could lose some of its allure as a hedging tool.

A party wishing to hedge will only do so at a reasonable cost. If the party must raise a bid or reduce an offer by as much as 4.17 percent in order to hedge, he may decide against the investment. Similarly, one wishing to speculate in index options may feel unable to do so in a market with overly-large premium increments.

By halving the minimum premium jump for in-the-money options, the proposal will permit members to more readily use index options to hedge or speculate. The increased trading flexibility will improve the index options market by increasing its liquidity. Yet the proposal retains the "sixteenth" to which stock and stock-option investors are accustomed.

In addition, the proposal will produce a more efficient and competitive marketplace. The premium represents the amount a member is willing to pay (receive) for an index option. In a perfect market, members' bids (offers) would compete with one another to the nearest penny. If one member were willing to pay (accept) one cent more (less) for an option than any of his competitors, his bid (offer) would win.

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[1] The Exchange does not intend to implement this rule change until it completes a survey of market data vendors to determine their capabilities to handle the reduced minimum tick. Accordingly, the Exchange may postpone effectiveness of the rule change upon its approval by the Commission pending the completion of this survey.

[2] The use of "sixteenths" for at-the-money or near-in-the-money options takes into account the fact that premiums for such options ordinarily track movements in the underlying stock at a ratio of less than 1:1.

Practical constraints precludes bidding and offering to the nearest penny. However, the proposed rule change refines the members' ability to express premiums and thereby improves the auction market. The change will enable a member to bid $6.25 more than his competition for in-the-money options, rather than having to "up the ante" by $12.50. As a result, members will create a market that more accurately reflects the prices at which buyers and sellers are willing to trade.

(2) *Statutory Basis.* The proposed rule change is consistent with the requirements of the 1934 Act and the rules and regulations thereunder applicable to the Exchange and, in particular, section 6(b)(5) of the 1934 Act, in that it will promote the quality and liquidity of the Exchange's market in index options and will enable the Exchange to offer competitive index options, thereby promoting market competition in index products. Therefore, the proposed rule change is consistent with section 6(b)(5) of the 1934 Act, which provides in pertinent part that the rules of the Exhange be designed to promote just and equitable principles of trade and to protect the investing public. In particular, decreasing the minimum fractional change will maximize the utility of index options to market participants (including the use of those options to transfer the risks of stock ownership), thereby serving to protest investors and the public interest in furtherance of section 6(b)(5).

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that neither the proposed rule change nor Rules 751 and 752 as amended by the proposed rule change will impose any burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants of Others*

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted June 5, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 7, 1987.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 84-13067 Filed 5-14-84; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF STATE

### Office of the Secretary

**[Public Notice 903]**

### Designation of Order of Succession

By virtue of the authority vested in me by Executive Order 12343 of January 27, 1982 (47 FR 4225), Public Notice 802, dated March 30, 1982 (47 FR 16131) is amended as follows:

Insert before paragraph (1) the following:

An Under Secretary of State or the Counselor as may be specifically designated from time to time by the Secretary of State or the Acting Secretary of State; or, in the absence of such designation, as follows:

Dated: May 4, 1984.

**George P. Shultz,**

*Secretary of State.*

[FR Doc. 84-12968 Filed 5-14-84; 8:45 am]

BILLING CODE 4710-10-M

## SYNTHETIC FUELS CORPORATION

### Clarifications of Fourth General Solicitation for Synthetic Fuels Projects

**Note.**—The text of this document was published in the issue of May 7 1984 (49 FR 19428). The entry in the table of contents was incorrect. At the request of the issuing agency it is being republished with minor editorial changes.

**AGENCY:** Synthetic Fuels Corporation.

**ACTION:** Clarifications of Fourth General Solicitation for Synthetic Fuel Projects.

**SUMMARY:** Notice is given of the approval by the Senior Vice President—Projects of the following clarifications of said solicitation:

1. Section 4 of the Solicitation sets forth the requirement for submission of a proposal from a Project Sponsor as prerequisite to consideration of such Project under the provisions of the Solicitation. All Sponsors intending to compete under the Solicitation are required to submit Proposals. In the event a Sponsor has submitted data to the Corporation under a prior solicitation that supports or otherwise amplifies data contained the Sponsor's Proposal submitted in response to the fourth general solicitation, the earlier data may be referenced in the Sponsor's Proposal provided the Sponsor warrants that there has been no material change in the facts represented by such earlier data. However, notwithstanding the referral to earlier data, Project Sponsors are cautioned that Proposals must meet all applicable requirements for data as specified in Appendix B of the Solicitation.

2. Project Sponsors may submit Proposals in response to the Solicitation earlier than the deadline for submisson of Proposals specified in Section 3.2 of the Solicitation. Evaluations of such Proposals by the Corporation may begin immediately after submission. The procedures used for the evaluations of such Proposals will be the same as those used for the evaluation of all Proposals submitted under the Solicitation, in particular those Proposals submitted on the deadline date specified in Section 3.2 of the Solicitation. All Proposals must meet all applicable requirements o

the Solicitation. No Sponsor will be permitted to provide data after submitting a Proposal for the purpose of completing an otherwise incomplete area of the Proposal, nor to amend the Proposal for the purpose of enhancing its competitive position under the Solicitation.

**EFFECTIVE DATE:** April 24, 1984.

**FOR FURTHER INFORMATION CONTACT:** Ralph L. Bayrer, Vice President—Projects, United States Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586 (202) 822–6435.

For Copies of the Clarification Contact: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586 (202) 822–6460.

United States Synthetic Fuels Corporation.

**Robert W. Gambino,**

*Group Vice President—Corporate.*

[FR Doc. 84–13025 Filed 5–14–84; 8:45 am]

BILLING CODE 0000–00–M

## Clarifications of Solicitation for Coal or Lignite Gasification or Liquefaction Retrofit Projects

**AGENCY:** Synthetic Fuels Corporation.

**ACTION:** Clarification of Coal or Lignite Gasification or Liquefaction Retrofit Projects.

**SUMMARY:** Notice is given of the approval by the Senior Vice President—Projects of the following clarifications of said solicitation:

1. Section 4 of the Solicitation sets forth the requirement for submission of a proposal from a Project Sponsor as a prerequisite to consideration of such Project under the provisions of the Solicitation. All Sponsors intending to compete under the Solicitation are required to submit Proposals. In the event a Sponsor has submitted data to the Corporation under a prior solicitation that supports or otherwise amplifies data contained in the Sponsor's Proposal submitted in response to the retrofit solicitation, the earlier data may be referenced in the Sponsor's Proposal provided the Sponsor warrants that there has been no material change in the facts represented by such earlier data.

However, notwithstanding the referral to earlier data, Project Sponsors are cautioned that Proposals must meet all applicable requirements for data as specified in Appendix B of the Solicitation.

Project Sponsors may submit Proposals in response to the Solicitation earlier than the deadline for submission of Proposals specified in Section 3.2 of the Solicitation. Evaluations of such Proposals by the Corporation may begin immediately after submission. The procedures used for the evaluations of such Proposals will be the same as those used for the evaluations of all Proposals submitted under the Solicitation, in particular those Proposals submitted on the deadline date specified in Section 3.2 of the Solicitation. All Proposals must meet all applicable requirements of the Solicitation. No Sponsor will be permitted to provide data after submitting a Proposal for the purpose of completing an otherwise incomplete area of the Proposal, nor to amend a Proposal for the purpose of enhancing its competitive position under the Solicitation.

**EFFECTIVE DATE:** April 24, 1984.

**FOR FURTHER INFORMATION CONTACT:** Ralph L. Bayrer, Vice President—Projects, United States Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586 (202) 822–6435.

For Copies of the Clarification Contact: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586 (202) 822–6460.

United States Synthetic Fuels Corporation.

**Robert W. Gambino,**

*Group Vice President—Corporate.*

[FR Doc. 84–13026 Filed 5–14–84; 8:45 am]

BILLING CODE 0000–00–M

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

## Applicable Rate of Interest on Nonqualified Withdrawals From a Capital Construction Fund

Under the auhority in section 607(h)(4)(B) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177(h)(4)(B)), we hereby determine and announce that the applicable rate of interest on the amount of additional tax attributable to any nonqualified withdrawals from a capital construction fund established under section 607 of the Act shall be 11.69 percent, with respect to nonqualified withdrawals made in the taxable year beginning in 1984.

The determination of the applicable rate of interest with respect to nonqualified withdrawals was computed, according to the joint regulations issued under the Act (46 CFR 391.7(e)(2)(ii)), by multiplying 8 percent by the ratio which (a) the average yield on 5-year Treasury securities for the calendar year immediately preceding the beginning of such taxable year bears to (b) the average yield on 5-year Treasury securities for the calendar year 1970. The applicable rate so determined was computed to the nearest one-hundredth of 1 percent.

Dated: May 4, 1984.

**H. E. Shear,**

*Maritime Administrator.*

**Anthony J. Calio,**

*Acting Administrator, National Oceanic And Atmospheric Administration.*

**John E. Chapoton,**

*Assistant Secretary for Tax Policy.*

So ordered by: Maritime Administrator, Maritime Administration, Administrator, National Oceanic and Atmospheric Administration, Assistant Secretary for Tax Policy Department of Treasury.

**George P. Stannis,**

*Secretary, Maritime Administration.*

[FR Doc. 84–13022 Filed 5–14–84; 8:45 am]

BILLING CODE 4910–81–M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

**[Supplement to Department Circular; Public Debt Series—No. 12–84]**

## Interest Rate; Notes Designated Series N–1987

The Secretary announced on May 8, 1984, that the interest rate on the notes designated Series N–1987, described in Department Circular—Public Debt Series—No. 12–84 dated May 3, 1984, will be 12½ percent. Interest on the notes will be payable at the rate of 12½ percent per annum.

Dated: May 9, 1984.

**Carole Jones Dineen,**

*Fiscal Assistant Secretary.*

[FR Doc. 84–12945 Filed 5–14–84; 8:45 am]

BILLING CODE 4810–40–M

## Advisory Committee to the National Centers for State and Local Law Enforcement Training; Meeting

Name: Advisory Committee to the National Center for State and Local Law Enforcement Training.

Date: May 22–23, 1984; 9:00 a.m.–5:00 p.m.

Meeting place: Building 262, Room S–5; Federal Law Enforcement Training Center, Glynco, Georgia 31524.

Agenda: The agenda for this meeting includes opening remarks by the Director of FLETC and Committee Co-Chairman; general administrative matters; summary of present training activites; report on new programs; concepts under consideration; concepts recommended for development; and review of old business.

**John M. Walker, Jr.,**

*Assistant Secretary (Enforcement and Operations).*

[FR Doc. 84–13078 Filed 5–14–84; 8:45 am]

BILLING CODE 4810–25–M

## Public Information Collection Requirements Submitted to OMB for Review

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535–6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

### Internal Revenue Service

*OMB Number:* 1545–0458
*Form Number:* 4852
*Type of Review:* Extension
*Title:* Substitute for Form W–2, Wage and Tax Statement or Form W–2P, Statement for Recipients of Annuities, Pensions, Retired Pay or IRA Payments

### Alcohol, Tobacco and Firearms

*OMB Number:* 1512–0337
*Form Number:* ATF REC 5150/1
*Type of Review:* Reinstatement
*Title:* Usual and Customary Business Records Relating to Denatured Spirits

*OMB Number:* 1512–0154
*Form Number:* ATF F 2975 (5140.2)
*Type of Review:* Extension
*Title:* Application by Proprietor of Taxpaid Wine Bottling House

OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

### United States Customs Service

*OMB Number:* 1515–0025
*Form Number:* CF 7303
*Type of Review:* Extension
*Title:* Pro Forma List of Export Declaration for Rail Shipments to Canada

*OMB Number:* New
*Form Number:* None
*Type of Review:* Existing Collection
*Title:* Current List of Officers, Members or Employees of Licensed Cartmen or Lightermen

*OMB Number:* New
*Form Number:* None
*Type of Review:* Existing Collection
*Title:* Application for Bonding of Smelting and Refining Warehouses

*OMB:* New
*Form Number:* None
*Type of Review:* Existing Collection
*Title:* Request for Temporary Identification Card

*OMB Number:* New
*Form Number:* None
*Type of Review:* Existing Collection
*Title:* Free Admittance Under Conditions of Emergency

OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: May 4, 1984.

**John Poore,**

*Deputy Director, Departmental Reports, Management Office.*

[FR Doc. 84–13095 Filed 5–14–84; 8:45 am]

BILLING CODE 4810–25–M

## UNITED STATES INFORMATION AGENCY

### Evaluators of International Exchange Programs

The Bureau of Educational and Cultural Affairs of the United States Information Agency is assembling a resume file of individuals available for short- to medium-term part-time assignment as evaluators of programs and projects administered under the Fulbright-Hays Act.

Minimum qualifications for consideration of these assignments include the following:

Experience with international educational and cultural exchange programs.

Experience in American and/or foreign educational, cultural or exchange of person institutions.

Experience in data collection, interpretive analysis and report writing.

Many assignments will also require area specialization and/or knowledge of foreign languages. Some assignments will require formal background in evaluation and the associated research-design and statistical competencies. Evaluators work closely with Agency staff and may be appointed to work alone or as part of a project team. Domestic and international travel may be required. Compensation will vary, and the shortest-trem assignments maybe unpaid.

Individuals interested in being considered for evaluation assignments should submit detailed resumes and brief writing samples to: Ronald L.Trowbridge, Associate Director, Bureau of Educational and Cultural Affairs, U.S. Information Agency, Room 849, 301 4th Street SW., Washington, D.C. 20547.

Deadline for Receipt of Resumes is June 1, 1984.

Dated: May 10, 1984.

**Charles N. Canestro,**

*Management Analyst, Federal Register Liaison.*

[FR Doc. 84–12958 filed 5–14–84; 8:45 am]

BILING CODE 8230–01–M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. 84–324]**

### Cooperative Gypsy Moth Suppression and Regulatory Projects—1984; Decision Notice

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This gives notice that a decision has been made to cooperate with the States of Michigan, North Carolina, Ohio, Tennessee, and Virginia in gypsy moth eradication projects. The State Departments of Agriculture for Michigan and Ohio have decided to use carbaryl for the proposed treatment areas in Eaton and Menominee Counties, Michigan, and Franklin and Lucas Counties, Ohio. The State Departments of Agriculture for North Carolina, Tennessee, and Virginia have decided to use dimilin for the proposed treatment areas in Watauga County, North Carolina; Johnson County, Tennessee; and Montgomery and Patrick Counties, Virginia. Based on an evaluation of the Environmental Impact

Statement prepared by USDA on gypsy moth eradication projects, and a site-specific environmental analysis prepared for the proposed treatment areas in each State (Michigan, North Carolina, Ohio, Tennessee, and Virginia), the Animal and Plant Health Inspection Service (APHIS) has determined that these treatment methods pose no significant adverse impact on the environment of these areas.

**FOR FURTHER INFORMATION CONTACT:** Gary Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, Hyattsville, MD 20782, (301) 436–8295.

**SUPPLEMENTARY INFORMATION:** On December 28, 1983, a draft Environmental Impact Statement for the Cooperative Gypsy Moth Suppression and Eradication Projects (EIS) was furnished to EPA. Notices were published on January 6, 1984, (49 FR 993) and on January 17, 1984, (49 FR 2001) announcing the availability and requesting comments on the draft EIS. Comments were accepted on the draft EIS through February 25, 1984.

All comments received pursuant to the notice of availability of the draft EIS were considered in the preparation of a final EIS. On January 28, 1984, the United States District Court for the District of Oregon permanently enjoined any programs using aerial application of carbaryl in populated areas in Oregon (Oregon Environmental Council v. Kunzman, et al.). The court directed the defendants to fully consider all health risks of such spraying. In addition, several comment on the draft EIS indicated the need for further consideration on the human health effects associated with the use of insecticides or some type of worse case analysis associated with the proposed use of insecticides in gypsy moth eradication or suppression projects.

In response to these concerns, APHIS and the Forst Service prepared a risk analysis, using worstcase assumptions, which expanded upon the discussion in the draft EIS of the health risks associated with the use of acephate, carbaryl, diflubenzuron, and trichlorfon as used in gypsy moth suppression and eradication projects. This risk analysis was included in the final EIS and filed with the U.S. Environmental Protection Agency and made available to the public on March 16, 1984.

In order to provide further opportunity for public input before implementing any decision using assumptions and conclusions drawn from the risk analysis published in the final EIS, a 45-day public review and comment period was provided. A total of six comment letters were received during the review period which ended on May 7, 1984. Four of the comment letters stated that their concerns had been adequately addressed in the final EIS, and one of these comment letters further stated that the final EIS was complete and factual. The fifth comment letter responded that the final EIS, specifically the risk analysis, overestimated the human health risk from exposure to carbaryl and the carcinogenic potential of nitrosocarbaryl. The last comment letter was a receipt of notice letter.

The comment letters were reviewed in detail to determine if any concerns, issues or data were presented that would alter or revise any of the assumptions or conclusions drawn from the risk analysis, or influence any decision to be made involving cooperation with the States of Michigan, North Carolina, Ohio, Tennessee and Virginia in the use of carbaryl and dimilin on proposed treatment areas in those states. No information was provided that would alter or revise the assumptions and conclusions drawn from the risk analysis.

On or about May 10, 1984, the State Departments of Agriculture for Michigan, North Carolina, Ohio, Tennessee, and Virginia decided to conduct aerial spray treatment projects using carbaryl or dimilin in the proposed treatment areas.

Specifically, the State Departments of Agriculture for Michigan and Ohio have decided to conduct aerial spray treatment projects using carbaryl; the State Departments of Agruculture for North Carolina, Tennessee, and Virginia have decided to conduct aerial spray treatment projects using dimilin.

Based on the Department's review of the EIS and the site-specific analyses, and in accordance with the National Environmental Policy Act, the Department has decided to cooperate with the States of Michigan, North Carolina, Ohio, Tennessee, and Virginia in the conduct of these projects.

The Organic Act of September 21, 1944, as amended (7 U.S.C. 147a) authorizes APHIS to cooperate with States to retard the artificial, long-range spread of the gypsy moth and to eradicate isolated infestations of the pest.

Gypsy moth egg masses were expected to have reached peak hatching in Michigan, North Carolina, Ohio, Tennessee, and Virginia by the end of April 1984. The State Departments of Agriculture for each of these States have notified the Department that if a spraying program for gypsy moth in Michigan, North Carolina, Ohio, Tennessee, and Virginia is to be effective, they must be prepared to commence spraying as close to the peak hatching time as possible. Therefore, implementation of the program may take place immediately after the date of publication of this decision.

Done at Washington, D.C., this 14th day of May 1984.

**Harvey L. Ford,**

*Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.*

[FR Doc. 84–13257 Filed 5–14–84; 11:37 am]

BILLING CODE 3410–34–M

# Sunshine Act Meetings

Federal Register
Vol. 49, No. 95
Tuesday, May 15, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS



1

**NATIONAL COUNCIL ON THE HANDICAPPED**

**TIME AND DATE:** 9:00 a.m.–5:00 p.m., May 19, 1984.

**PLACE:** Cafeteria (2nd Floor), International Center for Disabled Persons, 340 E. 24th Street, New York, New York.

**STATUS:** Open Meeting.

**MATTERS TO BE CONSIDERED:**

Consumer Presentations:
Questions and Discussions.

**Note.**—Any person requiring an interpreter or other special services, please contact NCH staff no late than May 16, 1984.

**CONTACT FOR MORE INFORMATION:** Harvey C. Hirschi, Executive Director, NCH, 202–732–1276.

**Harvey C. Hirschi,**

*Ex. Director, National Council on the Handicapped.*

[FR Doc. 84-13112 Filed 5-11-84; 11:17 am]

BILLING CODE 6820-BS-M

2

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**AGENCY:** Institute of Museum Services.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under the Government in the Sunshine Act (Pub. L. 94–409) and regulations of the Institute of Museum Services, 45 CFR § 1180.84.

**DATE:** June 1, 1984.

**ADDRESS:** 1100 Pennsylvania Avenue NW., Room M14, Washington, D.C. 20506.

**FOR FURTHER INFORMATION CONTACT:** Michele N. Rossi, Executive Assistant to the National Museum Services Board, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506.

**SUPPLEMENTARY INFORMATION:** The National Museum Services Board is established under the Museum Services Act which is Title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Pub. L. 94–462. The Board has the responsibility for the general policies with respect to the powers, duties and authorities vested in the Institute under this Title. Grants are awarded by the Institute of Museum Services after review by the Board.

The meeting of June 1 will be open to the public from 10:00 a.m. until 11:00 a.m. The meeting will be closed to the public from 11:00 a.m. until 5:00 p.m. pursuant to paragraphs 6, 9(B), and other relevant provisions of subsection (c) of Section 552 of Title 5, United States Code because the Board will consider information that may disclose: Information of a personal nature that disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which might significantly frustrate implementation of proposed agency action related to the award process.

The agenda for the meeting will be as follows:

I. 10:00 a.m. Approval of the Minutes of April 13, 1984
II. 10:05 a.m. Director's Report
III. 10:30 a.m. Regulations Update
IV. 11:00 Eligibility of Grant Applicants
V. 2:00 p.m. Discussion of General Operating Support Applicants.

Dated: May 10, 1984.

**Susan E. Phillips,**

*Director.*

[FR Doc. 84-13142 Filed 5-11-84; 4:01 pm]

BILLING CODE 7036-01-M

3

**SECURITIES AND EXCHANGE COMMISSION**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS:** (To be published)

**STATUS:** Closed meeting.

**PLACE:** 450 Fifth Street, NW., Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:** Wednesday, May 2, 1984.

**CHANGE IN THE MEETING:** Additional Items.

The following additional items will be considered at a closed meeting scheduled for Wednesday, May 9, 1984, following the 10:00 a.m. open meeting:

Chapter 11 proceeding.
Consideration of amicus participation.
Litigation matter.

Chairman Shad and Commissioners Treadway and Cox determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Kohn at (202) 272–3195.

**George A. Fitzsimmons,**

*Secretary.*

May 9, 1984.

[FR Doc. 84-13063 Filed 5-10-84; 4:19 pm]

BILLING CODE 8010-01-M

4

**TENNESSEE VALLEY AUTHORITY (MEETING NO. 1330)**

**TIME AND DATE:** 10:15 a.m. (EDT), Thursday, May 17, 1984.

**PLACE:** TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

**STATUS:** Open.

**AGENDA ITEMS:** Approval of minutes of meeting held on April 30, 1984.

**DISCUSSION ITEM:** 1. Reservoir releases improvement program—recommendations for implementation.

**ACTION ITEMS:**

**Old Business Item**

1. Revised hazardous waste management project proposal.

**New Business Items**

*B—Purchase Awards*

B1. Requisition 91—Coal for Allen Steam Plant.

*C—Power Items*

C1. Letter agreement with Big Rivers Electric Corporation providing for TVA to wheel 54,000 kW to Mississippi Power & Light Company for the account of the Municipal Energy Agency of Mississippi.

*D—Personnel Items*

D1. Personal services contract with Coopers & Lybrand, Philadelphia, Pennsylvania, for professional accounting services.

*E—Real Property Transactions*

E1. Sale of a permanent highway easement to the city of Johnson City, Tennessee, to accommodate a bridge replacement project affecting a 0.21-acre portion of the Northeast Johnson City Substation site located in Washington County, Tennessee.

*F—Unclassified*

F1. TVA code relating to threatened and endangeres species.

F2. TVA code relating to use of TVA land for sanitary landfills and refuse collection facilities.

F3. Interagency agreement between TVA and Bonneville Power Administration (BPA) whereby TVA would provide BPA computer software codes and related assistance.

**CONTACT PERSON FOR MORE INFORMATION:** Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: May 10, 1984.

**John W. Thompson,**

*Manager of Corporate Services.*

[FR Doc. 84–13141 Filed 5–11–84; 1:56 pm]

BILLING CODE 8120–01–M

federal register

Tuesday
May 15, 1984

Part II

# Department of Energy

Federal Energy Regulatory Commission

NGPA Notices of Determination by Jurisdictional Agencies

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Vol. 1120]

### NGPA Notices of Determination by Jurisdictional Agencies

Issued: May 9, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 FR 7109–13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* Federal Register. Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Road, Springfield, Virginia 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New res. on old OCS lease
Section 103: New onshore production well
Section 107–DP: 15,000 ft or deeper
107–GB: Geopressured brine
107–DV: Devonian shale
107–CS: Coal seam gas
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Temporary pressure buildup

**Kenneth F. Plumb,**
*Secretary.*

NOTICE OF DETERMINATIONS — VOLUME 1120

Issued May 9, 1984

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| **MONTANA BOARD OF OIL & GAS CONSERVATION** | | | | | | | | | |
| -MONTANA-DAKOTA UTILITIES CO | | | | RECEIVED: | 04/16/84 | JA: MT | | | |
| 8429500 | 2-84-27 | 2502521248 | | 103 | | MDU 418 BH | CEDAR CREEK ANTICLINE | 8.8 | MONTANA-DAKOTA UT |
| 8429502 | 2-84-28 | 2502521249 | | 103 | | MDU 419 BH | CEDAR CREEK ANTICLINE | 3.9 | MONTANA-DAKOTA UT |
| 8429499 | 2-84-29 | 2502521247 | | 103 | | MDU 420 BH | CEDAR CREEK ANTICLINE | 2.4 | MONTANA-DAKOTA UT |
| -PENNZOIL CO | | | | RECEIVED: | 04/16/84 | JA: MT | | | |
| 8429498 | 2-84-25 | 2508321078 | | 102-4 | | NOHLY #1 | NOHLY | 34.5 | MGPC INC |
| -TRICENTROL UNITED STATES INC | | | | RECEIVED: | 04/16/84 | JA: MT | | | |
| 8429501 | 2-84-26 | 2504121163 | | 108 | | STATE 28-6 (32N-15E) | BULLHOOK UNIT | 0.0 | NORTHERN NATURAL |
| **NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION** | | | | | | | | | |
| -CLARION OIL & GAS CORP | | | | RECEIVED: | 04/13/84 | JA: NY | | | |
| 8429453 | 7314 | 3101313975 | | 108 | | KOZMER #1 | LAKESHORE | 8.0 | NATIONAL FUEL GAS |
| 8429452 | 7313 | 3101313615 | | 108 | | PIETRO #1 | LAKESHORE | 2.0 | NATIONAL FUEL GAS |
| -MARIEFF PETROLEUM INC | | | | RECEIVED: | 04/13/84 | JA: NY | | | |
| 8429455 | 7306 | 3101318711 | | 103 | 107-TF | FULLMER #1 | WESTFIELD | 10.0 | COLUMBIA GAS TRAN |
| -PHELPS DODGE FUEL DEVELOPMENT CORP | | | | RECEIVED: | 04/13/84 | JA: NY | | | |
| 8429454 | 7312 | 3102918868 | | 107-TF | | SESSANA #1 | 18 MILE CREEK | 18.0 | NATIONAL FUEL GAS |
| -TRAHAN PETROLEUM INC | | | | RECEIVED: | 04/13/84 | JA: NY | | | |
| 8429448 | 7327 | 3101318731 | | 107-TF | | HITCHCOCK #2 #31-013-18731 | ELLINGTON | 36.0 | COLUMBIA GAS TRAN |
| 8429449 | 7325 | 3101318694 | | 107-TF | | RUBLEE #1 #31-013-18694 | ELLINGTON | 36.0 | COLUMBIA GAS TRAN |
| -TRISON PETROLEUM | | | | RECEIVED: | 04/13/84 | JA: NY | | | |
| 8429450 | 7322 | 3102915329 | | 107-TF | | BARTZ #1 | AURORA | 73.0 | NATIONAL FUEL GAS |
| 8429451 | 7321 | 3102915791 | | 107-TF | | MUNDT #1 | AURORA | 12.0 | NATIONAL FUEL GAS |
| **OHIO DEPARTMENT OF NATURAL RESOURCES** | | | | | | | | | |
| -AKG OIL & GAS CO | | | | RECEIVED: | 04/17/84 | JA: OH | | | |
| 8429544 | | 3411521513 | | 108 | | SARGENT #1 | | 3.0 | EAST OHIO GAS CO |
| -AMERICAN WAY PRODUCTION INC | | | | RECEIVED: | 04/17/84 | JA: OH | | | |
| 8429545 | | 3415321636 | | 103 | 107-TF | GIER DEVELOPMENT #3 | HUDSON | 0.0 | EAST OHIO GAS CO |
| -ATLAS ENERGY GROUP INC | | | | RECEIVED: | 04/17/84 | JA: OH | | | |
| 8429546 | | 3415522446 | | 103 | 107-TF | GRADISHAR FEE #1 | CHAMPION | 0.0 | COPPERWELD STEEL |
| -BARB OIL CO | | | | RECEIVED: | 04/17/84 | JA: OH | | | |
| 8429547 | | 3408924836 | | 103 | | FEID-ATTEBERY | MADISON | 0.0 | NATIONAL GAS & OI |
| -BELDEN & BLAKE & CO 84 | | | | RECEIVED: | 04/17/84 | JA: OH | | | |
| 8429551 | | 3401921675 | | 103 | 107-TF | B & N LEWIS COMM #2-341362 | BROWN | 36.5 | |
| 8429559 | | 3415321650 | | 103 | 107-TF | BETHEL-HERRIOTT #1-341388 | BATH | 36.5 | |
| 8429552 | | 3401921685 | | 103 | 107-TF | C SINAR COMM #1-341377 | BROWN | 36.5 | |
| 8429550 | | 3401921621 | | 103 | 107-TF | G JUWELL #3-341308 | BROWN | 36.5 | |
| 8429548 | | 3401921614 | | 103 | 107-TF | H & K CABOT COMM #1-341278 | BROWN | 36.5 | |
| 8429558 | | 3415321626 | | 103 | 107-TF | J & B LEMMON COMM #1-341389 | BATH | 36.5 | |
| 8429553 | | 3409921545 | | 103 | 107-TF | K KENDALL #1-341305 | GOSHEN | 36.5 | |
| 8429554 | | 3409921670 | | 103 | 107-TF | M FAHEY COMM #1-341374 | SMITH | 36.5 | |
| 8429560 | | 3416923649 | | 103 | 107-TF | MAE FRANKS ET AL #1-341349 | CHESTER | 36.5 | |
| 8429556 | | 3415123834 | | 103 | 107-TF | R & A BAUGHMAN COMM #1-341312 | TUSCARAWAS | 36.5 | |

BILLING CODE 6717-01-M

VOLUME 1120

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8429549 | | 3401921616 | | 103 | 107-TF | R & H FELTON #2-341276 | BROWN | 36.5 | |
| 8429557 | | 3415123976 | | 103 | 107-TF | R KURTZ COMM #1-341393 | LAKE | 36.5 | |
| 8429555 | | 3409921680 | | 103 | 107-TF | RALPH SNYDER ET AL COMM #1-341373 | SMITH | 36.5 | |
| -BUCKHORN OIL COMPANY INC | | | | RECEIVED: 04/17/84. JA: OH | | | | | |
| 8429562 | | 3407524179 | | 103 | | F MCFADDEN #22-4 | RICHLAND | 20.0 | COLUMBIA GAS TRAN |
| 8429561 | | 3407524178 | | 103 | | LEWIS MCFADDEN #25-3 | RICHLAND | 20.0 | COLUMBIA GAS TRAN |
| -CAPITAL OIL & GAS INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429563 | | 3400722541 | | 103 | 107-TF | COE #1 | ANDOVER | 40.0 | |
| -CENTRAL ENERGY CO INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429564 | | 3408924871 | | 103 | | CANNON #1 | FALLSBURG | 61.0 | NATIONAL GAS & OI |
| -CLINTON OIL CO | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429641 | | 3411925556 | | 107-TF | | D & J MERKER #2-607 | CASS | 10.0 | |
| 8429640 | | 3405520710 | | 107-TF | | E BYLER UNIT #1-883 | HUNTSBURG | 10.0 | |
| 8429637 | | 3400722574 | | 107-TF | | F STENGER #1-852 | MONROE | 10.0 | |
| 8429639 | | 3405520709 | | 107-TF | | F SZOKA #1-886 | BAINBRIDGE | 10.0 | |
| 8429642 | | 3411926974 | | 107-TF | | G HAHN #1-889 | SALEM | 10.0 | |
| 8429635 | | 3400722418 | | 107-TF | | G KEISEL #1-837 | SAYBROOK | 10.0 | |
| 8429638 | | 3405520674 | | 107-TF | | H MCNISH #1-861 | HUNTSBURG | 10.0 | |
| 8429643 | | 3415723985 | | 107-TF | | HOLMES LIMESTONE UNIT #3-549 | MILL | 10.0 | |
| 8429636 | | 3400722573 | | 107-TF | | J REGER #1-851 | GENEVA | 10.0 | |
| -CNG DEVELOPMENT CO | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429565 | | 3405520653 | | 103 | 107-TF | F MEIER #2 CNGD #718 | MONTVILLE | 2.0 | PANHANDLE EASTERN |
| -CONSOLIDATED RESOURCES OF AMERICA | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429566 | | 3405923517 | | 103 | 107-TF | CAMBRIDGE 313 LTD #1 | CAMBRIDGE | 20.0 | EAST OHIO GAS CO |
| 8429567 | | 3405923535 | | 103 | 107-TF | QUEEN ESTHER SNIDER #3 | CAMBRIDGE | 20.0 | EAST OHIO GAS CO |
| -DEER CREEK INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429568 | | 3411926719 | | 107-TF | | KINCAID #3 | MONROE | 12.0 | EAST OHIO GAS CO |
| 8429569 | | 3411926720 | | 107-TF | | MATHEWS #2 | MONROE | 4.0 | EAST OHIO GAS CO |
| -DERBY OIL & GAS CORP | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429571 | | 3416923688 | | 103 | 107-TF | GLORIA STOCKSDALE | WOOSTER | 12.0 | R S C ENERGY CORP |
| 8429570 | | 3416923683 | | 103 | 107-TF | GLORIA STOCKSDALE #1 | WOOSTER | 12.0 | R S C ENERGY CORP |
| 8429573 | | 3416923747 | | 103 | 107-TF | PAUL GRAHAM ET AL #9 | WOOSTER | 12.0 | R S C ENERGY CORP |
| 8429572 | | 3416923746 | | 103 | 107-TF | RICHARD GRAHAM ET AL #8 | WAYNE | 12.0 | R S C ENERGY CORP |
| -DOME ENERGY 83 | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429574 | | 3405520623 | | 107-TF | | WHITEMAN #1 | BAINBRIDGE | 2.5 | |
| -DOME ENERGY 83-2 | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429578 | | 3410323583 | | 107-TF | | CARMACK #1 | HINCKLEY | 12.0 | |
| 8429577 | | 3410323582 | | 107-TF | | CARMACK #2 | HINCKLEY | 15.0 | |
| -DOME OIL & GAS CO | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429575 | | 3405520624 | | 107-TF | | WHITEMAN #2 | BAINBRIDGE | 25.0 | |
| -DOME OIL & GAS 83 | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429576 | | 3409321241 | | 107-TF | | HITCHCOCK ENTERPRISES #1 | COLUMBIA | 6.0 | |
| 8429579 | | 3410323584 | | 107-TF | | KOBAK-APPLE REALTY #2 | HINCKLEY | 10.0 | |
| -DOVER OIL CO | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429580 | | 3416727586 | | 107-TF | | JESSIE SMITH #2 | HINCKLEY | 12.0 | |
| -EAGLE MOUNTAIN ENERGY CORP | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429583 | | 3411523395 | | 107-TF | | JAMES PARCELL #1 | CENTER | 30.0 | |
| 8429581 | | 3411523285 | | 107-TF | | MARK SPRAY #1 | CENTER | 30.0 | |
| 8429582 | | 3411523389 | | 107-TF | | OHIO POWER COMPANY #2 | MEIGSVILLE | 30.0 | |
| -EDCO DRILLING & PRODUCING INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429586 | | 3400722479 | | 107-TF | | GV-1A BENES | WAYNE | 18.0 | |
| 8429584 | | 3400722391 | | 107-TF | | GV-1A LJUBI | COLEBROOK | 18.0 | |
| 8429589 | | 3400722548 | | 107-TF | | JP-1A ROWLAND | WILLIAMSFIELD | 18.0 | |
| 8429585 | | 3400722475 | | 107-TF | | SH-1A SCHAFLE | COLEBROOK | 18.0 | |
| 8429588 | | 3400722547 | | 107-TF | | SH-1A STRACOLA | ROME | 18.0 | |
| 8429587 | | 3400722544 | | 107-TF | | 1A MARCH | SAYBROOK | 18.0 | |
| -EVERFLOW EASTERN INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429590 | | 3400722404 | | 103 | 107-TF | MOGREN #3 | AUSTINBURG | 0.0 | |
| 8429591 | | 3400722530 | | 103 | 107-TF | PRICE #1 | KINGSVILLE | 0.0 | |
| -FRANK A CSAPO JR | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429592 | | 3410323641 | | 107-TF | | EDWARD & CAROL PAMER #1 | WESTFIELD | 20.0 | COLUMBIA GAS TRAN |
| 8429593 | | 3416923669 | | 107-TF | | GLADYS LANCE #3 | MILTON | 12.0 | COLUMBIA GAS TRAN |
| -FUTURE ENERGY CORPORATION | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429594 | | 3411523208 | | 103 | 107-TF | ROBERTS #2 | MALTA MEDINA | 30.0 | |
| 8429595 | | 3411523404 | | 103 | 107-TF | WELCH #2A | CENTER MEDINA | 30.0 | |
| -GENERAL ELECTRIC CO | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429597 CONWAY #3 | | 3400722584 | | 103 | 107-TF | CONWAY #3 | CHERRY VALLEY | 20.0 | EAST OHIO GAS CO |
| 8429596 PETRUS #3 | | 3400722338 | | 103 | 107-TF | PETRUS #3 | CHERRY VALLEY | 20.0 | EAST OHIO GAS CO |
| -GEO ENERGY INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429598 | | 3409321212 | | 107-TF | | FETCHET #69-1 | COLUMBIA | 0.0 | COLUMBIA GAS TRAN |
| 8429599 | | 3409321214 | | 107-TF | | FETCHET #69-3 | COLUMBIA | 0.0 | COLUMBIA GAS TRAN |
| -GLADOT-REAGAN OIL CO | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429601 | | 3416726322 | | 103 | 107-TF | CHRIS BROWN #2 | ADAMS | 4.0 | GAS TRANSPORT INC |
| 8429600 | | 3416725733 | | 107-TF | | FRANK STACY #2 | ADAMS | 19.0 | OHIO OIL GATHERIN |
| -GREENLAND PETROLEUM CO | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429602 | | 3412123068 | | 107-TF | | NEWTON #1 | JACKSON | 150.0 | EAST OHIO GAS CO |
| -HERALD OIL & GAS CO | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429605 | | 3410522811 | | 107-TF | | AMANDA HAWK #1 | SALISBURY | 255.5 | COLUMBIA GAS TRAN |
| 8429604 | | 3410522809 | | 107-TF | | JAMES TITUS #1 | RUTLAND | 273.8 | COLUMBIA GAS TRAN |
| 8429603 | | 3410522793 | | 107-TF | | MILDRED DYER #2 | RUTLAND | 273.8 | COLUMBIA GAS TRAN |
| 8429606 | | 3410522834 | | 107-TF | | NOEL HERRMANN #1 | SALISBURY | 237.3 | COLUMBIA GAS TRAN |
| 8429608 | | 3410522886 | | 107-TF | | STEVE SAYRE #1 | SALISBURY | 237.3 | COLUMBIA GAS TRAN |
| 8429607 | | 3410522835 | | 107-TF | | WOODROW ENGLE #2 | SALISBURY | 237.3 | COLUMBIA GAS TRAN |
| -HLH DRILLING INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429609 | | 3400722534 | | 107-TF | | BUIE & MARR #1 | ANDOVER | 0.0 | POI ENERGY INC |
| -JOHN C MASON | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429610 | | 3416923671 | | 107-TF | | BARBARA APPLEMAN #1 | PLAIN | 36.0 | COLUMBIA GAS TRAN |
| -LEADER EQUITIES INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429612 | | 3411926941 | | 103 | 107-TF | COX GRAVEL #1 | CASS | 13.0 | |
| 8429611 | | 3411926837 | | 103 | 107-TF | KNICELY #5 | SALEM | 12.0 | |
| -LESLIE OIL AND GAS CO INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429613 | | 3410323310 | | 107-TF | | CARL & MARIAN TERNES #1 | SPENCER | 20.0 | COLUMBIA GAS TRAN |
| 8429614 | | 3410323311 | | 107-TF | | CARL & MARIAN TERNES #2 | SPENCER | 20.0 | COLUMBIA GAS TRAN |
| -LOMAK PETROLEUM INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429615 | | 3405520594 | | 103 | 107-TF | BURTON MAPLE LEAF UNIT #1 | BURTON | 24.0 | |
| -M B OPERATING CO INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429616 | | 3401921659 | | 103 | | DOMER UNIT #2-A | ROSE | 3.7 | |
| -NOBLE OIL CORP | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429617 | | 3413323115 | | 107-TF | | STARON #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| -NORTH RIDGE ENERGY INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429618 | | 3400722531 | | 107-TF | | J W MARTIN #1 | DENMARK | 40.0 | |
| -OXFORD OIL CO | | | | RECEIVED: 04/17/84 JA: OH | | | | | |
| 8429644 | | 3403125061 | | 107-TF | | PAUL WILLIAMSON #10 | CLARK | 10.0 | |
| -PARKSIDE PETROLEUM OF OHIO INC | | | | RECEIVED: 04/17/84 JA: OH | | | | | |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME |
|---|---|---|---|---|---|---|
| 8429619 | | 3410323553 | | 107-TF | | LUCK #1 |
| -PENN-OHIO ENERGY CORP | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429620 | | 3405525500 | | 103 | 107-TF | STILLWELL #3 |
| -PETRO EVALUATION SERVICES INC | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429621 | | 3408520450 | | 103 | 107-TF | GERLICA #1 |
| -POI ENERGY INC | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429622 | | 3405520656 | | 103 | 107-TF | D TESTA #RM-4 |
| -PURSIE E PIPES | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429623 | | 3413323144 | | 107-TF | | CHLEBINA #1 |
| -R C POLING CO INC | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429624 | | 3408924811 | | 103 | | JOHN HOOVER #1 |
| 8429625 | | 3411926887 | | 103 | | NORRIS-MILLER-PIKE #1 |
| -REDMAN OIL CO INC | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429626 | | 3411523340 | | 107-TF | | DAVIS-MASSEY #2 |
| -ROYAL-EMPIRE LEV DRLG PROGRAM 83-IV | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429627 | | 3405923270 | | 103 | 107-TF | JAMES HENDERSON #2 |
| -SEIBERT OIL & GAS INC | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429629 | | 3415321404 | | 107-TF | | NORTON #1 |
| -SHONGUM OIL & GAS INC | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429628 | | 3416923723 | | 107-TF | | BYARD HORST UNIT 2 |
| -STARK OILFIELD SERVICES INC | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429631 | | 3400722304 | | 103 | 107-TF | PRESCOTT R N #2 |
| 8429633 | | 3400722537 | | 103 | 107-TF | PRESCOTT R N #4 |
| 8429630 | | 3400722302 | | 103 | 107-TF | TARGET STABLES #1 |
| 8429632 | | 3400722536 | | 103 | 107-TF | TARGET STABLES #2 |
| -STRATA CORP | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429662 | | 3412725496 | | 103 | 107-TF | J SMITH #3 |
| -THE BENATTY CORPORATION | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429634 | | 3411523183 | | 103 | 107-TF | MAUIZ #12 |
| -TITAN ENERGY CORP | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429645 | | 3415522408 | | 103 | 107-TF | KOSTOFF UNIT #2 |
| 8429646 | | 3415522417 | | 103 | 107-TF | NEMETH UNIT #2 |
| -UNIVERSAL EXPLORATION | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429647 | | 3415321602 | | 107-TF | | REX LAND #2 |
| -VALENTINE OIL PROPERTIES | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429648 | | 3416727624 | | 107-DV | | GARY DUNN #1 |
| 8429649 | | 3416727625 | | 107-DV | | GARY DUNN #2 |
| -VIKING RESOURCES CORP | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429650 | | 3408520510 | | 103 | 107-TF | BOOTH UNIT #7 |
| 8429653 | | 3415321604 | | 103 | 107-TF | COSTANZO UNIT #3 |
| 8429656 | | 3415321667 | | 103 | 107-TF | HASTINGS-GURSIK UNIT #1 |
| 8429657 | | 3415321668 | | 103 | 107-TF | HASTINGS-GURSIK UNIT #2 |
| 8429652 | | 3413323176 | | 103 | 107-TF | HILL UNIT #2 |
| 8429651 | | 3408520520 | | 103 | 107-TF | LOSELY UNIT #8 |
| 8429654 | | 3415321665 | | 103 | 107-TF | MCLAIN-MELCHER UNIT #2 |
| 8429655 | | 3415321666 | | 103 | 107-TF | MCLAIN-MELCHER UNIT #5 |
| -W E SHRIDER CO | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429658 | | 3408334013 | | 103 | | HAROLD TOTTEN #2 |
| 8429659 | | 3411968583 | | 103 | | MCELFRESH/RILEY #1 |
| -WILLIAM N TIPKA | | | | RECEIVED: 04/17/84 | | JA: OH |
| 8429661 | | 3410323628 | | 107-TF | | LEWIS-HERDMAN UNIT #1 |
| 8429660 | | 3410323610 | | 107-TF | | MARRONE UNIT #1 |
| ********** OKLAHOMA CORPORATION COMMISSION ********** | | | | | | |
| -AMERICAN NAT GAS PROD CO | | | | RECEIVED: 04/16/84 | | JA: OK |
| 8429537 | 25961 | 3514920131 | | 102-2 | | STOBBE #1-8 |
| -BOGERT OIL CO | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429674 | 27419 | 3501722671 | | 103 | | RITA #1-10 |
| -BRAND OIL & GAS INC | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429697 | 27504 | 3510721579 | | 103 | | ESTELL #1-2 |
| 8429696 | 27503 | 3510721774 | | 103 | | HINKLE 83-1 |
| 8429698 | 27505 | 3510721578 | | 103 | | OSCAR #82-1 |
| -BURKHART PETROLEUM CORP | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429685 | 27275 | 3505300000 | | 103 | | VOLLMER #1-32 |
| -CABOT PETROLEUM CORP | | | | RECEIVED: 04/16/84 | | JA: OK |
| 8429532 | 27329 | 3500720334 | | 108 | | HODGES "A" #1 |
| -CANADIAN EXPLORATION CORP | | | | RECEIVED: 04/16/84 | | JA: OK |
| 8429524 | 27534 | 3501722661 | | 103 | | LEUSZLER #32-1 |
| -CAYMAN EXPLORATION CORP | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429683 | 27378 | 3507323200 | | 103 | | COLE-TOWNSEND #11-1 |
| -CHANSE PETROLEUM CORPORATION | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429695 | 27462 | 3503700000 | | 103 | | DEEBA #2 |
| -COTTON PETROLEUM CORPORATION | | | | RECEIVED: 04/16/84 | | JA: OK |
| 8429519 | 24110 | 3500722258 | | 102-4 | | GOSSEN #1 |
| -COUGAR RESOURCES INC | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429666 | 25930 | 3503700000 | | 103 | | WEST RUSSELL #1 |
| -CRAWLEY PETROLEUM CORPORATION | | | | RECEIVED: 04/16/84 | | JA: OK |
| 8429525 | 27523 | 3505321351 | | 103 | | LINDA #1 |
| -CROUCH PETROLEUM COMPANY | | | | RECEIVED: 04/16/84 | | JA: OK |
| 8429512 | 27415 | 3509120576 | | 103 | | WALLER #1 |
| -CROUCH PETROLEUM COMPANY | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429676 | 27416 | 3509120564 | | 103 | | FUTRELL #1-31 |
| 8429678 | 27413 | 3509120577 | | 103 | | HOGAN "C" #1 |
| 8429677 | 27414 | 3509120582 | | 103 | | OSMOND #2 |
| -DI ENERGY INC | | | | RECEIVED: 04/16/84 | | JA: OK |
| 8429503 | 28080 | 3514920317 | | 107-DP | | PETERS #1-19 |
| 8429538 | 25799 | 3503920795 | | 102-2 | | THOMPSON #1-8 |
| -DLB ENERGY CORP | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429663 | 25262 | 3507323824 | | 102-4 | 103 | CLEAR CREEK #11-9 |
| -EASTOK PETROLEUM CORP | | | | RECEIVED: 04/16/84 | | JA: OK |
| 8429517 | 24325 | 3503725062 | | 103 | | EASTOK #7 |
| 8429518 | 24326 | 3503724989 | | 103 | | EASTOK #8 |
| -ENSERCH EXPLORATION INC | | | | RECEIVED: 04/16/84 | | JA: OK |
| 8429520 | 23989 | 3504321690 | | 103 | | EARL BORTER #1-17 |
| -EXXON CORPORATION | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429665 | 25771 | 3514920371 | | 102-2 | | ALVA NEECE #1 |
| -FUNK EXPLORATION INC | | | | RECEIVED: 04/16/84 | | JA: OK |
| 8429541 | 25281 | 3500722486 | | 102-4 | 103 | ELSA #1 |
| 8429521 | 25282 | 3513921683 | | 102-4 | 103 | MENDENHALL #1-4 |
| -GLACIER PETROLEUM CO | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429686 | 26787 | 3504922302 | | 103 | | DENSMORE #1 |
| -GRACE PETROLEUM CORPORATION | | | | RECEIVED: 04/17/84 | | JA: OK |
| 8429670 | 27943 | 3501521578 | | 107-DP | | MOGG HAWKINS 1-27 |

VOLUME 1120

| FIELD NAME | PROD | PURCHASER |
|---|---|---|
| WADSWORTH | 10.0 | |
| HUNTSBURG | 0.0 | PANHANDLE EASTERN |
| PERRY | 31.0 | |
| AUBURN | 34.0 | |
| RANDOLPH | 10.0 | |
| PERRY | 0.0 | |
| JACKSON | 0.0 | |
| MANCHESTER | 73.0 | COSHOCTON PIPE CO |
| ADAMS | 5.0 | EAST OHIO GAS CO |
| STOW | 12.0 | COLUMBIA GAS OF O |
| SUGAR CREEK | 0.0 | |
| MORGAN | 0.0 | |
| MORGAN | 0.0 | |
| LENOX | 0.0 | |
| LENOX | 0.0 | |
| CLAYTON | 20.0 | TEXAS EASTERN TRA |
| BLOOM | 15.0 | |
| HARTFORD | 20.0 | ATLAS ENERGY GROU |
| HARTFORD | 20.0 | ATLAS ENERGY GROU |
| FRANKLIN | 0.0 | EAST OHIO GAS CO |
| GRANDVIEW | 18.3 | |
| GRANDVIEW | 11.0 | |
| PERRY | 30.0 | |
| COPLEY | 30.0 | |
| COPLEY | 30.0 | |
| COPLEY | 30.0 | |
| ATWATER | 30.0 | |
| PERRY | 30.0 | |
| COPLEY | 30.0 | |
| COPLEY | 30.0 | |
| JACKSON | 3.0 | NATIONAL GAS & OI |
| JACKSON | 3.0 | NATIONAL GAS & OI |
| SHARON | 0.0 | YANKEE RESOURCES |
| SHARON | 0.0 | |
| N W COLONY | 730.0 | MICHIGAN WISCONSI |
| SOONER TREND | 201.0 | PHILLIPS PETROLEU |
| SOUTH OKEMAH | 45.0 | DELTA GAS RESOURC |
| WEST BLAKLEY | 25.0 | SWAB CORP |
| SOUTH OKEMAH | 180.0 | DELTA GAS RESOURC |
| SOUTHEAST SALT FORK | 40.0 | FARMLAND INDUSTRI |
| MOCANE CHESTER | 14.0 | COLORADO INTERSTA |
| RICHLAND | 100.0 | PHILLIPS PETROLEU |
| SOONER TREND | 40.0 | NORTHWEST CENTRAL |
| DEEBA | 12.0 | KERR MCGEE CORP |
| NORTH BALKO | 0.0 | NORTHERN NATURAL |
| CUSHING | 59.9 | ARCO OIL & GAS CO |
| SOUTH MEDFORD | 75.0 | UNION TEXAS PETRO |
| S E CHECOTAH | 36.0 | COLUMBIA GAS TRAN |
| S E CHECOTAH | 18.0 | COLUMBIA GAS TRAN |
| S E CHECOTAH | 6.0 | COLUMBIA GAS TRAN |
| S E CHECOTAH | 45.0 | COLUMBIA GAS TRAN |
| CLINTON SOUTH | 560.0 | NORTHWEST PIPELIN |
| NORTHEAST CARPENTER | 275.0 | ARKANSAS LOUISIAN |
| SOONER TREND | 109.0 | PHILLIPS PETROLEU |
| EDNA DISTRICT | 9.0 | HERITAGE GAS CO |
| EDNA DISTRICT | 9.0 | HERITAGE GAS CO |
| N E PUTNAM | 0.0 | |
| BRAITHWAITE | 239.0 | |
| DOMBEY | 200.0 | NORTHWEST PIPELIN |
| | 2190.0 | NORTHWEST PIPELIN |
| EAST WHITEHEAD | 20.0 | |
| SICKLES EXT | 0.0 | SOUTHERN NATURAL |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME |
|---|---|---|---|---|---|---|
| -H & L OPERATING COMPANY | | | | | | |
| 8429529 | 27509 | 3502520556 | | RECEIVED: | 04/16/84 | JA: OK |
| -HARPER OIL COMPANY | | | 103 | | | JACKSON #2-24 |
| 8429510 | 27512 | 3508322318 | | RECEIVED: | 04/16/84 | JA: OK |
| 8429511 | 27511 | 3507323271 | 103 | | | MARCELLA #1 |
| -J LEE YOUNGBLOOD TRUSTEE | | | 103 | | | RENSHAW #2 |
| 8429684 | 27093 | 3505300000 | | RECEIVED: | 04/17/84 | JA: OK |
| -JERICHO EXPLORATION INC | | | 108 | | | CHOICE #1 |
| 8429533 | 26818 | 3501700000 | | RECEIVED: | 04/16/84 | JA: OK |
| -JORDAN OIL & GAS COMPANY | | | 103 | | | JERICHO HEERS #2-1 |
| 8429516 | 25193 | 3505320722 | | RECEIVED: | 04/16/84 | JA: OK |
| -LADD PETROLEUM CORPORATION | | | 102-4 | 103 | | KRETCHMAR 1-5 |
| 8429669 | 25912 | 3501120410 | | RECEIVED: | 04/17/84 | JA: OK |
| -LITTLE RIVER ENERGY CO | | | 108 | | | CHEYENNE ARAPAHO #1 |
| 8429689 | 25227 | 3503723681 | | RECEIVED: | 04/17/84 | JA: OK |
| -MARATHON OIL COMPANY | | | 108 | | | MOORE #3 |
| 8429694 | 26840 | 3505900000 | | RECEIVED: | 04/17/84 | JA: OK |
| -MECCA PETROLEUM CORP | | | 108 | | | BARBY TR 27 #1 CHESTER & MORROW |
| 8429664 | 24534 | 3510500000 | | RECEIVED: | 04/17/84 | JA: OK |
| -MOBIL OIL CORP | | | 102-2 | | | DEAN HUGHES #1 |
| 8429528 | 27513 | 3513700000 | | RECEIVED: | 04/16/84 | JA: OK |
| 8429526 | 27514 | 3513700000 | 108 | | | ALMA PICKENS #2-17 C S GOODWIN #7 |
| -MORTON & POUND DRILLING CO INC | | | 108 | | | ALMA PICKENS UNIT #5 (CARAKER #1) |
| 8429505 | 27521 | 3508122146 | | RECEIVED: | 04/16/84 | JA: OK |
| -OLD DOMINION OIL CORP | | | 103 | | | EIKENBURG #2 |
| 8429539 | 25780 | 3513722993 | | RECEIVED: | 04/16/84 | JA: OK |
| 8429515 | 25201 | 3515321319 | 102-2 | | | RUBENDALL #1 |
| -P F BEELER | | | 102-4 | | | SELMAN #1 |
| 8429513 | 27310 | 3500700000 | | RECEIVED: | 04/16/84 | JA: OK |
| -PALM-COOK PRODUCTION CO | | | 108 | | | P F BEELER - LULA #1-A |
| 8429507 | 27518 | 3504723470 | | RECEIVED: | 04/16/84 | JA: OK |
| 8429506 | 27519 | 3504700000 | 103 | | | DRESSER #13 |
| 8429508 | 27517 | 3504700000 | 103 | | | LEONARD #16 |
| -PETRO-ENERGY EXPLORATION INC | | | 103 | | | SEIFERT #21 |
| 8429509 | 27516 | 3504723509 | | RECEIVED: | 04/16/84 | JA: OK |
| -PETRO-LEWIS CORPORATION | | | 103 | | | SHAW #1-24 |
| 8429690 | 25245 | 3508321983 | | RECEIVED: | 04/17/84 | JA: OK |
| -PETROLEUM INC | | | 102-4 | | | UPCHURCH 1-20 |
| 8429700 | 27560 | 3504321559 | | RECEIVED: | 04/17/84 | JA: OK |
| -RATLIFF EXPLORATION CO | | | 103 | | | JOHNSON UNIT "B" #1 |
| 8429687 | 21287 | 3510920684 | | RECEIVED: | 04/17/84 | JA: OK |
| -REGAN PETROLEUM CORP | | | 103 | | | AIRPORT TRUST #28-1 |
| 8429504 | 27553 | 3507323903 | | RECEIVED: | 04/16/84 | JA: OK |
| -ROBERT GORDON OIL CO | | | 103 | | | RACER #14-3 |
| 8429688 | 25116 | 3508122060 | | RECEIVED: | 04/17/84 | JA: OK |
| -SAKET PETROLEUM CO | | | 102-4 | | | TSE #22-1 |
| 8429681 | 27385 | 3511122900 | | RECEIVED: | 04/17/84 | JA: OK |
| 8429680 | 27384 | 3511123412 | 108 | | | FRED #1 |
| 8429682 | 27382 | 3511122925 | 108 | | | HICKMAN #2K |
| -SAMEDAN OIL CORPORATION | | | 108 | | | PARKS #4 |
| 8429673 | 27420 | 3508720960 | | RECEIVED: | 04/17/84 | JA: OK |
| -SATURN OIL & GAS CO INC | | | 103 | | | HONNOLD #3-26 |
| 8429679 | 27412 | 3501722681 | | RECEIVED: | 04/17/84 | JA: OK |
| -SEARCH DRILLING CO | | | 103 | | | BOHANON #1 |
| 8429530 | 27486 | 3509322086 | | RECEIVED: | 04/16/84 | JA: OK |
| 8429531 | 27484 | 3500721770 | 108 | | | COPPOCK #1-35 |
| -SHELL OIL CO | | | 108 | | | LEONARD #1-33 |
| 8429542 | 25162 | 3500900000 | | RECEIVED: | 04/16/84 | JA: OK |
| -SOUTHPORT EXPLORATION INC | | | 108 | | | ELK CITY HOXBAR SAND CONGL #1-10-14 |
| 8429543 | 24590 | 3513921680 | | RECEIVED: | 04/16/84 | JA: OK |
| -SPELLER OIL CORP | | | 102-4 | | | BREWER #1-32 |
| 8429675 | 27418 | 3507323914 | | RECEIVED: | 04/17/84 | JA: OK |
| -TENNECO OIL COMPANY | | | 103 | | | BARBARA '7' #1 |
| 8429701 | 27564 | 3513723555 | | RECEIVED: | 04/17/84 | JA: OK |
| 8429672 | 27430 | 3510322148 | 103 | | | PAYNE "T" #1-2 |
| -TEXACO INC | | | 103 | | | S E LONE ELM CLEVELAND S U #3-2 |
| 8429536 | 25968 | 3505321192 | | RECEIVED: | 04/16/84 | JA: OK |
| -THE WIL-MC OIL CORP | | | 102-2 | | | LUCILLE WALDIE #1 |
| 8429523 | 27546 | 3505300000 | | RECEIVED: | 04/16/84 | JA: OK |
| -THE WIL-MC OIL CORP | | | 103 | | | SKRDLA #1 |
| 8429699 | 27542 | 3505300000 | | RECEIVED: | 04/17/84 | JA: OK |
| -TRANS-WESTERN EXPLORATION INC | | | 103 | | | SCRIBNER #1 |
| 8429668 | 25709 | 3503920772 | | RECEIVED: | 04/17/84 | JA: OK |
| -TXO PRODUCTION CORP | | | 102-2 | | | SCHAPANSKY #1-32 |
| 8429514 | 25983 | 3505321242 | | RECEIVED: | 04/16/84 | JA: OK |
| 8429540 | 25699 | 3506120620 | 103 | | | HUTTON "A" #1 |
| -TXO PRODUCTION CORP | | | 102-2 | 103 | | ROGERS "D" #1 |
| 8429667 | 25273 | 3512121068 | | RECEIVED: | 04/17/84 | JA: OK |
| 8429691 | 25983 | 3505321242 | 102-4 | 103 | | BEATRICE #1 |
| -UNIT DRILLING & EXPLORATION CO | | | 102-2 | | | HUTTON "A" #1 |
| 8429535 | 26231 | 3504521145 | | RECEIVED: | 04/16/84 | JA: OK |
| 8429534 | 26233 | 3504521164 | 103 | | | BERRYMAN #2-22 |
| 8429522 | 25887 | 3505121526 | 103 | | | BERRYMAN #3-22 |
| -UNIT DRILLING & EXPLORATION CO | | | 102-2 | | | CLAY #1-A |
| 8429692 | 26232 | 3504521147 | | RECEIVED: | 04/17/84 | JA: OK |
| 8429693 | 26234 | 3504521188 | 103 | | | BERRYMAN #2-23 |
| -WARD PETROLEUM CORP | | | 103 | | | BERRYMAN #4-22 |
| 8429671 | 27436 | 3508720965 | | RECEIVED: | 04/17/84 | JA: OK |
| -WARREN DRILLING CO INC | | | 103 | | | FREEMAN #1 |
| 8429527 | 27522 | 3504723491 | | RECEIVED: | 04/16/84 | JA: OK |
| | | | 103 | | | NETTIE #1 |
| WEST VIRGINIA DEPARTMENT OF MINES | | | | | | |
| -BUCKEYE OIL PRODUCING CO | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429486 | | 4708504404 | 108 | | | HALL #2 |
| -CABOT OIL & GAS CORP | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429481 | | 4709900907 | 108 | | | E R PRICHARD 2-874 |
| 8429487 | | 4706700473 | 108 | | | FRANCES JOHNSON #1 |
| 8429488 | | 4704700754 | 108 | | | POCAHONTAS LAND J-1 |
| -CHASE PETROLEUM | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429491 | | 4701702796 | 108 | | | BURGESS #2 |
| 8429490 | | 4708504838 | 108 | | | EMMA COOL #1 |
| 8429489 | | 4701703004 | 108 | | | NATHAN PRIMM #1 |
| -CONVEST ENERGY CORP | | | | RECEIVED: | 04/16/84 | JA: WV |

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| FIELD NAME | PROD | PURCHASER |
|---|---|---|
| S E GRIGGS | 74.0 | PHILLIPS PETROLEU |
| N W COLUMBIA | 60.0 | EXXON CORP |
| SOONER TREND | 9.0 | PHILLIPS PETROLEU |
| EUREKA FIELD | 4.0 | NORTHWEST CENTRAL |
| SE/4 NE/4 SECTION 1 T | 0.0 | |
| NEMAHA RIDGE | 18.0 | FARMLAND INDUSTRI |
| S W CANTON | 6.9 | DELHI GAS PIPE LI |
| WILDCAT FIELD | 9.0 | ARCO OIL & GAS CO |
| LAVERNE | 11.0 | COLORADO INTERSTA |
| DEAN HUGHES | 12.6 | A-G SYSTEMS INC |
| SHO VEL TUM | 0.1 | OKLAHOMA NATURAL |
| SHO VEL TUM | 0.0 | OKLAHOMA NATURAL |
| S W STROUD SE SECTION | 10.0 | ENTERPRISE DEVELO |
| SOUTHWEST BRAY | 730.0 | |
| N W QUINLAN | 1096.0 | PRODUCER'S GAS CO |
| MOCANE-LAVERNE | 15.0 | NORTHERN NATURAL |
| SOONER TREND "FIELD | 0.0 | UNION TEXAS PETRO |
| SOONER TREND FIELD | 0.0 | UNION TEXAS PETRO |
| SOONER TREND FIELD | 0.0 | UNION TEXAS PETRO |
| NORTH CARRIER | 100.0 | UNION TEXAS PETRO |
| | 0.0 | EASON OIL CO |
| NORTH THOMAS | 15.0 | DELHI GAS PIPELIN |
| | 0.0 | CONOCO INC |
| | 0.2 | PHILLIPS PETROLEU |
| W MT VERNON | 3.6 | LINGAS CO |
| | 12.0 | PHILLIPS PETROLEU |
| | 2.0 | PHILLIPS PETROLEU |
| | 0.0 | PHILLIPS PETROLEU |
| | 85.0 | WARREN PETROLEUM |
| NORTHEAST MUSTANG | 540.0 | MOBIL OIL CORP |
| S E CHANEY DILL | 2.9 | AMINOIL USA INC |
| S W FORGAN | 8.0 | PANHANDLE EASTERN |
| ELK CITY | 12.8 | PANHANDLE EASTERN |
| TRIUMPH II | 365.0 | |
| SOONER TREND | 73.0 | CONOCO INC |
| SHO-VEL-TUM | 400.0 | |
| SOUTH LONE ELM | 0.3 | AMINOIL U S A INC |
| GILBERT SOUTH | 5.5 | SUN EXPLORATION & |
| | 0.0 | FARMLAND INDUSTRI |
| EAST WAKITA | 274.0 | SUN EXPLORATION & |
| | 275.0 | NORTHWEST PIPELIN |
| NORTH VICAR | 28.0 | UNION TEXAS PETRO |
| | 168.0 | |
| | 772.0 | |
| NORTH VICAR | 28.0 | UNION TEXAS PETRO |
| EAST ARNETT | 76.0 | KOCH HYDROCARBON |
| EAST ARNETT | 44.0 | KOCH HYDROCARBON |
| | 690.0 | OKLAHOMA GAS & EL |
| E ARNETT | 43.0 | KOCH HYDROCARBON |
| EAST ARNETT | 85.0 | KOCH HYDROCARBON |
| | 88.0 | OKLAHOMA GAS & EL |
| SE LAHOMA | 90.0 | UNION TEXAS PETRO |
| UNION | 0.0 | CONSOLIDATED GAS |
| GRANT | 1.0 | TENNESSEE GAS PIP |
| JEFFERSON | 0.0 | EQUITABLE GAS CO |
| SANDY RIVER | 18.0 | CONSOLIDATED GAS |
| CENTRAL DISTRICT | 14.0 | COLUMBIA GAS TRAN |
| UNION DISTRICT | 10.8 | COLUMBIA GAS TRAN |
| CENTRAL DISTRICT | 6.0 | COLUMBIA GAS TRAN |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME |
|---|---|---|---|---|---|---|
| 8429477 | | 4703302944 | | 103 | | DONNA LOU MASON S-489 |
| -KOG EXPLORATION INC | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429479 | | 4705300312 | | 103 | | BARTOW JONES #1 |
| -PETROLEUM DEVELOPMENT CORP | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429473 | | 4700101118 | | 108 | | ANNA MURPHY #1 |
| 8429475 | | 4701703016 | | 103 | | J L COTTRILL #1 |
| 8429480 | | 4708506543 | | 103 | | MEREDITH OIL CO #2 |
| 8429483 | | 4708506543 | | 102-3 | | MEREDITH OIL COMPANY #2 |
| 8429496 | | 4708506543 | | 107-DV | | MEREDITH OIL COMPANY #2 |
| 8429474 | | 4708506292 | | 103 | | ORPHA RIGGS #2 |
| 8429482 | | 4708506292 | | 102-4 | | ORPHA RIGGS #2 |
| 8429495 | | 4708506292 | | 107-DV | | ORPHA RIGGS #2 |
| 8429476 | | 4701703001 | | 103 | | PAUL BRANNON #1 |
| 8429497 | | 4701703001 | | 107-DV | | PAUL BRANNON #1 |
| 8429494 | | 4701703057 | | 107-DV | | WM CAIN #1 |
| -PETROLEUM RESOURCES INC | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429493 | | 4704103203 | | 108 | | THOMPSON #1A |
| -STERLING DRILLING AND PROD CO INC | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429465 | | 4700501409 | | 102-2 | | APCO 685 |
| 8429485 | | 4701303604 | | 107-TF | | MONROE #791 |
| -STONEWALL GAS CO INC | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429478 | | 4703302802 | | 103 | | J A FOX #2 139-S |
| -SWIFT ENERGY CO | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429470 | | 4709100366 | | 102-4 | | B POLING #1 |
| 8429469 | | 4709100362 | | 102-2 | | C PETERS #1 |
| 8429467 | | 4709100345 | | 102-2 | | D WOOD #1 |
| 8429472 | | 4709100363 | | 102-2 | | G DEVERS #1 |
| 8429468 | | 4709100360 | | 102-2 | | P DAVIS #1 |
| 8429471 | | 4709100361 | | 102-2 | | R HAGEDORN #1 |
| 8429466 | | 4709100322 | | 102-2 | | R MAYLE #1 |
| 8429484 | | 4709100257 | | 102-2 | | W KIGER #1 |
| -UNION DRILLING INC | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429456 | | 4709702432 | | 102-4 | | ELSIE YOUNG #1 1531 |
| 8429457 | | 4709702585 | | 102-4 | | ELSIE YOUNG #2 1849 |
| 8429458 | | 4709702510 | | 102-4 | | LUCILE MEARNS #2 1740 |
| -YEAGER OLEY | | | | RECEIVED: | 04/16/84 | JA: WV |
| 8429492 | | 4700501135 | | 108 | | A T MILLER #1 |
| ** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALEXANDRIA, VA | | | | | | |
| -THOMSON-MONTEITH | | | | RECEIVED: | 04/13/84 | JA: MS A |
| 8429433 | MS-026-83 | 2308720089 | | 102-4 | | C A F B PARCEL 1 WELL #1 |
| 8429434 | MS-027-83 | 2308720089 | | 102-4 | | C A F B PARCEL 1 WELL #1 |
| 8429428 | MS 021-83 | 2308720074 | | 103 | | C A F B PARCEL 1 WELL #2 |
| 8429435 | MS024-83 | 2308720074 | | 102-4 | | C A F B PARCEL 1 WELL #2 |
| 8429431 | MS-024-83 | 2308720088 | | 102-4 | | C A F B PARCEL 3 #1 |
| 8429432 | MS-025-83 | 2308720088 | | 102-4 | | C A F B PARCEL 3 WELL #1 |
| 8429430 | MS-023-83 | 2308720071 | | 102-4 | | C A F B PARCEL 4 WELL NO 1 |
| 8429429 | MS-022-83 | 2308720071 | | 102-4 | | CAFB #4-1 |
| ** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROSWELL, NM | | | | | | |
| -CHAMPLIN PETROLEUM COMPANY | | | | RECEIVED: | 04/16/84 | JA: NM L |
| 8429462 | RNM 0222-83 | 3004110583 | | 108 | | FARRELL-FEDERAL #8 |
| -PHILLIPS PETROLEUM COMPANY | | | | RECEIVED: | 04/16/84 | JA: NM L |
| 8429463 | RNM 0473-83 | 3000520847 | | 108 | | DAVIS M #5 |
| -WARRIOR INC | | | | RECEIVED: | 04/16/84 | JA: NM L |
| 8429464 | RNM 0059-84 | 3002504348 | | 108 | | FEDERAL "D" #4 |
| -YATES PETROLEUM CORPORATION | | | | RECEIVED: | 04/16/84 | JA: NM L |
| 8429459 | RNM 0008-84 | 3000520939 | | 103 | | CENTER "X1" FED #5 |
| 8429460 | RNM 0143-84 | 3000520880 | | 103 | | DELUNA FEDERAL #2 |
| 8429461 | RNM 0142-84 | 3000520943 | | 103 | | GARNER FEDERAL #1 |
| ** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA, OK | | | | | | |
| -NORTH RIVER PETROLEUM CO | | | | RECEIVED: | 04/13/84 | JA: OK Y |
| 8429437 | | 3511300000 | | 103 | | BOSTON B #B11 |
| 8429438 | | 3511300000 | | 103 | | BOSTON B #B12 |
| 8429439 | | 3511300000 | | 103 | | BOSTON B #B13 |
| 8429436 | | 3511300000 | | 103 | | BOSTON B #B5 |
| 8429446 | | 3511300000 | | 103 | | BOSTON B #B8 |
| 8429444 | | 3511300000 | | 103 | | BOSTON D #D10 |
| 8429445 | | 3511300000 | | 103 | | BOSTON D #D11 |
| 8429440 | | 3511300000 | | 103 | | BOSTON D #D2 |
| 8429441 | | 3511300000 | | 103 | | BOSTON D #D3 |
| 8429442 | | 3511300000 | | 103 | | BOSTON D #D5 |
| 8429443 | | 3511300000 | | 103 | | BOSTON D #D7 |
| 8429447 | | 3511300000 | | 103 | | CARSON A #6B |

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| FIELD NAME | PROD | PURCHASER |
|---|---|---|
| CLAY | 0.0 | |
| POINT PLEASANT | 4.0 | COLUMBIA GAS OF W |
| CLEMTOWN | 122.0 | CONSOLIDATED GAS |
| SCHOOL HOUSE RUN | 77.3 | CONSOLIDATED GAS |
| OWL RUN | 15.9 | CONSOLIDATED GAS |
| OWL RUN | 15.9 | CONSOLIDATED GAS |
| OWL RUN | 15.9 | CONSOLIDATED GAS |
| COMFORT RUN | 24.0 | CONSOLIDATED GAS |
| COMFORT RUN | 240.0 | CONSOLIDATED GAS |
| COMFORT RUN | 240.0 | CONSOLIDATED GAS |
| BRANNON #1 | 15.9 | CONSOLIDATED GAS |
| BRANNON #1 | 15.9 | CONSOLIDATED GAS |
| LONG RUN | 165.0 | CONSOLIDATED GAS |
| UNION | 20.0 | CONSOLIDATED GAS |
| SCOTT DISTRICT | 48.0 | |
| SHERIDAN DISTRICT | 14.0 | |
| UNION DISTRICT | 25.0 | CONSOLIDATED GAS |
| FETTERMAN DISTRICT | 25.0 | TENNESSEE GAS PIP |
| FETTERMAN DISTRICT | 25.0 | TENNESSEE GAS PIP |
| FETTERMAN DISTRICT | 25.0 | TENNESSEE GAS PIP |
| FETTERMAN DISTRICT | 25.0 | TENNESSEE GAS PIP |
| FETTERMAN DISTRICT | 25.0 | TENNESSEE GAS PIP |
| FETTERMAN DISTRICT | 25.0 | TENNESSEE GAS PIP |
| FETTERMAN DISTRICT | 25.0 | TENNESSEE GAS PIP |
| BANKS DISTRICT | 0.0 | COLUMBIA GAS TRAN |
| BANKS DISTRICT | 0.0 | COLUMBIA GAS TRAN |
| BANKS DISTRICT | 0.0 | COLUMBIA GAS TRAN |
| UNION | 19.9 | PENZOIL CO |
| CORINNE | 383.3 | FLORIDA GAS TRANS |
| CORINNE | 401.5 | FLORIDA GAS TRANS |
| CORINNE | 657.0 | FLORIDA GAS TRANS |
| CORINNE | 432.5 | FLORIDA GAS TRANS |
| CORINNE | 328.5 | FLORIDA GAS TRANS |
| CORINNE | 365.0 | FLORIDA GAS TRANS |
| CORINNE | 547.5 | FLORIDA GAS TRANS |
| CORINNE | 0.0 | FLORIDA GAS TRANS |
| CHAVEROO (SAN ANDRES) | 0.0 | CITIES SERVICE OI |
| CHAVEROO-SAN ANDRES | 1.0 | |
| EUMONT-YATES-7 RIVERS | 9.3 | PHILLIPS PETROLEU |
| TOMAHAWK S/A | 0.0 | CITIES SERVICE CO |
| UNDES QUEEN | 0.0 | CABOT CORP |
| UNDES CAPROCK QUEEN | 0.0 | CABOT CORP |
| BOSTON | 15.0 | SANTA FE-ANDOVER |
| BOSTON | 15.0 | SANTA FE-ANDOVER |
| BOSTON | 15.0 | SANTA FE-ANDOVER |
| BOSTON | 15.0 | SANTA FE-ANDOVER |
| BOSTON | 15.0 | SANTA FE-ANDOVER |
| BOSTON | 15.0 | SANTA FE-ANDOVER |
| BOSTON | 15.0 | SANTA FE-ANDOVER |
| BOSTON | 15.0 | SANTA FE-ANDOVER |
| BOSTON | 15.0 | SANTA FE-ANDOVER |
| BOSTON | 15.0 | SANTA FE-ANDOVER |
| BOSTON | 15.0 | SANTA FE-ANDOVER |

[FR Doc. 84-13047 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 1121]

## NGPA Notices of Determination by Jurisdictional Agencies

Issued: May 9, 1984.

**Note.** By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 FR 7109–13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* **Federal Register.** Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Road, Springfield, Virginia 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
103–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New res. on old OCS lease
Section 103: New onshore production well
Section 107–DP: 15,000 ft or deeper
107–GB: Geopressured brine
107–DV: Devonian shale
107–CS: Coal seam gas
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Temporary pressure buildup

**Kenneth F. Plumb,**

*Secretary.*

NOTICE OF DETERMINATIONS
Issued May 9, 1984

VOLUME 1121

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| COLORADO OIL & GAS COMMISSION | | | | | | | | | |
| -AMOCO PRODUCTION CO | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429803 | 83-785 | 0500106984 | | 108 | | ALBERT SACK GAS UNIT "B" #1 | WATTENBERG | 17.6 | PANHANDLE EASTERN |
| 8429782 | 83-781 | 0512310031 | | 108 | | ANDERSON FAMILY TRUST "C" #2 | WATTENBERG | 19.0 | PANHANDLE EASTERN |
| 8429783 | 83-673 | 0512308414 | | 108 | | ARISTOCRAT ANGUS RANCHES UNIT #1 | WATTENBERG | 18.6 | PANHANDLE EASTERN |
| 8429786 | 83-776 | 0500106917 | | 108 | | CHAMPLIN 117 AMOCO "H" #1 | THIRD CREEK | 12.2 | PANHANDLE EASTERN |
| 8429787 | 83-779 | 0512309578 | | 108 | | CHAMPLIN 366 AMOCO UNIT "B" #1 | WATTENBERG | 11.9 | PANHANDLE EASTERN |
| 8429796 | 83-670 | 0512307968 | | 108 | | CHARLES R MILLIKEN UNIT B #1 | WATTENBERG | 17.5 | PANHANDLE EASTERN |
| 8429800 | 83-783 | 0512307925 | | 108 | | DONALD K NORGREN UNIT "D" #1 | WATTENBERG | 14.5 | PANHANDLE EASTERN |
| 8429781 | 83-669 | 0512308327 | | 108 | | ERNIE F ADAMSON GAS UNIT #1A | WATTENBERG | 19.9 | PANHANDLE EASTERN |
| 8429799 | 83-784 | 0512308338 | | 108 | | EVERETT NICHOLS #1 | WATTENBERG | 15.5 | PANHANDLE EASTERN |
| 8429793 | 83-668 | 0512308403 | | 108 | | GATES CYCLO #1 | WATTENBERG | 12.2 | PANHANDLE EASTERN |
| 8429804 | 83-788 | 0512308266 | | 108 | | GEORGE SCHMIDT UNIT #1 | WATTENBERG | 10.9 | PANHANDLE EASTERN |
| 8429790 | 83-778 | 0512307207 | | 108 | | GLEN S DOUTHIT #1 | WATTENBERG | 17.9 | PANHANDLE EASTERN |
| 8429794 | 83-787 | 0512307219 | | 108 | | GORDON TURKEY FARMS POOLING UNIT #1 | WATTENBERG | 15.1 | PANHANDLE EASTERN |
| 8429801 | 83-782 | 0512308001 | | 108 | | HELEN MARIE PURSE UNIT "B" #1 | WATTENBERG | 18.1 | PANHANDLE EASTERN |
| 8429788 | 83-667 | 0512309705 | | 108 | | J H CUYKENDALL "B" #1 (2ND FILING) | TAMPA | 3.7 | PANHANDLE EASTERN |
| 8429802 | 83-786 | 0512309929 | | 108 | | J WALTER RANKIN UNIT #2 | WATTENBERG | 19.4 | PANHANDLE EASTERN |
| 8429785 | 83-682 | 0512308056 | | 108 | | JACOB T BOHLENDER "B" #1 | WATTENBERG | 16.3 | PANHANDLE EASTERN |
| 8429789 | 83-780 | 0512308319 | | 108 | | JOHN DITIRRO JR GAS UNIT #1 | WATTENBERG | 16.9 | PANHANDLE EASTERN |
| 8429811 | 83-680 | 0500106972 | | 108 | | JOHN WEIGANDT JR GAS UNIT #1 | WATTENBERG | 18.4 | PANHANDLE EASTERN |
| 8429805 | 83-675 | 0512308253 | | 108 | | LEO F SPRAGUE GAS UNIT #1 | WATTENBERG | 19.7 | PANHANDLE EASTERN |
| 8429784 | 83-674 | 0512308198 | | 108 | | MARY D ARNDT #1 | WATTENBERG | 18.4 | PANHANDLE EASTERN |
| 8429791 | 83-777 | 0512308515 | | 108 | | MICHAEL R DREILING GAS UNIT #1 | WATTENBERG | 15.5 | PANHANDLE EASTERN |
| 8429798 | 83-684 | 0512309847 | | 108 | | ROY MOSER B #2 | WATTENBERG | 17.9 | PANHANDLE EASTERN |
| 8429797 | 83-671 | 0512307922 | | 108 | | ROY MOSER UNIT #1 (2ND FILING) | WATTENBERG | 14.5 | PANHANDLE EASTERN |
| 8429795 | 83-675 | 0512308085 | | 108 | | ROY R MILLER UNIT #1 | WATTENBERG | 16.3 | PANHANDLE EASTERN |
| 8429809 | 83-681 | 0512307286 | | 108 | | UNIT "A" GAS UNIT #1 | WATTENBERG | 17.6 | COLORADO INTERSTA |
| 8429806 | 83-676 | 0512307289 | | 108 | | UPRR 21 PAN AMERICAN C #1 | WATTENBERG | 13.6 | PANHANDLE EASTERN |
| 8429807 | 83-678 | 0512307317 | | 108 | | UPRR 22 PAN AMERICAN B #1 | WATTENBERG | 19.1 | PANHANDLE EASTERN |
| 8429808 | 83-683 | 0500107292 | | 108 | | UPRR 24 PAN AMERICAN B #1 | WATTENBERG | 14.5 | PANHANDLE EASTERN |
| 8429810 | 83-679 | 0512308199 | | 108 | | VALLEY 66 UNIT #1 | WATTENBERG | 13.2 | PANHANDLE EASTERN |
| 8429792 | 83-677 | 0512307622 | | 108 | | 1415 CORPORATION GAS UNIT #1 | WATTENBERG | 20.1 | PANHANDLE EASTERN |
| -ANR PRODUCTION CO | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429778 | 83-689 | 0500906327 | | 108 | | GRIFFIN #1-10 | WALSH | 4.0 | PANHANDLE EASTERN |
| 8429779 | 83-690 | 0500906328 | | 108 | | GRIFFIN #1-11 | WALSH | 8.0 | PANHANDLE EASTERN |
| 8429780 | 83-688 | 0500906143 | | 108 | | MARKLE WECO #1-30 | PLAYA | 19.0 | PANHANDLE EASTERN |
| -BARRETT ENERGY CO | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429752 | 83-939 | 0512311103 | | 107-TF | | BLEHM #3 | WATTENBERG | 0.0 | PANHANDLE EASTERN |
| -C F & C ENERGY RESOURCES | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429753 | 83-951 | 0512311228 | | 107-TF | | C F & C #3-83 | HAMBERT | 182.5 | NATURAL GAS ASSOC |
| 8429755 | 83-950 | 0512311306 | | 107-TF | | C F & C LEWIS #1 1-C | WATTENBERG | 150.4 | NATURAL GAS ASSOC |
| 8429756 | 83-952 | 0512311329 | | 107-TF | | C F & C LORENZ #1 1-D | WATTENBERG | 289.9 | NATURAL GAS ASSOC |
| 8429754 | 83-948 | 0512311264 | | 107-TF | | C F & C 7-83-1B | HAMBERT | 258.1 | NATURAL GAS ASSOC |
| 8429757 | 83-947 | 0512311364 | | 107-TF | | MATSUSHIMA #1-5 | HAMBERT | 163.9 | NATURAL GAS ASSOC |
| 8429758 | 83-949 | 0512311363 | | 107-TF | | MATSUSHIMA #2-6 | HAMBERT | 154.8 | NATURAL GAS ASSOC |
| -CABOT PETROLEUM CORP | | | | RECEIVED: | 04/19/84 | JA: CO | | | |

BILLING CODE 6717-01-M

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| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8429759 | 83-814 | 0512506777 | | 107-TF | | COOK #16-12 | BONNY | 64.0 | NORTHWEST CENTRAL |
| -COORS ENERGY CO | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429760 | 83-941 | 0507708409 | | 107-TF | | BORUCH 1-4 | PLATEAU | 109.5 | NORTHERN NATURAL |
| 8429761 | 83-924 | 0512311128 | | 107-TF | | NOFFSINGER 1-25EG | GREELEY | 69.4 | COLORADO GATHERIN |
| 8429762 | 83-953 | 0512311286 | | 107-TF | | SITZMAN 1-23EG | GREELEY | 54.8 | COLORADO GAS GATH |
| 8429763 | 83-954 | 0507708458 | | 107-TF | | SWETLAND 1-5 | PLATEAU SEC 5 T11S-R9 | 175.2 | NORTHERN NATURAL |
| -CRYSTAL OIL AND LAND COMPANY | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429812 | 83-714 | 0512308195 | | 108 | | CUYKENDALL "C" #1-C | ROGGEN | 2.7 | COLORADO INTERSTA |
| 8429817 | 83-710 | 0512308259 | | 108 | | CUYKENDALL "C" #10 | ROGGEN | 3.0 | COLORADO INTERST |
| 8429818 | 83-708 | 0512308342 | | 108 | | CUYKENDALL "C" #12 | ROGGEN | 2.9 | COLORADO INTERSTA |
| 8429813 | 83-713 | 0512308218 | | 108 | | CUYKENDALL "C" #3 | ROGGEN | 2.7 | COLORADO INTERSTA |
| 8429814 | 83-712 | 0512308224 | | 108 | | CUYKENDALL "C" #4 | ROGGEN | 2.8 | COLORADO INTERSTA |
| 8429815 | 83-711 | 0512308256 | | 108 | | CUYKENDALL "C" #6 | ROGGEN | 2.8 | COLORADO INTERSTA |
| 8429816 | 83-710 | 0512308257 | | 108 | | CUYKENDALL "C" #8 | ROGGEN | 3.0 | COLORADO INTERSTA |
| 8429819 | 83-791 | 0512307993 | | 108 | | SARGENT PARMS "B" #1-C | ROGGEN | 8.9 | COLORADO INTERSTA |
| 8429820 | 83-703 | 0512307823 | | 108 | | WEICKEM #1-A | ROGGEN | 2.3 | COLORADO INTERSTA |
| -EL PASO NATURAL GAS COMPANY | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429834 | 83-789 | 0506705325 | | 108-PB | | IGNACIO 33-8 #7 | IGNACIO BLANCO | 0.0 | EL PASO NATURAL G |
| -ENERGY MINERALS CORPORATION | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429769 | 83-970 | 0512311002 | | 107-TF | | ELKHORN #1 | WATTENBERG | 31.0 | PANHANDLE EASTERN |
| 8429821 | 83-808 | 0512308672 | | 108 | | FIRESTONE #1 | SPINDLE | 20.6 | COLORADO INTERSTA |
| 8429822 | 83-697 | 0512309712 | | 108 | | LOIS #1 | ROGGEN | 12.0 | PHILLIPS PETROLEU |
| 8429823 | 83-807 | 0512309384 | | 108 | | PAUL #1 | ROGGEN | 21.5 | PHILLIPS PETROLEU |
| 8429824 | 83-611 | 0500107959 | | 108 | | STROH #1 | FENCE POST | 11.4 | COLORADO INTERSTA |
| -ENERGY OIL INC | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429764 | 83-978 | 0512311308 | | 107-TF | | BORN-SITZMAN #1 | WATTENBERG | 80.6 | PANHANDLE EASTERN |
| 8429765 | 83-998 | 0512311310 | | 107-TF | | C HANSCOME #1 | WATTENBERG | 117.0 | PANHANDLE EASTERN |
| 8429747 | 83-872 | 0512310769 | | 102-4 | | CHESNUT #2 | WILDCAT | 175.0 | PANHANDLE EASTERN |
| 8429766 | 83-977 | 0512305138 | | 107-TF | | HERBST #1 | WATTENBERG | 60.0 | PANHANDLE EASTERN |
| 8429767 | 83-999 | 0512311313 | | 107-TF | | LEONARD #1 | WATTENBERG | 81.0 | PANHANDLE EASTERN |
| 8429768 | 83-1000 | 0512311315 | | 107-TF | | THOMPSON #1 | WATTENBERG | 42.0 | PANHANDLE EASTERN |
| -KAREN OIL CO | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429748 | 83-870 | 0500108281 | | 102-4 | | CRYSTAL #1 | BROMLEY | 100.0 | DAMSON GAS PROCES |
| -MACHII-ROSS PETROLEUM CO | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429770 | 83-966 | 0512311402 | | 107-TF | | LEONARD 4-21J | WATTENBERG | 75.0 | COLORADO INTERSTA |
| -MIDLANDS GAS CORPORATION | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429825 | 83-448 | 0512506389 | | 108 | | FRANSON 1-24 | WAVERLY | 6.0 | K N ENERGY INC |
| 8429826 | 83-289 | 0512506526 | | 108 | | GIAUQUE 1-9 | BUCKBOARD | 21.0 | K N ENERGY INC |
| 8429827 | 83-640 | 0512506503 | | 108 | | ROCKWELL 1-15 | REPUBLICAN | 18.0 | K N ENERGY INC |
| 8429828 | 83-447 | 0512506468 | | 108 | | TRAUTMAN FARMS 1-20 | WHISPER | 14:0 | K N ENERGY INC |
| 8429771 | 83-965 | 0512506942 | | 107-TF | | WOOLERY-ROUNDTREE 1-33 | YODEL NORTH | 73.0 | K N ENERGY INC |
| -MOUNTAIN PETROLEUM CORPORATION | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429829 | 83-582 | 0512506349 | | 108 | | BLACH 2-19 | PONY EXPRESS | 6.0 | NATURAL GAS PIPEL |
| -NIELSON ENTERPRISES INC | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429830 | 83-619 | 0512308534 | | 108 | | ECKHARDT #1 | HAMBERT SUSSEX | 18.0 | PANHANDLE EASTERN |
| -NORDIC PETROLEUMS INC | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429751 | 83-993 | 0512311155 | | 103 | | KAMMERZELL #1-5 | WATTENBERG | 75.0 | NATURAL GAS ASSOC |
| 8429772 | 83-992 | 0512311155 | | 107-TF | | KAMMERZELL #1-5 | WATTENBERG | 75.0 | NATURAL GAS ASSOC |
| 8429773 | 83-944 | 0512311295 | | 107-TF | | KAMMERZELL #1-6 | WATTENBERG | 75.0 | NATURAL GAS ASSOC |
| -NORRIS OIL CO | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429831 | 83-533 | 0507708490 | | 108 | | HAWKINS 26-2 | PLATEAU | 1.7 | ROCKY MOUNTAIN NA |
| -ROCKY MOUNTAIN PRODUCTION CO | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429749 | 83-908 | 0503906428 | | 102-4 | | RMPCO (UPRR) EVERITT #1 | WALLBANGER | 18.3 | BUCKEYE NATURAL G |
| 8429750 | 83-912 | 0503906436 | | 102-4 | | RMPCO EVERITT "A" #1 | WALLBANGER | 7.3 | BUCKEYE NATURAL G |
| -SHEPLER & THOMAS INC | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429775 | 83-935 | 0512311369 | | 107-TF | | STEPHENS-FOE #10-1 | WATTENBURG | 0.0 | NATURAL GAS ASSOC |
| -ST MICHAEL EXPLORATION CO | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429774 | 83-981 | 0512311256 | | 107-TF | | EMERSON FARMS #12-29 | BRACEWELL | 33.0 | NORTHERN NATURAL |
| 8429776 | 83-980 | 0512311183 | | 107-TF | | EMERSON FARMS #21-29 | BRACEWELL | 33.0 | NORTHERN NATURAL |
| 8429777 | 83-991 | 0512311507 | | 107-TF | | MONFORT #24-19 | GREELEY | 0.0 | NORTHERN NATURAL |
| -TENNECO OIL COMPANY | | | | RECEIVED: | 04/19/84 | JA: CO | | | |
| 8429832 | 83-661 | 0512308305 | | 108 | | KIRBY - ROBERTSON 5-35 | FOUNDATION CREEK | 16.0 | NORTHWEST PIPELIN |
| 8429833 | 83-659 | 0510308306 | | 108 | | STEELE 1M-35 | FOUNDATION CREEK | 13.0 | NORTHWEST PIPELIN |
| ********** | | | | | | | | | |
| LOUISIANA OFFICE OF CONSERVATION | | | | | | | | | |
| ********** | | | | | | | | | |
| -AMOCO PRODUCTION CO | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429712 | 84-0227 | 1711320302 | | 103 | | E M WATKINS #42 | SOUTH FLORENCE | 43.8 | FLORIDA POWER & L |
| 8429706 | 84-0197 | 1711321264 | | 103 | | STATE LEASE 4011 WELL #11 | REDFISH POINT | 1204.5 | FLORIDA GAS TRANS |
| -B & M OPERATING CO INC | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429716 | 84-0181 | 1709700000 | | 103 | | WYBLE ESTATE #1 SERIAL #184314 | NORTH VELTIN | 150.0 | MONTEREY PIPELINE |
| -BRANCH INVESTMENT CORP | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429704 | 84-0223 | 1711920352 | | 103 | | BRANCH #1 | CARTERVILLE | 50.0 | ARKANSAS-LOUISIAN |
| 8429711 | 84-0228 | 1711920352 | | 103 | | BRANCH #2 | CARTERVILLE | 50.0 | ARKANSAS-LOUISIAN |
| -CONOCO INC | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429721 | 84-0192 | 1703920270 | | 103 | | LUDEAU-HAAS #13D | VILLE PLATTE FIELD | 5.0 | LOUISIANA INTRAST |
| -CRYSTAL OIL AND LAND COMPANY | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429715 | 84-0163 | 1701521754 | | 103 | | BARNETT #3-D ALT CV RB SU30 | ARKANA | 17.5 | ARKANSAS LOUISIAN |
| -DANT OPERATING CO INC | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429722 | 84-0193 | 1711321304 | | 103 | | J N SELLERS #1 SERIAL #186524 | ABBEVILLE | 30.0 | LOUISIANA GAS SYS |
| -DARSEY OPERATING CORP | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429708 | 84-0231 | 1700121077 | | 103 | | LUDWIG CASSELMAN #1 | SOUTH BAYOU MALLET | 146.0 | MARSHLAND ENERGY |
| -DELTA ENERGY RESOURCES INC | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429702 | 84-0226 | 1701921192 | | 103 | | LOUISIANA FARM AND LIVESTOCK #3 | E MOSS LAKE | 0.0 | LOUISIANA GAS SYS |
| -DESOTO OIL & GAS CORP | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429724 | 84-0195 | 1703121993 | | 103 | | SAMPLE SCOTT #7 SN 182151 | GAY ISLAND | 42.0 | LOUISIANA INTRAST |
| -EXXON CORPORATION | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429728 | 84-0187 | 1771720178 | | 103 | | SL 799 #BB-4 | GRAND ISLE BLOCK 16 | 1400.0 | COLUMBIA GAS TRAN |
| -GULF OIL CORPORATION | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429718 | 84-0189 | 1707522248 | | 103 | | BLD STATE UNIT 3 #9 VU 95 | SOUTH PASS BLOCK 24 | 511.0 | SOUTHERN NATURAL |
| -JEEMS BAYOU PRODUCTION CORP | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429714 | 84-0176 | 1703122077 | | 103 | | KEOUN ETAL #1 LAF RA SUB | RED RIVER-BULL BAYOU | 41.0 | TEXAS EASTERN TRA |
| 8429723 | 84-0194 | 1703122203 | | 103 | | YEATTS #1 | RED RIVER-BULL BAYOU | 290.0 | TEXAS EASTERN TRA |
| -LAUREL OPERATING CO INC | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429717 | 84-0180 | 1710922614 | | 103 | | LL&E FEE #1 | LAKE HATCH FIELD | 13.0 | SEAGULL LOUISIANA |
| 8429725 | 84-0184 | 1710922634 | | 103 | | LL&E FEE #2 | LAKE HATCH FIELD | 48.0 | SEAGULL LOUISIANA |
| 8429726 | 84-0185 | 1710922646 | | 103 | | LL&E FEE #3 | LAKE HATCH FIELD | 137.0 | SEAGULL LOUISIANA |
| 8429730 | 84-0182 | 1710922652 | | 103 | | LL&E FEE #4 | LAKE HATCH FIELD | 64.0 | SEAGULL LOUISIANA |
| 8429719 | 84-0190 | 1710922653 | | 103 | | LL&E FEE #5 | LAKE HATCH FIELD | 128.0 | SEAGULL LOUISIANA |
| 8429720 | 84-0191 | 1710922676 | | 103 | | LL&E FEE #6 | LAKE HATCH FIELD | 8.0 | SEAGULL LOUISIANA |
| 8429729 | 84-0188 | 1710922677 | | 103 | | LL&E FEE #7 | LAKE HATCH FIELD | 42.0 | SEAGULL LOUISIANA |
| 8429731 | 84-0183 | 1710922679 | | 103 | | LL&E FEE #8 | LAKE HATCH FIELD | 14.0 | SEAGULL LOUISIANA |
| -LOUISIANA LAND & EXPLORATION CO | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429705 | 84-0222 | 1705320809 | | 103 | | C B CONNER #1 CAM 2RA SUC | WEST LAKE ARTHUR | 300.0 | |

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| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| -QUINTANA PETROLEUM CORP | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429713 | 84-0178 | 1710922062 | | 103 | | CL&F #4 | DEER ISLAND | 1000.0 | UNITED GAS PIPELI |
| -SHELL OFFSHORE INC | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429709 | 84-0230 | 1372100923 | | 103 | | SP 24 FLD SL 1008 #118 | SOUTH PASS BLOCK 24 | 20.0 | TENNESSEE GAS PIP |
| -SHELL OIL CO | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429703 | 84-0225 | 1701921199 | | 103 | | F HEYD #69 | IOWA | 15.0 | UNITED GAS PIPE L |
| -SUPERIOR OIL CO | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429727 | 84-0186 | 1702321632 | | 103 | | WALKER A #9 | SOUTH THORNWELL | 750.0 | TRUNKLINE GAS CO |
| -TXO PRODUCTION CORP | | | | RECEIVED: | 04/18/84 | JA: LA | | | |
| 8429710 | 84-0229 | 1706120371 | | 103 | | COLVIN "B" #1 CV DAVIS RA SUJJ | UNIONVILLE | 401.5 | DELHI GAS PIPELIN |
| 8429707 | 84-0196 | 1703122179 | | 103 | | PSU S LUNDAY #3 | BETHANY-LONGSTREET | 547.5 | ARKANSAS LOUISIAN |
| MONTANA BOARD OF OIL & GAS CONSERVATION | | | | | | | | | |
| -MONTANA-DAKOTA UTILITIES CO | | | | RECEIVED: | 04/19/84 | JA: MT | | | |
| 8429878 | 2-84-30 | 2502521246 | | 103 | | MDU 421 BN | CEDAR CREEK ANTICLINE | 4.6 | MONTANA-DAKOTA UT |
| -TRICENTROL UNITED STATES INC | | | | RECEIVED: | 04/19/84 | JA: MT | | | |
| 8429879 | 2-84-33 | 2504121223 | | 108 | | DAVEY 21-11 (32N-17E) | TIGER RIDGE | 1.2 | NORTHERN NATURAL |
| 8429880 | 2-84-35 | 2500521183 | | 108 | | OLSON 18-11 (31N-18E) | TIGER RIDGE | 13.3 | NORTHERN NATURAL |
| 8429877 | 2-84-34 | 2500521487 | | 108 | | OLSON 24-12 (31N-17E) | TIGER RIDGE | 0.3 | NORTHERN NATURAL |
| 8429876 | 2-84-36 | 2500505314 | | 108 | | ONEIL 1-8 (31N-17E) | TIGER RIDGE | 14.2 | NORTHERN NATURAL |
| OKLAHOMA CORPORATION COMMISSION | | | | | | | | | |
| -ASPEN PRODUCTION INC | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429860 | 27569 | 3511100000 | | 103 | | MORTON #2 | | 0.0 | PHILLIPS PETROLEU |
| -ATAPCO | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429870 | 27607 | 3508720989 | | 103 | | FOSTER #1 | NORTH FREENY | 182.5 | SUN EXPLORATION & |
| -BEASLEY OIL CO | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429861 | 27573 | 3507323890 | | 103 | | YOST #2 | NORTHWEST OMEGA | 180.0 | PHILLIPS PETROLEU |
| -DALE GARY | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429869 | 27606 | 3503700000 | | 108 | | SELF #1 | | 33.1 | GOLDEN ARROW GAS |
| -INTERNORTH INC | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429867 | 27604 | 3500721349 | | 108 | | HENRICKS #1-18 | S E LOGAN | 0.0 | NORTHERN NATURAL |
| 8429868 | 27605 | 3500721458 | | 108 | | JUDY #1-35 | N E MOCANE | 0.0 | NORTHERN NATURAL |
| 8429866 | 27603 | 3500720005 | | 108 | | MCCLURG #1-1 | S E LOGAN | 7.1 | NORTHERN NATURAL |
| -MOBIL OIL CORP | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429862 | 27583 | 3513700000 | | 108 | | WILDHORSE UNIT #19-7 (W B KREBS #7) | SHO VEL TUM | 0.0 | OKLAHOMA NATURAL |
| -OIL FIELD SYSTEMS-TULSA CORP | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429851 | 26043 | 3508321590 | | 102-3 | | VOGEL #1-36 | | 5.9 | EASON OIL CO |
| 8429850 | 26042 | 3504722457 | | 102-3 | | WHITE #1-36 | | 9.1 | EASON OIL CO |
| 8429852 | 26044 | 3504723140 | | 102-3 | | WHITE #2-36 | | 2.7 | EASON OIL CO |
| 8429853 | 26045 | 3504723177 | | 102-3 | | WHITE #3-36 | | 9.9 | EASON OIL CO |
| -PAN EASTERN EXPLORATION COMPANY | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429863 | 27596 | 3513900000 | | 108 | | WACKER #1-23 | GUYMON-HUGOTON | 15.0 | PANHANDLE EASTERN |
| -R & M PETROLEUM INC | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429871 | 27611 | 3503725483 | | 103 | | BOOMER #3 | STROUD | 11.0 | KERR-MCGEE CORP |
| -SUN EXPLORATION & PRODUCTION CO | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429859 | 27563 | 3501521575 | | 103 | | LETHA HAWKINS #2-19 | UNNAMED | 26.0 | |
| -TENNECO OIL COMPANY | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429865 | 27601 | 3510322181 | | 103 | | DEBORD #1-14 | SOUTH LONE ELM | 0.3 | |
| 8429864 | 27600 | 3510322172 | | 103 | | SOUTH LONE ELM CLEVELAND SAND #114 | SOUTH LONE ELM | 0.3 | AMINOIL U S A INC |
| -VACU-MAID INC | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429854 | 26220 | 3507100000 | | 108 | | GILLIG #1 | | 25.8 | COGAS INC |
| 8429857 | 26223 | 3507100000 | | 108 | | GILLIG #2 | NONE | 25.8 | COGAS INC |
| 8429856 | 26222 | 3507100000 | | 108 | | GILLIG #2A | NONE | 25.8 | COGAS INC |
| 8429855 | 26221 | 3507100000 | | 108 | | GILLIG #6 | NONE | 25.8 | COGAS INC |
| -WILLIAM J ZUHONE JR | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429858 | 27507 | 3507100000 | | 103 | | CLAYBAKER #2 | OSTOT | 12.0 | CORONADO TRANSMIS |
| -ZONE RESOURCES INC | | | | RECEIVED: | 04/19/84 | JA: OK | | | |
| 8429872 | 25851 | 3510300000 | | 103 | | DAHL 14-1 | SOUTH PERRY SEC 14-20 | 290.0 | AMINOIL USA INC |
| 8429849 | 25852 | 3510321468 | | 103 | | NELSON 1-G | WEST PERRY | 11.0 | ASHLAND USA INC |
| PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES | | | | | | | | | |
| -GULF OIL CORPORATION | | | | RECEIVED: | 04/19/84 | JA: PA | | | |
| 8429873 | 15047 | 3703320646 | | 108-PB | | FEE A #92 | REED-DEEMER | 0.0 | NATIONAL FUEL GAS |
| 8429875 | 15793 | 3703320808 | | 108-PB | | IRVIN #8 | REED-DEEMER | 0.0 | NATIONAL FUEL GAS |
| 8429874 | 14895 | 3703320566 | | 108-PB | | VISNESKY #1 | REED-DEEMER | 0.0 | NATIONAL FUEL GAS |
| WEST VIRGINIA DEPARTMENT OF MINES | | | | | | | | | |
| -BEREA OIL AND GAS CORPORATION | | | | RECEIVED: | 04/18/84 | JA: WV | | | |
| 8429745 | | 4700121860 | | 102-4 | | FRI #1 | VALLEY DISTRICT | 28.7 | BROOKLYN UNION GA |
| 8429744 | | 4700121964 | | 102-4 | | T GIBSON #1 | VALLEY DISTRICT | 16.0 | BROOKLYN UNION GA |
| -BRAXTON OIL AND GAS CORP | | | | RECEIVED: | 04/18/84 | JA: WV | | | |
| 8429746 | | 4700101616 | | 108 | | SISK #1 | PHILIPPI-7 5 | 10.0 | CONSOLIDATED GAS |
| -CONSOLIDATED GAS SUPPLY CORPORATION | | | | RECEIVED: | 04/18/84 | JA: WV | | | |
| 8429732 | | 4700100853 | | 108 | | LINDSEY-BRYANT 12343 | GLADE | 20.0 | GENERAL SYSTEM PU |
| 8429736 | | 4703302852 | | 108 | | NATHAN GOFF ESTATE #1 12797 | COAL | 20.0 | GENERAL SYSTEM PU |
| -EMPIRE OIL CO | | | | RECEIVED: | 04/18/84 | JA: WV | | | |
| 8429741 | | 4701700129 | | 108 | | J E MCCONNELL | WEST UNION | 0.0 | CONSOLIDATED GAS |
| 8429738 | | 4701701528 | | 108 | | JOHN MAXWELL #1 | NEW MILTON | 0.0 | CONSOLIDATED GAS |
| 8429742 | | 4701700120 | | 108 | | MARY F JONES | WEST UNION | 0.0 | CONSOLIDATED GAS |
| 8429740 | 1-23-1983 | 4701700132 | | 108 | | OLEVIA JONES #1 | WEST UNION | 0.0 | CONSOLIDATED GAS |
| 8429743 | | 4701701217 | | 108 | | S B SUTTON 1-A | NEW MILTON | 0.0 | CONSOLIDATED GAS |
| 8429739 | | 4701700140 | | 108 | | T SUTTON #1 | WEST UNION | 0.0 | CONSOLIDATED GAS |
| 8429737 | | 4701701276 | | 108 | | W E SUTTON 1-A | NEW MILTON DISTRICT | 0.0 | CONSOLIDATED GAS |
| -PENNZOIL COMPANY | | | | RECEIVED: | 04/18/84 | JA: WV | | | |
| 8429733 | | 4703903910 | | 108 | | CHESAPEAKE MINING CO #4 | CABIN CREEK | 10.0 | CONSOLIDATED GAS |
| -WAYMAN W BUCHANAN | | | | RECEIVED: | 04/18/84 | JA: WV | | | |
| 8429734 | | 4708505347 | | 108 | | AYERS #1 | UNKNOWN | 80.3 | CONSOLIDATED GAS |
| 8429735 | | 4708505870 | | 108 | | BECKETT #1 | UNKNOWN | 69.4 | CONSOLIDATED GAS |
| NM DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROSWELL, NM | | | | | | | | | |
| -CONOCO INC | | | | RECEIVED: | 04/19/84 | JA: NM L | | | |
| 8429837 | RNM 0012-83 | 3002504187 | | 108-ER | | REED SANDERSON #4 | NMFU-EUMONT | 41.6 | WARREN PETROLEUM |
| -HASELOFF CORP | | | | RECEIVED: | 04/19/84 | JA: NM L | | | |
| 8429839 | RNM 0085-84 | 3004110420 | | 108 | | MORGAN "A" FEDERAL #2 | CHAVEROO SAN ANDRES | 1.0 | CITIES SERVICE OI |
| 8429846 | RNM 0090-84 | 3004110415 | | 108 | | MORGAN "A" FEDERAL #4 | CHAVEROO SAN ANDRES | 1.8 | CITIES SERVICE OI |
| 8429840 | RNM 0094-84 | 3004110416 | | 108 | | MORGAN "A" FEDERAL #5 | CHAVEROO SAN ANDRES | 0.7 | CITIES SERVICE OI |
| 8429845 | RNM 0079-84 | 3004110417 | | 108 | | MORGAN "A" FEDERAL #6 | CHAVEROO SAN ANDRES | 1.7 | CITIES SERVICE OI |
| 8429838 | RNM 0095-84 | 3004110449 | | 108 | | MORGAN "B" FEDERAL #2 | CHAVEROO SAN ANDRES | 1.0 | CITIES SERVICE OI |

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| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8429848 | RNM 0083-84 | 3004110479 | | 108 | | MORGAN "B" FEDERAL #3 | CHAVEROO SAN ANDRES | 2.5 | CITIES SERVICE OI |
| 8429836 | RNM 0093-84 | 3004110456 | | 108 | | MORGAN "B" FEDERAL #4 | CHAVEROO SAN ANDRES | 1.6 | CITIES SERVICE OI |
| 8429844 | RNM 0091-84 | 3004110457 | | 108 | | MORGAN "B" FEDERAL #5 | CHAVEROO SAN ANDRES | 1.1 | CITIES SERVICE OI |
| 8429843 | RNM 0092-84 | 3004110458 | | 108 | | MORGAN "B" FEDERAL #6 | CHAVEROO SAN ANDRES | 0.5 | CITIES SERVICE OI |
| 8429847 | RNM 0086-84 | 3004110648 | | 108 | | MORGAN "C" FEDERAL #2 | CHAVEROO SAN ANDRES | 3.2 | CITIES SERVICE OI |
| -PERRY R BASS | | | | RECEIVED: | 04/19/84 | JA: NM L | | | |
| 8429842 | RNM 0071-84 | 3002527151 | | 103 | | C A LOOMIS FEDERAL #1 | SALT LAKE SOUTH | 100.0 | NATURAL GAS PIPEL |
| -ZIA ENERGY INC | | | | RECEIVED: | 04/19/84 | JA: NM L | | | |
| 8429841 | RNM 0014-83 | 3002528474 | | 103 | | CITIES FEDERAL #2 | JALMAT-YATES SEVEN RI | 146.0 | PETRO-LEWIS CORP |
| ********** | | | | | | | | | |
| ** DEPT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES, CA | | | | | | | | | |
| ********** | | | | | | | | | |
| -UNION OIL COMPANY OF CALIF | | | | RECEIVED: | 04/19/84 | JA: CA X | | | |
| 8429835 | OCS-P 3-84 | 0431120568 | | 102-5 | | SANTA CLARA UNIT WELL #5-33 | CALIFORNIA OFFSHORE | 0.0 | PACIFIC LIGHTING |

[FR Doc. 84-13048 Filed 5-14-84; 8:45 am]

BILLING CODE 6717-01-C

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## NGPA Notices of Determination by Jurisdictional Agencies

Issued: May 9, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83-50-000, 49 F.R. 7109-13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* Federal Register. Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Road, Springfield, Virginia 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 mile rule)
102-3: New well (1,000 ft rule)
102-4: New onshore reservoir
102-5: New res. on old OCS lease
Section 103: New onshore production well
Section 107-DP: 15,000 ft or deeper
107-GB: Geopressured brine
107-DV: Devonian shale
107-CS: Coal seam gas
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Temporary pressure buildup

**Kenneth F. Plumb,**

*Secretary.*

NOTICE OF DETERMINATIONS
Issued May 9, 1984

VOLUME 1122

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| KANSAS CORPORATION COMMISSION | | | | | | | | | |
| -ALPINE DRILLING CO INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429922 | K-84-0049 | 1514521028 | | 103 | | DAVIS #1 | WILDCAT | 81.0 | CENTRAL STATES GA |
| -AMOCO PRODUCTION CO | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429918 | K-84-0014 | 1512920591 | | 103 | | BREEDING GAS UNIT "G" #1-28 | PANOMA | 50.0 | NORTHWEST CENTRAL |
| 8429910 | K-84-0012 | 1512920655 | | 103 | | HAYWARD #1 | KINSLER | 90.0 | KANSAS POWER & LI |
| 8429909 | K-84-0013 | 1512920665 | | 103 | | HAYWARD #2 | KINSLER | 300.0 | KANSAS POWER & LI |
| -AMADARKO PRODUCTION COMPANY | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429897 | K-84-0095 | 1512920517 | | 108 | | BRADLEY A #1 | INTERSTATE RED CAVE | 20.0 | PANHANDLE EASTERN |
| 8429882 | K-84-0042 | 1517520714 | | 102-4 | | ETZOLD B #3 | SHUCK | 14.0 | THE CIMARRON-QUIN |
| 8429881 | K-83-0690 | 1512920644 | | 103 | | TUCKER J-1 | PANOMA UNALLOCATED | 68.0 | CIMARRON QUINQUE |
| -ASSOCIATED PETROLEUM CONSULTANTS IN | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429903 | K-84-0052 | 1500721663 | | 103 | | HAAS BROS #2 | AMBER MILLS SOUTH | 8.0 | DELHI GAS PIPELIN |
| 8429945 | K-84-0053 | 1500721727 | | 102-4 | | HAAS ESTATE #2 | AMBER MILLS SOUTH | 8.0 | DELHI GAS PIPELIN |
| 8429926 | K-83-0510 | 1500721570 | | 102-4 | | MARSH RANCH WEST #3 15-007-21570 | PERRY RANCH SOUTH | 100.0 | KANSAS GAS SUPPLY |
| 8429943 | K-84-0051 | 1500721666 | | 102-4 | | MOTT RANCH #9 | AMBER MILLS SOUTH | 8.0 | DELHI GAS PIPELIN |
| 8429890 | K-84-0088 | 1515121292 | | 103 | | NOSSAMAN #1 | BRANT | 300.0 | CENTRAL STATES GA |
| 8429915 | K-84-0018 | 1500721707 | | 103 | | WETZ #1 | STRANATHAN | 73.0 | KANSAS GAS SUPPLY |
| -ATTICA GAS VENTURE CORP | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429933 | K-84-0070 | 1507720895 | | 103 | | JOHNSTON #1 | LITTLE SANDY CREEK | 36.0 | GETTY CRUDE GATHE |
| 8429944 | K-84-0069 | 1507700000 | | 103 | | JOHNSTON #2 | LITTLE SANDY CREEK W | 180.0 | GETTY CRUDE GATHE |
| -B & B DRILLING CO | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429894 | K-84-0098 | 1512526505 | | 102-2 | | TAYLOR #2 | CHERRYVALE COFFEYVILL | 20.0 | |
| 8429895 | K-84-0097 | 1512526506 | | 102-2 | | TAYLOR #3 | CHERRYVALE COFFEYVILL | 20.0 | |
| 8429888 | K-84-0096 | 1512526591 | | 102-2 | | TAYLOR #4 | CHERRYVALE COFFEYVILL | 15.0 | NORTHWEST CENTRAL |
| -BARTLING OIL CO | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429908 | K-84-0001 | 1507120303 | | 103 | | JOHNSON #1 | | 70.0 | SUNFLOWER ELECTRI |
| 8429907 | K-84-0002 | 1507120300 | | 103 | | KANSAS UNIVERSITY #1 | | 43.0 | SUNFLOWER ELECTRI |
| 8429920 | K-84-0023 | 1507120299 | | 102-4 | | KUTTLER #1 | BRADSHAW | 120.0 | SUNFLOWER ELECTRI |
| -CITIES SERVICE OIL & GAS CORP | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429935 | K-84-0084 | 1517520668 | | 102-4 | | FITZGERALD C #1 | SILVERMAN | 730.0 | NORTHERN NATURAL |
| 8429936 | K-84-0083 | 1508197564 | | 108 | | HALL K #5 | EUBANK | 36.5 | COLORADO INTERSTA |
| 8429913 | K-84-0021 | 1517520698 | | 102-4 | | HOFFMAN R #1 | SILVERMAN | 547.5 | NORTHERN NATURAL |
| 8429916 | K-84-0017 | 1512920684 | | 103 | | SUTTON B #5 | WILBURTON | 81.7 | NORTHERN NATURAL |
| -EDMISTON OIL CO INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429938 | K-84-0087 | 1500721701 | | 103 | | MORTON "B" #2 | STRANATHAN | 75.0 | KANSAS GAS SUPPLY |
| -ENERGY RESERVES GROUP INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429934 | K-84-0085 | 1509521389 | | 103 | | HUFFORD #5 | REIDA WEST | 36.0 | KANSAS GAS SUPPLY |
| 8429939 | K-84-0086 | 1509521398 | | 103 | | HUFFORD #7 | REIDA WEST | 3.6 | KANSAS GAS SUP |
| -FRIESEN ROY E | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429932 | K-84-0071 | 1512526518 | | 102-2 | | KNIPMEYER #1-O | | 15.0 | SALEM PIPELINE CO |
| -GEORGE R JONES | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429923 | K-84-0048 | 1507720906 | | 103 | | CLARKSON #1 | STOHRVILLE EXT | 25.0 | |
| -GRAHAM-MICHAELIS CORP | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429914 | K-84-0020 | 1509720308 | | 108 | | PARKIN #1 - 11 | ALFORD | 6.0 | KANSAS GAS SUPPLY |
| -GULF OIL CORPORATION | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429885 | K-83-0789 | 1517520684 | | 102-4 | | ROBERT E LEE /A/ 1-11 | UNDESIGNATED (LWR CHE | 54.8 | CIMARRON - QUINQ |

BILLING CODE 6717-01-M

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| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| -IMPERIAL OIL COMPANY | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429906 | K-84-0005 | 1509720529 | | 108 | | HARPER #1-3 | WELLSFORD NE | 4.0 | PANHANDLE EASTERN |
| 8429905 | K-84-0006 | 1509720588 | | 108 | | RINKEL "A" #1 | EXT/WELLSFORD NE | 4.0 | PANHANDLE EASTERN |
| 8429904 | K-84-0007 | 1509720614 | | 108 | | RINKEL "A" #2 | WILDCAT | 4.0 | PANHANDLE EASTERN |
| 8429952 | K-84-0008 | 1509720626 | | 108 | | RINKEL "A" #3 | WELLSFORD NE | 4.0 | PANHANDLE EASTERN |
| 8429941 | K-84-0009 | 1509720598 | | 108 | | RINKEL "B" #1 | WELLSFORD NE | 7.3 | PANHANDLE EASTERN |
| 8429912 | K-84-0010 | 1509720661 | | 108 | | RINKEL "B" #2 | WELLSFORD | 7.3 | PANHANDLE EASTERN |
| 8429911 | K-84-0011 | 1509720659 | | 108 | | RINKEL "B" #3 | WELLSFORD | 7.3 | PANHANDLE EASTERN |
| INTERNORTH INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429886 | K-83-0813 | 1514520308 | | 108 | | FROETSCHNER #1 | FT LARNED | 14.5 | NORTHERN NATURAL |
| -JOHNSON COUNTY AIRPORT COMM IND AP | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429921 | 84-0022 | 1509120579 | | 102-2 | | JAMISON #1 | | 1000.0 | NORTHWEST CENTRAL |
| -KANSAS GAS PURCHASING | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429942 | K-84-0025 | 1515100000 | | 108 | | PETROWSKY #2 | IUKA-CARMI | 0.0 | KANSAS GAS SUPPLY |
| -MOBIL OIL CORP | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429931 | K-84-0073 | 1518920512 | | 103 | | BARBEE #2 | CENTER | 40.0 | NORTHERN NATURAL |
| -PAR PETROLEUM INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429919 | K-84-0024 | 1515120653 | | 108 | | REZEAU #1 | CULLISON WEST | 3.0 | PANHANDLE EASTERN |
| -PAYDIRT DEVELOPMENT LTD | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429948 | K-82-1351 | 1509921669 | | 102-2 | | CARNAHAN #1 | ALTAMONT | 5.3 | CITY OF ALTAMONT |
| 8429951 | K-82-1354 | 1509921793 | | 102-2 | | CARNAHAN #2 | ALTAMONT | 5.3 | CITY OF ALTAMONT |
| 8429949 | K-82-1352 | 1509921798 | | 102-2 | | CARNAHAN #4 | ALTAMONT | 5.3 | CITY OF ALTAMONT |
| 8429950 | K-82-1353 | 1509921851 | | 102-2 | | CARNAHAN #5 | ALTAMONT | 5.3 | CITY OF ALTAMONT |
| 8429946 | K-82-1349 | 1509921849 | | 102-2 | | CARNAHAN #6 | ALTAMONT | 5.3 | CITY OF ALTAMONT |
| 8429947 | K-82-1350 | 1509921855 | | 102-2 | | CARNAHAN #8 | ALTAMONT | 5.3 | CITY OF ALTAMONT |
| -PETRO-LEWIS CORPORATION | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429899 | K-84-0065 | 1505520196 | | 108 | | ATKINSON #1 | HUGOTON | 2.3 | NORTHERN NATURAL |
| 8429900 | K-84-0064 | 1508120074 | | 108 | | GARETSON #1 | HUGOTON | 7.1 | NORTHERN NATURAL |
| 8429902 | K-84-0062 | 1508120052 | | 108 | | WATSON #1-11 | HUGOTON | 7.8 | NORTHERN NATURAL |
| 8429901 | K-84-0063 | 1508120056 | | 108 | | WEBBER #1 | HUGOTON | 12.5 | NORTHERN NATURAL |
| 8429898 | K-84-0066 | 1505520197 | | 108 | | WINTERS #1-B | HUGOTON | 9.8 | NORTHERN NATURAL |
| -RAINS & WILLIAMSON OIL CO INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429937 | K-84-0082 | 1500721614 | | 103 | | LIES #1 | SHARON | 125.0 | PEOPLES NATURAL G |
| -RANGE OIL COMPANY INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429883 | K-83-0851 | 1500721670 | | 103 | | STEWART #5 | TRAFFAS SE | 10.8 | PEOPLES NATURAL G |
| -REACH OIL CORP | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429930 | K-84-0074 | 1507720894 | | 103 | | BASSFORD #2 | STOHRVILLE | 10.0 | QUIVIRA GAS CO |
| -RESOURCE VENTURES CORP | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429925 | K-83-0274 | 1507720875 | | 103 | | JAMES J & NYLA J FERRELL #3 | SULLIVAN | 182.5 | PEOPLES NATURAL G |
| -ROBERT F WHITE | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429917 | K-84-0015 | 1511521064 | | 103 | | KRAUSE-SHIELDS UNIT #1 | LOST SPRINGS | 18.0 | NORTHWEST CENTRAL |
| 8429929 | K-83-0689 | 1511520918 | | 108 | | PLETT - KROUPA #1 | LOST SPRINGS | 18.0 | NORTHWEST CENTRAL |
| -SHAWMAR OIL CO INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429887 | K-83-0839 | 1511520674 | | 108 | | BUETHE #3 00173-000009 | ANTELOPE POOL | 5.0 | NORTHWEST CENTRAL |
| -SUN EXPLORATION & PRODUCTION CO | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429884 | K-83-0852 | 1502500000 | | 108 | | R S SHUPE #1 | HARPER RANCH | 17.0 | NORTHERN NATURAL |
| -TEXAS ENERGIES INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429891 | K-84-0107 | 1518521844 | | 103 | | R D BOOKSTORE 1-29 | WILDCAT | 175.0 | CENTRAL STATES GA |
| 8429896 | K-84-0099 | 1507700000 | | 102-4 | | WOHLESCHLEGEL | PILOT KNOB | 35.0 | PEOPLES NATURAL G |
| -TOM F MARSH INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429928 | K-83-0639 | 1518920620 | | 103 | | LIGHTCAP #1 | PANOMA | 39.0 | PANHANDLE EASTERN |
| -TXO PRODUCTION CORP | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429927 | K-83-0589 | 1509521360 | | 102-2 | | ALBERS "D" #1 | KOMAREK | 150.0 | DELHI CORP |
| 8429924 | K-84-0046 | 1515121385 | | 102-4 | | GORGES #1 | BRANT W C | 90.0 | DELHI CORP |
| -VIKING INTERNATIONAL PETROLEUM CORP | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429940 | K-84-0078 | 1501720372 | | 102-4 | | STAUFFER 3-34 | ELMDALE GAS FIELD | 36.0 | NORTHWEST CENTRAL |
| -WAYNE E WALCHER | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429893 | K-84-0102 | 1509521421 | | 103 | | GILLEN #1 | GARLISCH SOUTH | 30.0 | KANSAS GAS SUPPLY |
| -ZENITH DRILLING CORPORATION INC | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429892 | K-84-0105 | 1504721138 | | 103 | | SETTE #5 | WIL | 36.0 | CENTRAL STATES GA |
| -ZINKE & TRUMBO LTD | | | | RECEIVED: | 04/20/84 | JA: KS | | | |
| 8429889 | K-84-0089 | 1511920637 | | 103 | | FINCHAM #1-31 | MCKINNEY | 100.0 | PEOPLES NATURAL G |
| ********** | | | | | | | | | |
| NEBRASKA OIL & GAS CONSERVATION COMMISSION | | | | | | | | | |
| ********** | | | | | | | | | |
| -SUN EXPLORATION & PRODUCTION CO | | | | RECEIVED: | 04/16/84 | JA: NB | | | |
| 8429953 | | 2610522135 | | 103 | | STOWERS #1 | WILDCAT | 0.0 | |
| ********** | | | | | | | | | |
| OKLAHOMA CORPORATION COMMISSION | | | | | | | | | |
| ********** | | | | | | | | | |
| -APEX MINERALS INC | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430041 | 27364 | 3507323884 | | 103 | | WROBBEL #1 | ALTONA | 475.0 | PHILLIPS PETROLEU |
| -DAWN ENERGY CO | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430028 | 27557 | 3515321457 | | 103 | | BRUCE #1-24 | SW SHARON | 106.8 | PHILLIPS PETROLEU |
| 8430027 | 27556 | 3513921813 | | 103 | | CLARK #3-22 | RICE | 160.2 | PHILLIPS PETROLEU |
| -DYNASTY ENERGY EXPLORATION LTD | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430044 | 25742 | 3507122730 | | 103 | | WOODERSON #1 | ANTWINE | 36.0 | CITIES SERVICE OI |
| -EL PASO EXPLORATION CO | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430026 | 28107 | 3512921044 | | 107-DP | | WILLIAMS #1 | BERLIN MORROW UPPER | 963.6 | |
| -GETTY OIL COMPANY | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430036 | 27548 | 3513900000 | | 108 | | LEON ALLEN #1 | GUYMON-HUGOTON | 4.5 | NORTHWEST CENTRAL |
| -GULF OIL CORPORATION | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430023 | 27598 | 3515150002 | | 108 | | DIETZ #1 | OAKDALE NORTH (CHEROK | 19.0 | ANR PIPE LINE CO |
| -HEARTLAND EXPLORATION INC | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430008 | 24419 | 3510320777 | | 103 | | CLINT #1 | WHITEROCK | 19.7 | ARCO OIL & GAS CO |
| 8430012 | 24416 | 3510320778 | | 103 | | LA FORCE #1 | WHITEROCK | 8.0 | ARCO OIL & GAS CO |
| 8430011 | 24417 | 3510320779 | | 103 | | MASON #1 | WHITEROCK | 11.3 | ARCO OIL & GAS CO |
| 8430010 | 24418 | 3510320785 | | 103 | | MASON #2 | WHITE ROCK | 8.0 | ARCO OIL & GAS CO |
| -JEM PETROLEUM CORP | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430016 | 26190 | 3515321360 | | 103 | | LOVE #1 | MORROW | 1095.0 | TRANSWESTERN PIPE |
| -JERRY CHAMBERS EXPLORATION CO | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430024 | 27966 | 3503920825 | | 107-DP | | CLINTON 13-31 | WILDCAT | 660.0 | NORTHWEST PIPELIN |
| 8430025 | 27967 | 3503920808 | | 107-DP | | CLINTON 13-36 | WILDCAT | 1.5 | NORTHWEST PIPELIN |
| -JOE A HUITT | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430018 | 27007 | 3503721001 | | 108 | | MILLGUN-MILLER #4 | SILVER CITY | 7.5 | ARCO OIL & GAS CO |
| -MARATAN RESOURCES CORP | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430039 | 27481 | 3501722276 | | 103 | | MASOPUST #1-30 | MUSTANG | 30.0 | PHILLIPS PETROLEU |
| -MOBIL OIL CORP | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430019 | 27582 | 3513700000 | | 108 | | COUNTYLINE UNIT #18-4 (RINGER #4) | SHO VEL TUM | 4.4 | OKLAHOMA NATURAL |
| -OIL FIELD SYSTEMS-TULSA CORP | | | | RECEIVED: | 04/20/84 | JA: OK | | | |
| 8430015 | 26041 | 3504722457 | | 102-3 | | JORDAN #1-36 | | 15.7 | EASON OIL CO |
| 8430013 | 26039 | 3504723139 | | 102-3 | | JORDAN #2-36 | | 4.7 | EASON OIL CO |
| 8430014 | 26040 | 3504723176 | | 102-3 | | JORDAN #3-36 | | 1.8 | EASON OIL CO |
| 8430009 | 26038 | 3504723381 | | 102-3 | | JORDAN #4-36 | | 50.4 | EASON OIL CO |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME |
|---|---|---|---|---|---|---|
| -PAN EASTERN EXPLORATION COMPANY | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430020 | 27593 | 3513900000 | | 108 | | MCCLELLAND #2-28 |
| 8430022 | 27595 | 3513900000 | | 108 | | MILLER #1-13 |
| 8430021 | 27594 | 3513900000 | | 108 | | MILLER #2-13 |
| -R & M PETROLEUM INC | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430033 | 26906 | 3503725160 | | 103 | | BOOMER #1 |
| 8430035 | 26904 | 3503725248 | | 103 | | BOOMER #2 |
| 8430034 | 26905 | 3503725264 | | 103 | | FRONTIER #1 |
| -RATLIFF EXPLORATION CO | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430045 | 21287 | 3510920684 | | 102-4 | | AIRPORT TRUST #28-1 |
| -SABINE CORP | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430038 | 27490 | 3510920838 | | 103 | | LEE #1-11 |
| -SANTA FE MINERALS INC | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430031 | 27566 | 3501121931 | | 103 | | BOSTON #20-3 |
| 8430032 | 27567 | 3501722622 | | 103 | | LANMAN #12-2 |
| -STRIKER DRILLING CO | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430043 | 26682 | 3508122139 | | 103 | | CROW 2-A |
| -SUN EXPLORATION & PRODUCTION CO | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430040 | 27151 | 3511700000 | | 108 | | SCHOOL LAND 66 #13 |
| -TENNECO OIL COMPANY | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430030 | 27565 | 3501120733 | | 108 | | BERTHA ROYALTY #I-16 |
| -THE WIL-MC OIL CORP | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430037 | 27540 | 3500300000 | | 103 | | MATHIS #1 |
| -TXO PRODUCTION CORP | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430029 | 27561 | 3501722619 | | 103 | | PHELPS "A" #1 |
| -WICKLUND PETROLEUM CORP | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430017 | 26825 | 3501722635 | | 103 | | DUNAHOO #12-1 |
| -WILLIAM H DAVIS | | | | RECEIVED: | 04/20/84 | JA: OK |
| 8430042 | 26875 | 3505320581 | | 108 | | BOWERS #1 |
| ********** | | | | | | |
| WEST VIRGINIA DEPARTMENT OF MINES | | | | | | |
| ********** | | | | | | |
| -ASHLAND EXPLORATION INC | | | | RECEIVED: | 04/20/84 | JA: WV |
| 8429967 | | 4708100264 | | 108 | | BEDFORD LAND CO #9 - 035520 |
| -DOMESTIC OIL & GAS CO/G E L #11 | | | | RECEIVED: | 04/20/84 | JA: WV |
| 8429977 | | 4708506095 | | 103 | | FOWLER #2 |
| -J & J ENTERPRISES INC | | | | RECEIVED: | 04/20/84 | JA: WV |
| 8429981 | | 4700100984 | | 108 | | B-185 |
| 8429988 | | 4703301991 | | 108 | | B-259 |
| 8429980 | | 4700101391 | | 108 | | B-333 |
| 8429983 | | 4700101392 | | 108 | | B-334 |
| 8429984 | | 4700101393 | | 108 | | B-335 |
| 8429982 | | 4700101394 | | 108 | | B-394 |
| 8429987 | | 4703302570 | | 108 | | B-413 |
| 8429989 | | 4700101610 | | 108 | | B-422 |
| 8429978 | | 4703302741 | | 103 | | B-466 |
| 8429979 | | 4700100850 | | 108 | | E-75 |
| 8429969 | | 4701703032 | | 108 | | J-141 |
| 8429973 | | 4708505000 | | 108 | | J-386 |
| 8429971 | | 4701702964 | | 108 | | J-390 |
| 8429970 | | 4701703033 | | 108 | | J-398 |
| 8429968 | | 4701702978 | | 108 | | J-454 |
| 8429975 | | 4703302736 | | 108 | | J-530 |
| 8429974 | | 4703302737 | | 108 | | J-531 |
| 8429972 | | 4703302788 | | 108 | | J-612 |
| 8429976 | | 4703302789 | | 108 | | J-613 |
| -OHIO L & M CO INC | | | | RECEIVED: | 04/20/84 | JA: WV |
| 8429998 | | 4708506713 | | 103 | | HAMMETT #2 |
| 8429992 | | 4707321735 | | 103 | | KESTER #2 |
| -PEAKE OPERATING CO | | | | RECEIVED: | 04/20/84 | JA: WV |
| 8430000 | | 4703903980 | | 103 | | ANNA WOOD #1-A |
| 8429999 | | 4703903981 | | 103 | | ARTHUR BRYAN #1-A |
| 8430001 | | 4703903907 | | 103 | | WISEMAN #2-A |
| -ROCKWELL PETROLEUM CO | | | | RECEIVED: | 04/20/84 | JA: WV |
| 8429990 | | 4700701868 | | 103 | | HOOVER #6 |
| 8429991 | | 4700701870 | | 103 | | HOOVER #7 |
| -SENECA-UPSHUR PETROLEUM CO | | | | RECEIVED: | 04/20/84 | JA: WV |
| 8430005 | | 4705901088 | | 107-DV | | C-51 |
| 8430007 | | 4705901064 | | 107-DV | | C-69 |
| 8430006 | | 4705901079 | | 107-DV | | C-75 |
| -SWIFT ENERGY CO | | | | RECEIVED: | 04/20/84 | JA: WV |
| 8429985 | | 4709100345 | | 107-DV | | D WOOD #1 |
| 8429986 | | 4709100363 | | 107-DV | | G DEVERS #1 |
| -UNION DRILLING INC | | | | RECEIVED: | 04/20/84 | JA: WV |
| 8429994 | | 4705300308 | | 103 | | EDWARD KINNARD #1 1919 |
| 8430004 | | 4705300308 | | 107-DV | | EDWARD KINNARD #1 1919 |
| 8429996 | | 4709702585 | | 103 | | ELSIE YOUNG #2 1849 |
| 8429995 | | 4705300307 | | 103 | | JUNIOR F POWELL #1 1918 |
| 8430003 | | 4705300307 | | 107-DV | | JUNIOR F POWELL #1 1918 |
| 8429993 | | 4705300310 | | 103 | | KENNETH PRICE #1 1917 |
| 8430002 | | 4705300310 | | 107-DV | | KENNETH PRICE #1 1917 |
| 8429997 | | 4708300810 | | 103 | | MILDRED JONES #1 1882 |
| ********** | | | | | | |
| ** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, SALT LAKE CITY, UT | | | | | | |
| ********** | | | | | | |
| -BELCO DEVELOPMENT CORP | | | | RECEIVED: | 04/20/84 | JA: UT P |
| 8429963 | 112-83 | 4304731310 | | 103 | 107-TF | CWU 226-3 |
| 8429962 | 111-83 | 4304730549 | | 108 | | STAGECOACH 14-34 |
| -DIAMOND CHEMICALS CO | | | | RECEIVED: | 04/20/84 | JA: UT P |
| 8429954 | 116-83 | 4301300000 | | 103 | | ALLEN FEDERAL 12-5 |
| 8429966 | 113-83 | 4301330582 | | 103 | | ALLEN FEDERAL 12-6 |
| 8429964 | 114-83 | 4301330612 | | 103 | | ALLEN FEDERAL 21-5 |
| 8429965 | 115-83 | 4301330584 | | 103 | | ALLEN FEDERAL 21-6 |
| 8429959 | 121-83 | 4301330586 | | 103 | | ALLEN FEDERAL 34-6 |
| 8429956 | 118-83 | 4301330613 | | 103 | | CASTLE PEAK FEDERAL #31-15 |
| 8429955 | 117-83 | 4301330632 | | 103 | | CASTLE PEAK FEDERAL #33-15 |
| 8429957 | 119-83 | 4301330633 | | 103 | | CASTLE PEAK FEDERAL #42-15 |
| 8429958 | 120-83 | 4301330630 | | 103 | | CASTLE PEAK FEDERAL #44-10 |
| -NATURAL GAS CORPORATION OF CALIF | | | | RECEIVED: | 04/20/84 | JA: UT P |
| 8429961 | 110-83 | 4301330699 | | 102-2 | | FEDERAL NGC #12-4-G |
| 8429960 | 109-83 | 4301330741 | | 102-2 | | FEDERAL NGC #41-8-H |

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| FIELD NAME | PROD | PURCHASER |
|---|---|---|
| GUYMON-HUGOTON | 13.0 | PANHANDLE EASTERN |
| GUYMON-HUGOTON | 16.0 | PANHANDLE EASTERN |
| CAMRICK | 16.0 | PANHANDLE EASTERN |
| STROUD | 44.0 | |
| STROUD | 64.0 | |
| STROUD | 146.0 | |
| | 0.0 | CONOCO INC |
| N E EDMOND | 75.0 | |
| | 140.0 | OKLAHOMA GAS PIPE |
| | 300.0 | PHILLIPS PETROLEU |
| SOUTH STROUD | 0.0 | NATURAL GAS ENTER |
| YALE-OUAN | 0.1 | |
| EAGLE CITY SOUTH | 8.0 | PUBLIC SERVICE CO |
| EAST BRYON | 45.6 | SUN EXPLORATION & |
| NE CONCHO | 0.0 | DELHI GAS PIPELIN |
| E MINCO | 30.0 | |
| WAKITA TREND | 7.0 | NORTHWEST CENTRAL |
| PAINT CREEK | 5.0 | COLUMBIA GAS TRAN |
| ELLENBORO QUAD | 10.0 | CONSOLIDATED GAS |
| PLEASANT | 0.0 | CONSOLIDATED GAS |
| EAGLE | 0.0 | CONSOLIDATED GAS |
| VALLEY | 0.0 | CONSOLIDATED GAS |
| VALLEY | 0.0 | CONSOLIDATED GAS |
| VALLEY | 0.0 | CONSOLIDATED GAS |
| VALLEY | 0.0 | CONSOLIDATED GAS |
| CLAY | 0.0 | CONSOLIDATED GAS |
| PHILIPPI | 0.0 | CONSOLIDATED GAS |
| SIMPSON | 0.0 | EASTERN AMERICAN |
| PHILIPPI | 0.0 | CONSOLIDATED GAS |
| NEW MILTON | 0.0 | CONSOLIDATED GAS |
| UNION | 0.0 | CONSOLIDATED GAS |
| CENTRAL | 0.0 | CONSOLIDATED GAS |
| NEW MILTON | 0.0 | CONSOLIDATED GAS |
| MCELROY | 0.0 | CONSOLIDATED GAS |
| TENMILE | 0.0 | CONSOLIDATED GAS |
| TENMILE | 0.0 | CONSOLIDATED GAS |
| SARDIS | 0.0 | CONSOLIDATED GAS |
| SARDIS | 0.0 | CONSOLIDATED GAS |
| UNION | 10.0 | CONSOLIDATED GAS |
| UNION | 10.0 | CONSOLIDATED GAS |
| (JEFFERSON DISTRICT) | 0.0 | COLUMBIA GAS TRAN |
| (JEFFERSON DISTRICT) | 0.0 | COLUMBIA GAS TRAN |
| WASHINGTON DISTRICT | 5.0 | COLUMBIA GAS TRAN |
| HOOVER | 30.0 | CONSOLIDATED GAS |
| HOOVER | 30.0 | CONSOLIDATED GAS |
| HARDEE | 35.0 | COLUMBIA GAS TRAN |
| HARVEY | 35.0 | COLUMBIA GAS TRAN |
| HARDEE | 35.0 | COLUMBIA GAS TRAN |
| FETTERMAN DISTRICT | 25.0 | TENNESSEE GAS PIP |
| FETTERMAN DISTRICT | 25.0 | TENNESSEE GAS PIP |
| CLENDENIN DISTRICT | 0.0 | GOODYEAR TIRE & R |
| CLENDENIN DISTRICT | 0.0 | GOODYEAR TIRE & R |
| BANKS DISTRICT | 0.0 | COLUMBIA GAS TRAN |
| CLENDENIN DISTRICT | 0.0 | GOODYEAR TIRE & R |
| CLENDENIN DISTRICT | 0.0 | GOODYEAR TIRE & R |
| CLENDENIN DISTRICT | 0.0 | GOODYEAR TIRE & R |
| CLENDENIN DISTRICT | 0.0 | GOODYEAR TIRE & R |
| MIDDLE FORK DISTRICT | 0.0 | COLUMBIA GAS TRAN |
| CHAPITA WELLS UNIT | 0.0 | MOUNTAIN FUEL SUP |
| | 0.0 | MOUNTAIN FUEL SUP |
| MONUMENT BUTTE | 0.0 | |
| MONUMENT BUTTE | 0.0 | |
| MONUMENT BUTTE | 0.0 | |
| MONUMENT BUTTE | 0.0 | |
| MONUMENT BUTTE | 0.0 | |
| MONUMENT BUTTE | 0.0 | |
| MONUMENT BUTTE | 0.0 | |
| MONUMENT BUTTE | 0.0 | |
| MONUMENT BUTTE | 0.0 | |
| PLEASANT VALLEY | 54.0 | PACIFIC GAS & ELE |
| PLEASANT VALLEY AREA | 360.0 | PACIFIC GAS & ELE |

[FR Doc. 84-13049 Filed 5-14-84; 8:45 am]
BILLING CODE 6717-01-C

[Vol. 1123]

## NGPA Notices of Determination by Jurisdictional Agencies

Issued: May 9, 1984.

**Note.**—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 FR 7109–13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* **Federal Register.** Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, D.C. 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Road, Springfield, Virginia 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New res. on old OCS lease

Section 103: New onshore production well

Section 107–DP: 15,000 ft or deeper
107–GB: Geopressured brine
107–DV: Devonian shale
107–CS: Coal seam gas
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Temporary pressure buildup

**Kenneth F. Plumb,**
*Secretary.*

NOTICE OF DETERMINATIONS
Issued May 9, 1984

VOLUME 1123

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| **MICHIGAN DEPARTMENT OF NATURAL RESOURCES** | | | | | | | | | |
| -AZTEC PRODUCING CO INC | | | | RECEIVED: | 04/20/84 | JA: MI | | | |
| 8430203 | | 2110136160 | | 102-4 | | STATE OF MICHIGAN - MANISTEE 3-36 | MANISTEE UNIT | 0.0 | MICHIGAN CONSOLID |
| **MONTANA BOARD OF OIL & GAS CONSERVATION** | | | | | | | | | |
| -FALCON-COLORADO EXPLORATION INC | | | | RECEIVED: | 04/23/84 | JA: MT | | | |
| 8430214 | 7-83-106 | 25071217944 | | 108 | | LEWIS 22-1 | SWANSON CREEK | 7.0 | MONTANA-DAKOTA UT |
| -SHELL WESTERN E&P INC | | | | RECEIVED: | 04/23/84 | JA: MT | | | |
| 8430212 | 2-84-38 | 2502521245 | | 103 | | UNIT 11-28 | CABIN CREEK | 60.8 | MONTANA DAKOTA UT |
| 8430213 | 2-84-37 | 2502521252 | | 103 | | UNIT 32-33R | CABIN CREEK | 66.7 | MONTANA DAKOTA UT |
| -TRICENTROL UNITED STATES INC | | | | RECEIVED: | 04/23/84 | JA: MT | | | |
| 8430211 | 2-84-39 | 2500521346 | | 108 | | WILLIAMSON 68-9 (26N-19E) | SHERARD | 52.0 | NORTHERN NATURAL |
| **NORTH DAKOTA INDUSTRIAL COMMISSION** | | | | | | | | | |
| -AMERADA HESS CORPORATION | | | | RECEIVED: | 04/23/84 | JA: ND | | | |
| 8430220 | | 3310500083 | | 103 | | MENDENHALL #9-34X | HOFFLUND SILURIAN | 110.0 | MONTANA DAKOTA UT |
| -DEPCO INC | | | | RECEIVED: | 04/23/84 | JA: ND | | | |
| 8430215 | | 3310500000 | | 102-4 | | SKARDERUD #22-7 | TEMPLE | 0.0 | AMERADA HESS CORP |
| -GETTY OIL COMPANY | | | | RECEIVED: | 04/23/84 | JA: ND | | | |
| 8430219 | | 3305301678 | | 102-2 | | COVERED BRIDGE #15-2 | COVERED BRIDGE | 40.0 | CURRENTLY NEGOTIA |
| -MESA PETROLEUM CO | | | | RECEIVED: | 04/23/84 | JA: ND | | | |
| 8430216 | | 3302500380 | | 102-2 | | FENTON 27 #2 | BEAR CREEK | 326.0 | KOCH OIL INDUSTRI |
| -SUN EXPLORATION & PRODUCTION CO | | | | RECEIVED: | 04/23/84 | JA: ND | | | |
| 8430217 | | 3305301643 | | 102-2 | | D M IVERSON-A-#1 | ELK | 110.0 | PHILLIPS PETROLEU |
| -TENNECO OIL E & P | | | | RECEIVED: | 04/23/84 | JA: ND | | | |
| 8430218 | | 3310501092 | | 102-2 | | WINTER - LESNICK 2-5 | | 60.0 | MONTANA DAKOTA UT |
| **PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES** | | | | | | | | | |
| -ADOBE OIL & GAS CORPORATION | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430046 | 22743 | 3703321739 | | 102-2 | | THE COMMONWEALTH OF PA 324 #3 | THE KNOBS | 24.0 | |
| -ATLAS RESOURCES INC | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430047 | 10806 | 3785220271 | | 102-2 | | SEMBER #2 | S PYMATUNING | 0.0 | COLUMBIA GAS TRAN |
| -CNG DEVELOPMENT CO | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430048 | 22745 | 3706522876 | | 103 | | JESSE J TRAVIS #2 CNGD #600 | PERRY | 12.0 | |
| 8430049 | 22746 | 3700522865 | | 103 | | MATTHEW MILLER #1 CNGD #75 | SOUTH BEND | 39.0 | |
| -CONSOLIDATED GAS SUPPLY CORPORATION | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430051 | 20516 | 3706326234 | | 108 | | C J CLAWSON #1 WN-1849 | MONTGOMERY | 5.0 | GENERAL SYSTEM PU |
| 8430055 | 20633 | 3703321256 | | 108 | | D G SPENCER UNIT #1 WN-1896 | FERGUSON | 18.0 | GENERAL SYSTEM PU |
| 8430052 | 20517 | 3706326198 | | 108 | | E F FLEMING #1 WN-1838 | MONTGOMERY | 8.0 | GENERAL SYSTEM PU |
| 8430057 | 20979 | 3706326869 | | 108 | | E HILEMAN WN-1886 | MONTGOMERY | 16.0 | GENERAL SYSTEM PU |
| 8430050 | 20515 | 3703321202 | | 108 | | E M WATTS #1 WN-1892 | FERGUSON | 13.0 | GENERAL SYSTEM PU |
| 8430053 | 20518 | 3703320705 | | 108 | | HELEN Y HARTZFELD #1 WN-1614 | BRADY | 3.0 | GENERAL SYSTEM PU |
| 8430058 | 21065 | 3703321341 | | 108 | | J L BROTHERS #5 WN-1925 | BURNSIDE | 15.0 | GENERAL SYSTEM PU |
| 8430054 | 20632 | 3703320987 | | 108 | | JAMES M MITCHELL ESTATE #8 WN-1811 | BELL | 3.0 | GENERAL SYSTEM PU |

BILLING CODE 6717-01-M

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| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8430056 | 20977 | 3706326938 | | 108 | | MOLLIE MOCK #1 WN-1905 | MONTGOMERY | 16.0 | GENERAL SYSTEM PU |
| -DORAN & ASSOCIATES INC | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430059 | 22639 | 3703921992 | | 103 | | R MILLER #1 KV-61 | SPARTANSBURG | 25.0 | COLUMBIA GAS TRAN |
| 8430060 | 22640 | 3703921992 | | 107-TF | | R MILLER #1 KV-61 | SPARTANSBURG | 25.0 | COLUMBIA GAS TRAN |
| -EASTERN STATES EXPLORATION CO | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430061 | 20406 | 3706522503 | | 108 | | NORMAN H MURRAY #1 | O'DONNELL | 4.0 | NATIONAL FUEL GAS |
| 8430062 | 20408 | 3706522376 | | 108 | | ROBERT BUHITE #1 | SYKESVILLE | 2.0 | NATIONAL FUEL GAS |
| -KRIEBEL WELLS 83 | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430103 | 22648 | 3706327672 | | 103 | | DAN MILLER #1 | AMBROSE | 28.0 | |
| 8430105 | 22651 | 3706327646 | | 103 | | JEFFRIES #1 | ROCHESTER MILLS | 29.0 | |
| 8430100 | 22556 | 3706327735 | | 103 | | LUCAS #1 | GYPSY | 25.0 | |
| 8430104 | 22649 | 3706327673 | | 103 | | LUTZ #1 | AMBROSE | 28.0 | |
| 8430101 | 22557 | 3703321744 | | 103 | | SUNDERLIN #2 | TROUTVILLE | 30.0 | |
| 8430102 | 22647 | 3706327697 | | 103 | | WHITE #1 | MARION CENTER | 29.0 | |
| -MAC-MAR INC | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430106 | 22685 | 3712922259 | | 103 | | HEINLEIN #1 | MAMONT | 11.0 | T W PHILLIPS GAS |
| -MERIDIAN EXPLORATION CORP | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430107 | 22754 | 3704923271 | | 102-2 | | SKISUSKI #678-1 | EDINBORO N | 30.0 | COLUMBIA GAS TRAN |
| 8430108 | 22755 | 3704923271 | | 107-TF | | SKISUSKI #678-1 | EDINBORO | 30.0 | COLUMBIA GAS TRAN |
| -MITCH-WELL ENERGY INC | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430109 | 22543 | 3704923169 | | 102-2 | | MCCLINTOCK #1 | LEBOEUF | 0.0 | COLUMBIA GAS TRAN |
| 8430111 | 22542 | 3704923169 | | 107-TF | | MCCLINTOCK #1 | LEBOEUF FIELD | 0.0 | COLUMBIA GAS TRAN |
| 8430110 | 22545 | 3704922960 | | 102-2 | | RINNE #3 | MILL VILLAGE FIELD | 0.0 | COLUMBIA GAS TRAN |
| 8430112 | 22544 | 3704922960 | | 107-TF | | RINNE #3 | MILL VILLAGE FIELD | 0.0 | COLUMBIA GAS TRAN |
| -NEA CROSS CO | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430114 | | 3704923064 | | 102-2 | | LEO PFADT #2 | WATERFORD | 10.0 | NATIONAL FUEL GAS |
| 8430116 | 22728 | 3704923064 | | 107-TF | | LEO PFADT #2 | WATERFORD | 10.0 | NATIONAL FUEL GAS |
| 8430113 | 22725 | 3704923391 | | 102-2 | | PETER GEORGE JR ESTATE #3 | WATERFORD | 10.0 | NATIONAL FUEL GAS |
| 8430115 | 22726 | 3704923391 | | 107-TF | | PETER GEORGE JR ESTATE #3 | WATERFORD | 10.0 | NATIONAL FUEL GAS |
| -NRM PETROLEUM CORPORATION | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430119 | 22615 | 3704923293 | | 107-TF | | BALAS #1 | NEW IRELAND | 0.0 | COLUMBIA GAS TRAN |
| 8430120 | 22617 | 3704923297 | | 107-TF | | BROWN E #2 | MICE VILLAGE | 0.0 | COLUMBIA GAS TRAN |
| 8430117 | 22612 | 3704923282 | | 102-2 | | STURCO #2 | NEW IRELAND | 0.0 | COLUMBIA GAS TRAN |
| 8430118 | 22613 | 3704923282 | | 107-TF | | STURCO #2 | NEW IRELAND | 0.0 | COLUMBIA GAS TRAN |
| -OXFORD PARTNERS LTD | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430121 | 22747 | 3712922313 | | 103 | | ANDREW GRABIAK | SOUTH HUNTINGDON | 25.0 | |
| -PC EXPLORATION INC | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430123 | 22775 | 3712922318 | | 103 | | ELIZABETH RETALLICK #2 | DERRY | 90.0 | |
| 8430122 | 22768 | 3712922315 | | 103 | | ROBERT SPECHT ET UX #1 | BELL | 30.0 | T W PHILLIPS GAS |
| -PEOPLES NATURAL GAS CO | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430194 | 22440 | 3700522833 | | 103 | | HARRY R SEITZ #3 - ARM-22833 | W PENNA - UPPER DEVON | 35.0 | PEOPLES NATURAL G |
| 8430193 | 22438 | 3712922841 | | 103 | | R & P COAL COMPANY #5 - ARM-22841 | W PENNA - UPPER DEVON | 31.0 | PEOPLES NATURAL G |
| -PHILLIPS PRODUCTION CO | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430192 | 20716 | 3706326294 | | 108 | | G B CLAWSON #1 | BLACKLICK | 8.0 | COLUMBIA GAS TRAN |
| -PNB PETROLEUM CORP | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430124 | 22766 | 3708520557 | | 103 | | W TURNER #1 | DEER CREEK | 14.9 | TENNESSEE GAS PIP |
| -QUAKER STATE OIL REFINING CORP | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430128 | 21449 | 3712330500 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-001 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430135 | 21456 | 3712330507 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-010 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430134 | 21455 | 3712330508 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-011 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430140 | 21461 | 3712330509 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-012 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430141 | 21462 | 3712330510 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-013 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430146 | 21467 | 3712330511 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-014 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430145 | 21466 | 3712330512 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-016 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430144 | 21465 | 3712329269 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-017 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430147 | 21468 | 3712329236 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-018 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430143 | 21464 | 3712329270 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-019 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430127 | 21448 | 3712330501 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-002 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430142 | 21463 | 3712329271 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-020 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430133 | 21454 | 3712329272 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-021 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430132 | 21453 | 3712330513 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-022 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430131 | 21452 | 3712330514 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-023 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430130 | 21451 | 3712329273 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-024 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430129 | 21450 | 3712329274 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-025 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430152 | 21473 | 3712330515 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-026 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430151 | 21472 | 3712330516 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-027 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430150 | 21471 | 3712330517 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-028 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430126 | 21447 | 3712330502 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-003 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430149 | 21470 | 3712330520 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-032 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430148 | 21469 | 3712330521 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-033 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430156 | 21478 | 3712330522 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-034 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430155 | 21477 | 3712330523 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-035 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430154 | 21475 | 3712330525 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-037 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430153 | 21474 | 3712300000 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542-038 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430125 | 21446 | 3712330503 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542 - 04 | GLADE POOL | 8.0 | NATIONAL FUEL GAS |
| 8430139 | 21460 | 3712330504 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542 - 05 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430138 | 21459 | 3712329267 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542 - 07 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430137 | 21458 | 3712329268 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542 - 08 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430136 | 21457 | 3712330506 | | 108 | | GRAY TODD & GRAY (GTG) LOT 542 - 09 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430157 | 21482 | 3712329259 | | 108 | | RENSMA (LOT 540) - 01 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430162 | 21491 | 3712329702 | | 108 | | RENSMA (LOT 540) - 010 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430163 | 21492 | 3712328334 | | 108 | | RENSMA (LOT 540) - 011 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430164 | 21493 | 3712329703 | | 108 | | RENSMA (LOT 540) - 012 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430165 | 21495 | 3712329705 | | 108 | | RENSMA (LOT 540) - 014 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430180 | 21510 | 3712329706 | | 108 | | RENSMA (LOT 540) - 015 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430174 | 21504 | 3712329707 | | 108 | | RENSMA (LOT 540) - 016 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430175 | 21505 | 3712329708 | | 108 | | RENSMA (LOT 540) - 017 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430176 | 21506 | 3712329709 | | 108 | | RENSMA (LOT 540) - 018 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430177 | 21507 | 3712329710 | | 108 | | RENSMA (LOT 540) - 019 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430178 | 21508 | 3712328335 | | 108 | | RENSMA (LOT 540) - 020 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430179 | 21509 | 3712328336 | | 108 | | RENSMA (LOT 540) - 021 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430168 | 21498 | 3712329711 | | 108 | | RENSMA (LOT 540) - 022 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430169 | 21499 | 3712329712 | | 108 | | RENSMA (LOT 540) - 023 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430170 | 21500 | 3712329713 | | 108 | | RENSMA (LOT 540) - 024 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430171 | 21501 | 3712329714 | | 108 | | RENSMA (LOT 540) - 025 | GLADE POOL | 0.8 | NATIONAL FUEL G |
| 8430172 | 21502 | 3712329715 | | 108 | | RENSMA (LOT 540) - 026 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430173 | 21503 | 3712329716 | | 108 | | RENSMA (LOT 540) - 027 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430166 | 21496 | 3712329717 | | 108 | | RENSMA (LOT 540) - 028 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430167 | 21497 | 3712329718 | | 108 | | RENSMA (LOT 540) - 029 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430181 | 21512 | 3712329719 | | 108 | | RENSMA (LOT 540) - 030 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430182 | 21513 | 3712329720 | | 108 | | RENSMA (LOT 540) - 031 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430183 | 21514 | 3712329721 | | 108 | | RENSMA (LOT 540) - 032 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430184 | 21516 | 3712329723 | | 108 | | RENSMA (LOT 540) - 034 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430185 | 21517 | 3712329724 | | 108 | | RENSMA (LOT 540) - 035 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |

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| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8430186 | 21518 | 3712329725 | | 108 | | RENSMA (LOT 540) - 036 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430187 | 21519 | 3712329726 | | 108 | | RENSMA (LOT 540) - 037 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430158 | 21487 | 3712329698 | | 108 | | RENSMA (LOT 540) - 06 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430159 | 21488 | 3712329699 | | 108 | | RENSMA (LOT 540) - 07 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430160 | 21489 | 3712329700 | | 108 | | RENSMA (LOT 540) - 08 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| 8430161 | 21490 | 3712329701 | | 108 | | RENSMA (LOT 540) - 09 | GLADE POOL | 0.8 | NATIONAL FUEL GAS |
| -QUESTA PETROLEUM CO | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430188 | 22691 | 3712922295 | | 103 | | EASTERN ASSOC COAL CORP GAFFNEY | SOUTH HUNTINGDON | 25.0 | |
| 8430189 | 22692 | 3712922293 | | 103 | | EASTERN ASSOCIATED COAL ROBINSON #1 | SOUTH HUNTINGDON | 25.0 | |
| -S H ELDER & CO | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430064 | 22808 | 3708300000 | | 108 | | A HEINEMANN ESTATE #3A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430085 | 22829 | 3708333541 | | 108 | | HEINEMANN ESTATE #D3 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430088 | 22832 | 3708300000 | | 108 | | HEINEMANN ESTATE #N1 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430084 | 22828 | 3708300000 | | 108 | | HEINEMANN ESTATE #N3 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430096 | 22840 | 3708300000 | | 108 | | HEINEMANN ESTATE #1 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430076 | 22820 | 3708300000 | | 108 | | HEINEMANN ESTATE #1A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430063 | 22807 | 3708300000 | | 108 | | HEINEMANN ESTATE #10A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430067 | 22811 | 3708300000 | | 108 | | HEINEMANN ESTATE #11A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430071 | 22815 | 3708300000 | | 108 | | HEINEMANN ESTATE #14A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430068 | 22812 | 3708300000 | | 108 | | HEINEMANN ESTATE #15A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430072 | 22816 | 3708300000 | | 108 | | HEINEMANN ESTATE #17 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430069 | 22813 | 3708300000 | | 108 | | HEINEMANN ESTATE #18A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430070 | 22814 | 3708300000 | | 108 | | HEINEMANN ESTATE #19A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430098 | 22842 | 3708300000 | | 108 | | HEINEMANN ESTATE #21 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430091 | 22835 | 3708300000 | | 108 | | HEINEMANN ESTATE #24 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430079 | 22823 | 3708300000 | | 108 | | HEINEMANN ESTATE #26A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430082 | 22826 | 3708300000 | | 108 | | HEINEMANN ESTATE #28A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430078 | 22822 | 3708300000 | | 108 | | HEINEMANN ESTATE #29A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430087 | 22831 | 3708300000 | | 108 | | HEINEMANN ESTATE #3B | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430077 | 22821 | 3708300000 | | 108 | | HEINEMANN ESTATE #34A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430065 | 22809 | 3708300000 | | 108 | | HEINEMANN ESTATE #5A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430066 | 22810 | 3708300000 | | 108 | | HEINEMANN ESTATE #6A | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430099 | 22843 | 3708300000 | | 108 | | HEINEMANN ESTATE #8B | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430075 | 22819 | 3708300000 | | 108 | | HEINEMANN ESTATE #9 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430083 | 22827 | 3708300000 | | 108 | | HEINEMANN EST COLEGROVE BROOK #12 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430080 | 22824 | 3708300000 | | 108 | | HEINEMANN EST COLEGROVE BROOK #14 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430081 | 22825 | 3708300000 | | 108 | | HEINEMANN ESTATE COLEGROVE BROOK #2 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430086 | 22830 | 3708300000 | | 108 | | HEINEMANN ESTATE COLEGROVE BROOK #6 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430073 | 22817 | 3708300000 | | 108 | | HEINEMANN ESTATE COLEGROVE BROOK #7 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430074 | 22818 | 3708300000 | | 108 | | HEINEMANN ESTATE COLEGROVE BROOK #8 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430090 | 22834 | 3708300000 | | 108 | | HEINEMANN ESTATE KIMBALL #12 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430089 | 22833 | 3708300000 | | 108 | | HEINEMANN ESTATE KIMBALL #14 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430092 | 22836 | 3708300000 | | 108 | | HEINEMANN ESTATE KIMBALL #2 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430095 | 22839 | 3708300000 | | 108 | | HEINEMANN ESTATE KIMBALL #4 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430094 | 22838 | 3708300000 | | 108 | | HEINEMANN ESTATE KIMBALL #6 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430097 | 22841 | 3708300000 | | 108 | | HEINEMANN ESTATE KIMBALL #7 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| 8430093 | 22837 | 3708300000 | | 108 | | HEINEMANN ESTATE KIMBALL #8 | HEINEMANN ESTATE | 0.0 | NORTH PENN GAS CO |
| -S T JOINT VENTURE 82-D | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430190 | 22749 | 3703321710 | | 102-2 | | MCGARVEY #3 | JORDAN | 25.0 | COLUMBIA GAS TRAN |
| -STEFANIK MARY | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430191 | 22770 | 3712922285 | | 103 | | DAVIE # | ALLEGHENY | 20.0 | PEOPLES NATURAL G |
| -VINEYARD OIL & GAS CO | | | | RECEIVED: | 04/20/84 | JA: PA | | | |
| 8430197 | 22687 | 3704923561 | | 102-2 | | ANTELL #1 | LEBOEUF | 18.0 | COLUMBIA GAS TRAN |
| 8430201 | | 3704923561 | | 107-TF | | ANTELL #1 | LEBOEUF | 18.0 | COLUMBIA GAS TRAN |
| 8430196 | 22541 | 3704923276 | | 102-2 | | E HESS #1 | MCKEAN | 18.0 | COLUMBIA GAS TRAN |
| 8430200 | 22540 | 3704923276 | | 107-TF | | E HESS #1 | MCKEAN | 18.0 | COLUMBIA GAS TRAN |
| 8430198 | 22690 | 3704923558 | | 102-2 | | GRUCZA #1 | DRUMLIN | 12.0 | COLUMBIA GAS TRAN |
| 8430202 | 22689 | 3704923558 | | 107-TF | | GRUCZA #1 | DRUMLIN | 12.0 | COLUMBIA GAS TRAN |
| 8430195 | 22522 | 3704923386 | | 102-2 | | M REED #1 | MCKEAN | 12.0 | COLUMBIA GAS TRAN |
| 8430199 | 22521 | 3704923386 | | 107-TF | | M REED #1 | MCKEAN | 12.0 | COLUMBIA GAS TRAN |
| WEST VIRGINIA DEPARTMENT OF MINES | | | | | | | | | |
| -ALAMCO INC | | | | RECEIVED: | 04/23/84 | JA: WV | | | |
| 8430258 | | 4708300337 | | 108 | | A-895 | ROARING CREEK DISTRIC | 0.0 | COLUMBIA GAS TRAN |
| 8430261 | | 4708300354 | | 108 | | A-932 | ROARING CREEK | 0.0 | COLUMBIA GAS TRAN |
| 8430266 | | 4708300348 | | 108 | | A-933 | MIDDLE FORK DISTRICT | 0.0 | COLUMBIA GAS TRAN |
| -L & M PETROLEUM INC | | | | RECEIVED: | 04/23/84 | JA: WV | | | |
| 8430256 | | 4707301690 | | 103 | | CARPENTER/HART #4 | UNION | 10.0 | CONSOLIDATED GAS |
| -OHIO L & M CO INC | | | | RECEIVED: | 04/23/84 | JA: WV | | | |
| 8430265 | | 4708506722 | | 103 | | STAR #13 | UNION | 10.0 | CONSOLIDATED GAS |
| -PEAKE OPERATING CO | | | | RECEIVED: | 04/23/84 | JA: WV | | | |
| 8430255 | | 4708100636 | | 102-2 | | NEW RIVER #21-AR | (TOWN DISTRICT) | 0.0 | COLUMBIA GAS TRAN |
| 8430264 | | 4708100636 | | 107-DV | | NEW RIVER #21-AR | (TOWN DISTRICT) | 0.0 | COLUMBIA GAS TRAN |
| -SENECA-UPSHUR PETROLEUM CO | | | | RECEIVED: | 04/23/84 | JA: WV | | | |
| 8430254 | | 4705901072 | | 107-DV | | C-25 | HARDEE | 35.0 | COLUMBIA GAS TRAN |
| 8430252 | | 4705901061 | | 107-DV | | C-66 | HARVEY | 35.0 | COLUMBIA GAS TRAN |
| 8430253 | | 4705901078 | | 107-DV | | C-74 | HARDEE | 35.0 | COLUMBIA GAS TRAN |
| 8430257 | | 4708300656 | | 107-DV | | GENEVIEVE WARD #3 | MIDDLE FORK | 35.0 | COLUMBIA GAS TRAN |
| -VAUGHN GAS CO | | | | RECEIVED: | 04/23/84 | JA: WV | | | |
| 8430262 | | 4707920101 | | 108 | | W W VAUGHN #1 | CURRY DISTRICT | 4.0 | DEVON PIPELINE CO |
| 8430263 | | 4707920119 | | 108 | | W W VAUGHN #2 | CURRY DISTRICT | 4.0 | DEVON PIPELINE CO |
| -YODER GAS CO | | | | RECEIVED: | 04/23/84 | JA: WV | | | |
| 8430259 | | 4707920112 | | 108 | | RONCIE YODER #1 | CURRY DISTRICT | 3.0 | DEVON PIPELINE CO |
| 8430260 | | 4707920183 | | 108 | | RONCIE YODER #2 | CURRY DISTRICT | 3.0 | DEVON PIPELINE CO |
| ** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, BILLINGS, MT | | | | | | | | | |
| -MIDLANDS GAS CORPORATION | | | | RECEIVED: | 04/23/84 | JA: MT #H | | | |
| 8430242 | M226-3 | 2507121854 | | 108 | | 0160 FEDERAL 2 | BOWDOIN (LORING) | 18.0 | K-N ENERGY INC |
| 8430243 | M228-3 | 2507121857 | | 108 | | 0461 FEDERAL 2 | BOWDOIN (LORING UNIT) | 15.0 | K-N ENERGY INC |
| 8430240 | M222-3 | 2507121862 | | 108 | | 2061 FEDERAL 2 | BOWDOIN (LORING UNIT) | 17.0 | K-N ENERGY INC |
| 8430244 | M251-3 | 2507121139 | | 108 | | 3451-1 | WILDCAT | 21.0 | K N ENERGY INC |
| -SHELL WESTERN E&P INC | | | | RECEIVED: | 04/23/84 | JA: MT #H | | | |
| 8430251 | M007-4 | 2502521253 | | 103 | | USA 33-11 | PENNEL | 5.1 | MONTANA DAKOTA UT |
| 8430250 | M001-4 | 2502521254 | | 103 | | USA 33-24 | PENNEL | 8.0 | MONTANA DAKOTA UT |
| -TRICENTROL UNITED STATES INC | | | | RECEIVED: | 04/23/84 | JA: MT #H | | | |
| 8430241 | M223-3 | 2504122239 | | 102-4 | | U S 15-12 | BULLHOOK UNIT | 146.0 | NORTHERN NATURAL |
| 8430248 | M296-3 | 2500522254 | | 102-4 | | US 18-4 | SHERARD | 96.0 | NORTHERN NATURAL |
| 8430249 | M305-3 | 2500522178 | | 102-4 | | US 19-14 | SHERARD | 13.0 | NORTHERN NATURAL |
| 8430247 | M295-3 | 2500522257 | | 102-4 | | US 29-16 | SHERARD | 22.0 | NORTHERN NATURAL |
| -FLORIDA GAS EXPLORATION COMPANY | | | | RECEIVED: | 04/23/84 | JA: ND #H | | | |
| 8430245 | ND259-3 | 3300700908 | | 102-2 | | FEDERAL 17-144-101 #1 | DEVILS PASS | 0.0 | KOCH HYDROCARBON |
| 8430246 | ND260-3 | 3300700825 | | 102-2 | | FEDERAL 18-144-101 #1 | DEVILS PASS | 0.0 | KOCH HYDROCARBON |

VOLUME 1123

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| ** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROSWELL, NM | | | | | | | | | |
| -CONOCO INC | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430226 | RNM0035-84 | 3002506458 | 108 | | | HAWK B-10 #6 | NMFU - WANTZ ABO | 8.0 | GETTY OIL CO |
| 8430227 | RNM0036-84 | 3001505893 | 108 | | | RUSSELL 35 FED #1 | NORTH MASON | 4.9 | PHILLIPS PETROLEU |
| -EXXON CORPORATION | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430233 | RNM0126-84 | 3000520887 | 103 | | | ISLER FEDERAL #3 | MANY GATES | 24.0 | |
| -GETTY OIL COMPANY | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430232 | RNM0131-84 | 3001524357 | 103 | | | SALT MOUNTAIN FEDERAL 25 #1 | BRUSHY DRAW DELAWARE | 54.8 | CONOCO INC |
| -HASELOFF CORP | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430225 | RNM0088-84 | 3004110419 | 108 | | | MORGAN "A" FEDERAL #1 | CHAVEROO SAN ANDRES | 2.1 | CITIES SERVICE OI |
| 8430231 | RNM0089-84 | 3004110445 | 108 | | | MORGAN "A" FEDERAL #3 | CHAVEROO SAN ANDRES | 4.1 | CITIES SERVICE OI |
| 8430235 | RNM0096-84 | 3004110448 | 108 | | | MORGAN "B" FEDERAL #1 | CHAVEROOS SAN ANDRES | 1.3 | CITIES SERVICE OI |
| -HNG OIL COMPANY | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430222 | RNM0132-84 | 3002528491 | 107-TF | | | VACA RIDGE "4" FED COM #1 | PITCHFORK RANCH | 0.0 | TRANSWESTERN PIPE |
| -JOHN S GOODRICH | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430238 | RNM0146-84 | 3000520900 | 103 | | | WILLIAMS FEDERAL #1 I D #NM-16819 | SE CHAVES - QUEEN GAS | 28.0 | CABOT PIPELINE CO |
| -KAISER-FRANCIS OIL COMPANY | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430230 | RNM0294-83 | 3001500000 | 108 | | | AM FEDERAL COM #1 | WILDCAT | 17.8 | NATURAL GAS PIPEL |
| -MITCHELL ENERGY CORPORATION | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
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| 8430237 | RNM0125-84 | 3002528498 | 103 | | | HUGHES "B-4" #2 | LANGLIE MATTIX | 50.0 | GETTY OIL CO |
| -STEVENS OPERATING CORP | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430223 | RNM0377-83 | 3000500000 | 107-2 | | | HELEN COLLINS FEDERAL #3 | PECOS SLOPE ABO | 183.0 | TRANSWESTERN PIPE |
| 8430224 | RNM0067-84 | 3000562088 | 102-4 | 107-TF | | HELEN COLLINS FEDERAL #4 | PECOS SLOPE ABO | 547.0 | TRANSWESTERN PIPE |
| -WESTALL-MASK | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430229 | RNM0081-83 | 3001520498 | 108 | | | KEOHANE FEDERAL #1 | SHUGART | 259.0 | PHILLIPS PETROLEU |
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| -WORTH PETROLEUM CO | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430236 | RNM0069-84 | 3001524466 | 103 | | | AMOCO FEDERAL #1 | BRUSHY DRAW-DELAWARE | 0.0 | CONOCO INC |
| -YATES PETROLEUM CORPORATION | | | RECEIVED: | 04/23/84 | JA: NM | L | | | |
| 8430239 | RNM0129-84 | 3001524726 | 103 | | | FEDERAL "CD" #8 | EAGLE CREEK S/A | 0.0 | TRANSWESTERN PIPE |
| ** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA, OK | | | | | | | | | |
| -DEREK A J CLARK | | | RECEIVED: | 04/23/84 | JA: OK | Y | | | |
| 8430204 | | 3511300000 | 103 | | | SAND CREEK #1-26 NE/4 26-26N-9E | SAND CREEK | 12.9 | PHILLIPS PETROLEU |
| 8430205 | | 3511300000 | 103 | | | SAND CREEK #2-26 NE/4 SEC 26-26N-9E | SAND CREEK | 12.9 | PHILLIPS PETROLEU |
| 8430206 | | 3511300000 | 103 | | | SAND CREEK #3-26 NE/4 SEC 26-26N-9E | SAND CREEK | 12.9 | PHILLIPS PETROLEU |
| 8430207 | | 3511300000 | 103 | | | SAND CREEK #4-26 NE/4 SEC 26-26N-9E | SAND CREEK | 12.9 | PHILLIPS PETROLEU |
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| 8430209 | | 3511300000 | 103 | | | SAND CREEK #8-26 NE/4 SEC 26-26N-9E | SAND CREEK | 12.9 | PHILLIPS PETROLEU |
| 8430210 | | 3511300000 | 103 | | | SAND CREEK #9-26 NE/4 SEC 26-26N-9E | SAND CREEK | 12.9 | PHILLIPS PETROLEU |

[FR Doc. 84-13050 Filed 5-14-84; 8:45 am]

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federal register

Tuesday
May 15, 1984

Part III

# Department of Health and Human Services

## Health Care Financing Administration

42 CFR Part 405

**Medicare and Medicaid Programs; Schedule of Limits on Home Health Agency Costs per Visit for Cost Reporting Periods Beginning on or After July 1, 1984; Proposed Rule**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Care Financing Administration**

**42 CFR Part 405**

**[BERC-228-P]**

# Medicare and Medicaid Programs; Schedule of Limits on Home Health Agency Costs per Visit for Cost Reporting Periods Beginning on or After July 1, 1984

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Proposed rule.

**SUMMARY:** This rule sets forth a proposed schedule of limits on home health agency (HHA) costs that may be reimbursed under the Medicare program and a proposed revision of the regulations governing the limits. The schedule is an update of the limits to take into account more recent data and the effects of inflation on HHA operating costs and would apply to HHA costs for entire cost reporting periods beginning on or after July 1, 1984. The schedule would also explain the basic methodology for computing the cost limits, the change in terminology involving metropolitan statistical areas and a proposed change to the method of deriving the share of labor cost contained in the limits.

The proposed revision to the regulations would clarify our policy concerning exceptions from the cost limits for newly established HHAs.

**DATES:** To assure consideration comments must be received by June 14, 1984.

**ADDRESS:** Address comments in writing to: Department of Health and Human Services, Health Care Financing Administration, Attention: BERC-228-P, P.O. Box 26676, Baltimore, Maryland 21207.

In commenting, please refer to file code BERC-228-P.

If you prefer, you may deliver your comments to Room 309-G Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Comments will be available for public inspection as they are received, beginning approximately three weeks afer today, in Room 309-G of the Department's office at 200 Independence Ave, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone 202-245-7890).

**FOR FURTHER INFORMATION CONTACT:** V. Judith Thomas, (301) 594-9235.

**SUPPLEMENTARY INFORMATION:**

## I. Organization and Content

This proposed rule has two parts. This first part provides the proposed schedule of cost limits for HHAs participating in the Medicare program effective with cost reporting periods beginning on or after July 1, 1984. The second part provides the text of a proposed change to the regulation, concerning exceptions from the limits for HHAs that are new providers of home health services.

## II. Proposed Limits on HHA Costs

### *A. Background*

Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) authorizes the Secretary to set prospective limits on allowable costs incurred by a provider of services that will be reimbursed under Medicare, based on estimates of the costs necessary for the efficient delivery of needed health services. The limits may be applied to direct or indirect overall costs or to the costs incurred for specific items or services furnished by the provider. This provision of the statute is implemented under regulations at 42 CFR 405.460.

Under this authority we have published limits on home health agency per visit costs annually since 1979. On September 29, 1982, we published in the **Federal Register** (47 FR 42904) a schedule of limits applicable to cost reporting periods beginning on or after September 3, 1982. These limits were set at the 75th percentile of per visit costs by type of service and are applied to each HHA's cost in the aggregate. The schedule set forth below would replace the September 3, 1982 schedule.

In developing the limits contained in this schedule, we have retained the basic methodology used for the September 3, 1982 schedule, and we have made some technical changes where needed. The provisions of the proposed new schedule are discussed below.

### *B. Provisions of the Limits*

The proposed new schedule of limits would provide for:

1. A classification system based on whether an HHA is located within a Metropolitan Statistical Area (MSA), as discussed in Section II.C. of this notice.

2. Use of a single schedule of limits for hospital-based and freestanding agencies. This single limit will be based on the per visit costs of freestanding agencies. We will provide for an "add-on" adjustment of the freestanding HHA limit (which is equal to 13 percent of the median) for each hospital-based discipline to account for the higher costs associated with Medicare cost-finding requirements.

3. A market basket index developed from the price of goods and services purchased by HHAs to account for the impact of changing labor and price levels on HHA costs. The market basket index was first introduced effective July 1, 1980, and is used to adjust HHA cost data to the midpoint of the cost reporting period to which the limits will apply (December 31, 1984).

4. An adjustment will be made to the limits if the estimated market basket index rate differs from the actual rate by more than $\frac{3}{10}$ of 1 percentage point.

5. A wage index, developed from hospital wages, used to adjust the labor-related portion of the limits and the administrative and general (A & G) add-on to reflect differing wage levels among the areas in which HHAs are located. The employee wage portion of the market basket index (64.33 percent) and the employee benefits portion of the market basket (8.13 percent), plus a factor representing a proportionate share of contract services (5.35 percent) will be used to determine the labor component (77.81 percent) of all home health agency per visit costs used to set the limits. This will revise the present wage component of 68.71 percent.

6. A cost of living adjustment applied to the nonlabor portion of the limit for HHAs in Alaska, Hawaii, Puerto Rico and the Virgin Islands.

7. Limits set at the 75th percentile of the labor-related an nonlabor components of per visit cost.

8. Calculation of per visit limits by type of service.

9. Application of the limits in the aggregate after the provider's actual costs are reduced (i) the amount of individual items of cost that are found to be excessive under Medicare principles of provider reimbursement and (ii) reimbursable costs that are not included in the limitation amount.

### *C. Summary of Changes to Methodology*

1. *Change in Terminology from SMSAs to MSAs.* The proposed schedule of limits contains a technical change in the classification system that was used to determine the limits. In prior limits schedules we used Standard Metropolitan Statistical Areas (SMSAs and non-SMSAs), and, in New England, New England County Metropolitan Areas (NECMAs and non-NECMAs) to determine urban locations.

On January 5, 1983, OMB announced proposed changes in the terminology and definitions it uses in classifying

urban areas. In announcing these planned changes, OMB stated that—

A metropolitan statistical area is a geographical area with a large population nucleus together with adjacent communities which have a high degree of economic and social integration with that nucleus. Standard metropolitan definitions were first developed and issued about 30 years ago * * *. Data available for metropolitan areas include statistics on population, housing, industry, trade, current employment and payroll data, local housing markets, and labor market * * *.

A complete review of all metropolitan area definitions is under way, utilizing commuting and other statistics from the 1980 census and new standards for establishing and defining metropolitan statistical areas. A comprehensive review and revision of metropolitan area definitions is undertaken every ten years, following completion of each decennial census. As part of the current revisions, the terminology applied to metropolitan areas is being changed. The term 'Standard Metropolitan Statistical Areas' will no longer be used. Instead, areas listed in this announcement will be termed 'Metropolitan Statistical Areas' (MSAs).

Metropolitan statistical areas are designated and defined following a set of new standards prepared by the Federal Committee on MSA's which advises OMB on metropolitan area definitions. Under these 1980 standards, an area qualifies for recognition as an MSA in one of two way: if there is a city of at least 50,000 population, or an urbanized area of at least 50,000 with a total metropolitan population of at least 100,000. In addition to the county containing the main city, an MSA may also include additional counties which have close economic and social ties to the central county. MSAs are defined in terms of entire counties, except in the six New England States (OMB press release dated January 5, 1983, OMB–83–1).

The final revised MSA designations were published in June, 1983 and went into effect on June 30, 1983.

We have used the revised MSA designations in developing these limits and have included a list of all the newly designated areas and their constituent counties. This ensures that the cost limits reflect the most recent designations of metropolitan status in effect as of October 1, 1983.

2. *Application of the Wage Index to Employee Benefits.* In this revised schedule, we propose a change to the method of deriving the share of labor cost contained in the limits. In the present schedule, the wage index is applied only to the wage portion of labor costs. Wages have been defined as wages and salaries, and a proportional share of contract service costs that is attributable to wages. We have received several comments to previous notices which state that the wage index adjustment should also be applied to other labor related HHA costs, as has been done in calculating the hospital and SNF cost limits. We believe this is a valid suggestion since analysis suggests that the correlation between area variations in per visit costs and area variations in prevailing wage levels would also hold true for other labor related costs. At this time we are unable to separately identify or quantify labor related HHA costs other than employee benefits. Therefore, in the revised schedule, we are proposing to apply the wage index to the wage and employee benefit portion of labor costs. The data used to compute the labor share weight are shown in the market basket.

Since fringe benefits characteristically vary area-by-area along with wage levels, it is believed the market environment for each HHA will be more accurately represented when fringe benefits are included in the calculations.

Fringe benefits include such items as FICA, health insurance, life insurance, agency contributions to employee retirement funds and all other compensation ordinarily designated as "employee health and welfare" cost under the Medicare principles of reimbursement. A complete listing of these types of costs is found in the Provider Reimbursement Manual (HCFA Pub. 15–I, Chapter 21), and in the instructions to the HCFA cost reporting forms. Fringe benefits, not separately identified, are recorded on worksheet A–2 of the revised HCFA–1728 and worksheet H–2 of the HCFA–2552K.

3. *Adjustment of the Limits for Inaccurate Economic Forecasts.* Since July 2, 1980 the HHA cost limits methodology has utilized a market basket index to account for changes in the prices of the goods and services consumed by HHAs in providing care. Both the limits and the cost reporting year adjustment factors published in the limits notices are based upon estimates of the rate of the increase in the market basket index during the period the limits will be in effect. These estimates generally vary somewhat from the actual rate of increase, which is determined from data available after the end of the year. Under present methodology, the limits are adjusted to reflect the actual rate of increase in the market basket index when the actual rate of increase exceeds the estimated rate by more than 3/10 of 1 percentage point.

We propose to amend this policy to provide for an adjustment to the limits whenever the actual rate of increase differs from the estimated rate by more than 3/10 of 1 percentage point. This change continues the protection afforded providers when the rate of increase in the prices of the goods and services they consume is greater than the etimated rate assumed by the limits. It also assures that expenditures are not in excess of a level appropriate to economic trends during the time the limits are in effect, thus moderating the pressures on the Medicare Trust fund. This policy change allows the fund to benefit from any moderation in the rate of inflation, which is in the interest of current and future Medicare beneficiaries. By utilizing the actual rate of increase in the market basket index, this change will result in limits which accurately reflect the price changes that occur during the time the limits are in effect.

Each provider will continue to be advised of their limit by their intermediary prior to the beginning of the cost reporting period to which the limit will apply. Following the end of each year that these limits are in effect, HCFA will determine the actual rate of increase in the market basket for the year. The data necessary to make this determination is usually available in the second quarter of the following year. This should allow us to make this determination of the actual rate of increase by June 30. If the actual rate differs from the estimated rate by more then 3/10 of 1 percentage point, the limits will be adjusted to reflect the actual rate of increase in the market basket for the preceding year. The intermediaries will be advised of these adjusted limits and they will be published in the Federal Register. The adjusted limits will be used by the intermediaries to determine the amount of the final settlement for the cost reporting periods ending in the year for which the actual rate of increase has been determined.

4. *Elimination of New Home Health Agencies and "Outlier" Costs from the Data Base.* We are proposing two refinements to the methodology used to compute the limits: (1) Elimination of per visit costs of new home health agencies; and (2) elimination of "outlier" costs. For this schedule of limits, we collected data from 2,386 cost reports (2,014 from freestanding agencies and 372 from hospital-based departments) for fiscal years ending from December 31, 1981 to September 30, 1982. This represents an increase of 36 percent over the data collection which was the basis for our September 29, 1982, schedule.

Historically, we have found that the fixed costs incurred by new HHAs in their initial years result in abnormal per visit costs when compared to established agencies, since new HHAs generally deliver fewer visits. Thus, the

inclusion of new agencies in the data base results in limit amounts which are inappropriately inflated when compared with actual increases in market basket rates.

Since our data base consists entirely of 12 month cost reports, new agencies with short reporting periods have already been excluded. We are proposing to also exclude data from all new HHAs (i.e., agencies certified after December 31, 1980) regardless of cost reporting period length. We have defined "new home health agency" for this purpose to correspond to the definition used in the exceptions process (i.e., the HHA has provided home health services for a period of less than three full years). Since the per visit data used for this schedule are computed from calendar year 1981 and 1982 costs, agencies certified in those years would be in their first or second cost reporting period. In most cases, these agencies would be eligible for an exception under § 405.460(f)(7) should their costs exceed the applicable limits.

We encounted some extreme cost per visit values for some HHAs which appear to result from obvious reporting errors; therefore, we plan to eliminate these "Outlier" costs and propose to use as base for establishing limits only those home health agency per visit costs that fall within two standard deviations from the mean per visit cost in each service. We believe this refinement to the system produces a data base which more accurately reflects the costs necessary for the efficient delivery of home health services.

*D. Summary of Retained Methodology*

1. *A Single Schedule of Limits for Hospital-Based and Freestanding HHAs.* Section 1861(v)(1)(L) requires the Secretary to establish a single schedule of HHA limits based on the cost experience of freestanding agencies. The proposed schedule of limits set forth below reflects this statutory requirement.

2. *Use of an Add-on Adjustment for Hospital-Based HHAs.* The proposed schedule retains an "add-on adjustment" to the freestanding limit for hospital-based HHAs to account for the higher administrative and general costs resulting from the Medicare cost allocation requirements. This adjustment was explained in detail in the schedule of limits contained in the notice published on September 29, 1982 (47 FR 42905).

The amount of the add-on will be calculated by determining the median cost of each discipline for hospital-based agencies and computing 13 percent of the resulting dollar amount. The labor-related portion of the add-on, adjusted by the appropriate wage index, in addition to the nonlabor portion, will be added to each freestanding limit to determine the discipline limit for hospital-based agencies.

For cost limit purposes, an agency is considered to be hospital-based if it is a part of a hospital that is required to file a HCFA–2552 cost report (see HFCA Pub. 15–I, section 2326.2) and meets the requirements specified in the schedule of limits contained in the notice published on June 5, 1980 (45 FR 38014).

3. *Separate Treatment of Labor-related and Nonlabor Components of Per Visit Costs.* We are proposing to retain separate treatment of the labor-related and nonlabor components of per visit costs. We calculate the separate components of cost by obtaining actual HHA cost data for each agency and increasing those data by the actual and projected increases in the HHA market basket. We then separate each HHA's per visit costs into labor and nonlabor portions, and divide the labor portion by the wage index for the agency's location to standardize for the effect of wage differences. Separate percentiles are computed for the labor and nonlabor components of per visit costs. For each comparison group, the resulting amounts are shown in Table I.

4. *Computation of Wage Index Used to Adjust HHA Cost Data.* The wage indexes used in this schedule are based on updated wage data for the year 1981. They were developed from data supplied by the Bureau of Labor Statistics (BLS) for the hospital group, a standard BLS reporting category. We are continuing to use a combined wage index that is based on a single national average wage. Use of a combined rather than separate urban/rural index allows for direct comparison of index numbers across urban and rural areas.

To develop the combined wage index, we computed the national average hospital wage for all areas (MSAs, NECMAs, non-MSAs and non-NECMAs) and divided this average into the average hospital wage for each area. The result of this calculation is expressed as an area index number which is used to adjust the labor-related portion of the group limits. For a complete description of the combined wage index, see "Computation of Wage Index Used to Adjust HHA Cost Data" at 47 FR 42906.

In developing the current limits, we have continued to exclude the data for Federal hospitals from the BLS data base in constructing the hospital wage index. The exclusion of Federal data should result in more comparable indexes among areas with otherwise similar hospital wage levels. To the extent hospitals must pay employees wage rates similar to those of Federal facilities to attract qualified personnel, this competitive behavior would be reflected in the non-Federal BLS data used to calculate the index. That is, if non-Federal facilities in an area pay wage rates relatively equivalent to those of Federal hospitals, the exclusion of Federal wages would have little effect on the wage index, if other factors are unchanged.

The wage index used for the proposed limits is based on data for calendar year 1981, which are the latest available data. Data for 1982 are not currently available. If the 1982 data become available in time, we will use it to construct the wage indexes for the final notice.

The data we have used to develop the hospital wage index were supplied by BLS, and are the most reliable data available. All hospitals are required under State unemplyment compensation laws to report these data. If we discover that we, or BLS, have made an error that results in incorrect wage indexes for any area, we will notify the Medicare intermediaries of the corrected index and will direct them to recalculate the limits for those providers affected. However, BLS has advised us that they are unable to correct any inaccuracies in the wage index that may result from a hospital's failure to report the required wage data.

5. *Inclusion of Wage Indexes for Puerto Rico.* We are continuing to derive a wage index value for HHA's located in Puerto Rico. These wage indexes were used to develop the proposed limits and are included in Tables III A and III B.

6. *Classification System.* We are retaining an urban/rural distinction of agencies as an element of the classification system.

7. *Limits Set at the 75th Percentile.* We are maintaining the basic service limit at the 75th percentile. Each HHA's individual set of limits will be increased or decreased by application of the wage index as described in the discussion of the methodology contained in section II.F.5. of this preamble.

8. *Use of HHA Market Basket Index.* In the initial schedule of home health agency limits published June 1, 1979 (44 FR 31814), we obtained the inflation adjustment factors from actuarial projections of changes in HHA interim reimbursement rates.

Since July 1, 1980, we have used a market basket price index specifically related to the cost of goods and services necessary to provide home health care. We believe an HHA specific market

basket price index is a more accurate measure of inflation in the home health industry. The market basket is comprised of the most common categories of HHA expenses. The categories used were identified through an analysis of Medicare cost reports and other available home health industry surveys. The catgories of expenses are weighted according to the estimated proportion of HHA cost attributable to each category. The categories used in the market basket have not changed; however, the weights (see footnote to market basket) differ from those listed in the current schedule. The weights may change over time because of differences in the rate of increase in the various price variables. Categories with higher rates of price increases will receive higher weights and vice versa.

In developing the market basket index, we obtained historical and projected rates of increase in the resource prices for each category. The price variables and the source of the forecast for calendar years 1980 through 1985 are identified in the third and fourth columns of the updated market basket included in this notice.

HOME HEALTH AGENCY INPUT "PRICE" INDEX: COST CATEGORIES, WEIGHTS, FORECASTERS AND "PRICE" VARIABLE USED

| Cost categories | Relative [1] importance 1981 | Forecaster of [2] percent changes (1982–85) | "Price" variable used |
|---|---|---|---|
| Wages and salaries | 64.33 | DRI–CFS | Average hourly earnings of nonsupervisory private hospital workers. (SIC 806) Source: U.S. Dept. Labor, Bureau of Labor Statistics, *Employment and Earnings* (monthly). |
| Employee benefits | 8.13 | DRI–TL | Supplements to wages and salaries per worker in nonagricultural establishments. Source: U.S. Dept. of Commerce, Bureau of Economic Analysis, *Survey of Current Business* (monthly). |
| Miscellaneous | 7.16 | DRI–TL | Consumer Price Index for all items, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review.* |
| Transportation | 5.20 | DRI–TL | Transportation component of the Consumer Price Index, all urban. Source: U.S. Dept. Labor, Bureau of Labor Statistics, *Monthly Labor Review.* |
| Office costs | 2.98 | DRI–TL | Services component of Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review.* |
| Medical nursing supplies and rental equipment | 2.53 | HCFA–HHS | After 1977: medical equipment and supplies component of the Consumer Price Index. Prior to 1978: commodities component of Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review.* *Projection* |
| Nonrental space occupancy | 1.57 | DRI–TL | Medical commodities component of the Consumer Price Index, all urban. Composite Fuel and other Utilities Index. |
| Rent | 1.23 | DRI–TL | Residential rent component of Consumer Price Index, all urban. |
| | | HCFA–HHS | Source: U.S. Dept. of Labor, Bureau of Labor, Bureau of Labor Statistics, *Monthly Labor Review.* *Projection* |
| Contract services | 6.87 | HCFA–HHS | Historical relationship of rental component of Consumer Price Index, all urban, for 1977 and 1978 to all item Consumer Price Index, all urban, projected to subsequent years. Weighted mean of price variables for items 1 through 8 above. |
| Total [3] | 100.00 | | |

[1] Relative cost weights for 1977 were derived for special studies by the Health Care Financing Administration using primarily data from HCFA Medicare cost reports and data from the Council of Home Health Agencies and Community Health Services. A Laspeyres price index was constructed using 1977 weights and "price" variables indicated in this table. The relative importance "values" change over time in accordance with price changes for each price variable. Cost categories with relatively higher price increases get higher relative importance values and vice versa.

[2] DRI–TL refers to Data Resources, Inc., Trendlong, 29 Hartwell Avenue, Lexington, Massachusetts 02173, Control 032381, DRI–CFS refers to Data Resources, Inc., Cost Forecaster Service, 1750 K Street, N.W., Washington, D.C. 20006, CFS–811.

[3] May not total 100.00 due to rounding.

9. *Use of Cost-of-Living Adustment for Alaska, Hawaii, Puerto Rico and the Virgin Islands.* To avoid disadvantaging HHAs located in Alaska, Hawaii, Puerto Rico and the Virgin Islands, we are continuing to provide a cost-of-living adjustment for these areas. This is an adjustment to the nonlabor component of the limits that applies to these areas. The adjustment is based on the most recently determined cost-of-living differentials developed by the Office of Personnel Management. Since we adjust the labor component by the appropriate wage index, this adjustment applies only to the nonlabor component.

10. *Application of Limits in the Aggregate.* We are proposing to continue the aggregate application of the limits until we are able to analyze the data compiled from the single method cost report to determine if methodolgy changes are appropriate.

### *E. Application of Limits to State Medicaid Rates*

Methods of reimbursement for home health agencies under Medicaid are determined by the individual State agencies. There is no existing regulatory requirement that Medicare cost limits be applied to payment rates for HHA services under Medicaid. Therefore, Medicare cost limits for HHAs will apply to Medicaid payments only in those States that choose to incorporate the limits into their plans for payment for home health services.

### *F. Methodology for Determining Cost Per Visit Limits*

1. *Data.* We determined the proposed schedule of limits by extracting actual cost per visit data obtained form the latest Medicare cost reports for periods ending on or before September 30, 1982. We then eliminated from the data base all per visit costs of those agencies certified after December 31, 1980 and adjusted the remaining data using market basket factors to reflect cost increases occurring between the cost reporting periods contained in our data base and December 31, 1984 (the midpoint of the first cost reporting period to which the limits will apply). The annual percentage increases used to compute the per visit costs are:

| Calendar year | Percent increase |
|---|---|
| 1981 (market basket) | [1] 12.1 |
| 1982 (market basket) | [1] 9.9 |
| 1983 (market basket) | [2] 6.6 |
| 1984 (market basket) | [2] 5.9 |
| 1985 (market basket) | [2] 5.6 |

[1] Final rate.

[2] Forecasted increases: The projected rate of increase in the market basket index will be adjusted to the actual inflation rate if the actual rate of increase differs from the estimated rate by more than 3/10 of 1 percentage point. We will notify the Medicare intermediaries of the actual rate of increase and advise them to adust each home health agency's cost limit at the time of final settlement.

2. *Adjustment for "Outliers."* We arraved all freestanding and hospital-

based per visit cost data by type of service and MSA and non-MSA locations in order to determine the mean cost and standard deviation for each array. We then eliminated all "outlier" costs, retaining only those per visit costs within two standard deviations from the mean (see Changes to Methodology section) in each service.

3. *Deflation by Wage Index.* After the elimination of "outliers" and adjustment by the market basket, we divided each HHA's per visit costs into labor and nonlabor portions. We determine the labor portion of costs (77.81 percent) by using the 72.46 percent employee wage and benefit factor derived from the market basket weight, plus 5.35 perecent representing a proportionate share of the market basket weight for contract services. We then divided the labor portion of per visit costs by the wage index applicable to the HHA's location to arrive at an adjusted labor cost.

The current hospital wage index was developed from data for the year 1981 supplied by the Bureau of Labor Statistics (BLS) for the "hospital industry," a standard BLS reporting category.

4. *Basic Service Limit.* A basic service limit equal to the 75th percentile of the labor and nonlabor portions of the per visit costs of freestanding HHAs is calculated for each type of service.

5. *Computing the Adjusted Limit.* To arrive at the adjusted limit, which is to be applied to each service furnished by an HHA, the Medicare fiscal intermediary first multiplies the labor-related component of the limit for the comparison group by the appropriate wage index. (See Tables IIIA and IIIB.) The adjusted limit applicable to an HHA is the sum of the nonlabor component plus the adjusted labor-related component.

Example—Calculation of Adjusted Occupational Therapy Limit

*Nonlabor* Component, $12.91
Labor Component, $41.72

*Computation of Adjusted Limit*

Labor Component, $41.72
Times Wage Index, 1.0177
Adjusted Labor Component $42.46
Plus Nonlabor Component, $12.91
Adjusted Limit for Occupational Therapy, $55.37

6. *Adjustment for Reporting Year.* If an HHA has a cost reporting period beginning on or after August 1, 1984 the adjusted per visit limit for each service will be revised upward by a factor from Table IV that corresponds to the month and year in which the cost reporting period begins. Each factor represents the monthly increase derived by dividing the projected annual increase in the market basket index by 12, and is used to account for inflation in costs that will occur after the date on which the limits become effective.

Example—Home Health Agency A's cost reporting period begins January 1, 1985. The labor adjusted per visit limit for occupational therapy for A's group is $55.37.

Computation of Revised Limit for Occupational Therapy

Adjusted Per Visit Limit, $55.37
Adjustment Factor from Table IV, 1.0290
$55.37 × 1.0290 = $56.98

In this example, the revised adjusted per visit limit for occupational therapy applicable to A for the cost reporting period beginning January 1, 1985, is $56.98 per visit.

If an HHA uses a cost reporting period that is not 12 months in duration, a special calculation of the adjustment factor must be made. This results from the fact that projections are computed to the midpoint of a cost reporting period, and the factor of .0048 is based on an assumed 12-month reporting period. For cost reporting periods other than 12 months, the calculation must be done specifically for the midpoint of the cost reporting period. In such cases, the intermediary for the HHA will obtain this adjustment factor from HCFA.

7. *Adjustment for Hospital-Based Agencies.* If an HHA participates in the Medicare program as part of a hospital that is required to file a HCFA–2552 cost report (see HCFA Pub. 15–I, section 2326.2), and meets the requirements specified in the schedule of limits contained in the notice published June 5, 1980 (45 FR 38014), the HHA will be considered a hospital-based agency. Therefore, the HHA will be entitled to an adjustment of the per visit limit to account for higher administrative and general costs resulting fom the Medicare cost allocation requirements. The intermediary will compute the adjusted cost limit as described in the example following Table II.

### *G. Schedule of Limits*

The schedule of limits set forth below applies to the 12-month cost reporting period beginning on or after July 1, 1984, and remains in effect until publication of the new limits effective July 1, 1985. The fiscal intermediary will compute the adjusted limits using the wage index published in Tables IIIA and IIIB and notify each HHA of its applicable limits.

The HHA costs that are subject to the limits include the cost of medical supplies routinely furnished in conjuction with patient care. Medical supplies that are not routinely furnished in conjunction with patient care visits and are directly identifiable as services to an individual patient (that is, medical supplies for which a separate charge is made, in addition to the per visit charge) are excluded from the per visit cost if: (1) The common and established practice of comparable HHAs in the area is to charge separately for the items; (2) the HHA follows a consistent charging practice for Medicare and non-Medicare patients receiving the item; (3) generally, the item is not frequently furnished to patients; (4) the item is directly identifiable to an individual patient and its costs can be identified and accumulated in a separate cost center; and (5) the item is furnished at the direction of the patient's physician and is specifically identified in the plan of treatment. This explanation of non-routine medical supplies is consistent with instructions for reporting the cost of these supplies on the revised HHA cost report, forms HCFA–1728 and HCFA–2552K. The reasonable cost of medical appliances and supplies that are not routinely furnished in conjunction with patent care visits will be reimbursed without regard to the schedule of limits.

The fiscal intermediary determines the limit for each home health agency by multiplying the number of Medicare visits for each type of service furnished by the provider by the respective per visit cost limit. The sum of these amounts is compared to the home health agency's total allowable cost.

*Example:* Home Health Agency A, a freestanding agency located in Charlottesville, Virginia made 5000 skilled nursing, 2000 physical therapy and 4000 home health aide covered visits to Medicare beneficiaries during its 12-month cost reporting period beginning July 1, 1984.

The aggregate cost limit would be determined as follows:

| Type of visit | Visits | Nonlabor portion | Adjusted labor portion | Adjusted limit | Aggregate limit |
|---|---|---|---|---|---|
| Skilled Nursing | 5,000 | $12.51 | $53.83 | $66.34 | $331,700 |
| Physical Therapy | 2,000 | 11.90 | 50.73 | 62.63 | 125,260 |
| Home Health Aide | 4,000 | 8.45 | 35.83 | 44.28 | 177,120 |
| Aggregate Cost Limit | | | | | $634,083 |

Before the limits are applied at cost settlement, the provider's actual costs will be reduced by the amount of individual items of cost (for example, administrative compensation, and/or contract services) that are found to be excessive under Medicare principles of provider reimbursement. In this regard, the fiscal intermediaries will review the various reported costs against such screens as the cost guidelines for physical therapy under arrangements (see 42 CFR 405.432) and against the limitation on costs that are substantially out of line with those of comparable agencies (see 42 CFR 405.451). The provider's cost will also be reduced by the amount of reimbursable costs that are not included in the limitation amount (for example, medical appliances).

TABLE I.—PER VISIT LIMITS FOR HOME HEALTH AGENCIES [1]

| Type of visit | Limit | Labor portion | Nonlabor portion |
|---|---|---|---|
| **MSA (NECMA) Location** | | | |
| Skilled Nursing Care | $53.92 | $41.41 | $12.51 |
| Physical Therapy | 50.92 | 39.02 | 11.90 |
| Speech Pathology | 57.12 | 43.62 | 13.50 |
| Occupational Therapy | 54.63 | 41.72 | 12.91 |
| Medical Social Services | 84.87 | 64.74 | 20.13 |
| Home Health Aide | 36.01 | 27.56 | 8.34 |
| **Non-MSA Location** | | | |
| Skilled Nursing Care | $61.80 | $49.71 | $12.09 |
| Physical Therapy | 60.86 | 48.89 | 11.99 |
| Speech Pathology | 71.19 | 56.98 | 14.21 |
| Occupational Therapy | 72.80 | 58.18 | 14.62 |
| Medical Social Services | 88.61 | 71.26 | 17.35 |
| Home Health Aide | 39.62 | 31.80 | 7.82 |

[1] Nonlabor component of limits for HHAs located in Alaska, Hawaii, Puerto Rico and the Virgin Islands wil be increased by multiplying them by the following cost-of-living adjustment factors:

| Location | Adjustment factor |
|---|---|
| Alaska: | |
| All localities | 1.250 |
| Hawaii: | |
| Oahu | 1.20 |
| Kauai | 1.175 |
| Maui and Lanai | 1.20 |
| Molokai | 1.20 |
| Hawaii (island) | 1.10 |
| Puerto Rico | 1.10 |
| Virgin Islands: | |
| St. Croix | 1.10 |
| St. Thomas and St. John | 1.10 |

TABLE II.—ADD-ON AMOUNTS FOR HOSPITAL-BASED HOME HEALTH AGENCIES

| | A and G Add-on | Labor portion | Nonlabor portion |
|---|---|---|---|
| **MSA (NECMA) Location** | | | |
| Skilled Nursing Care | $7.61 | $5.66 | $1.95 |
| Physical Therapy | 6.34 | 4.86 | 1.48 |
| Speech Pathology | 7.20 | 5.41 | 1.79 |
| Occupational Therapy | 6.54 | 4.98 | 1.56 |
| Medical Social Services | 9.06 | 6.77 | 2.29 |
| Home Health Aide | 5.83 | 4.39 | 1.44 |

TABLE II.—ADD-ON AMOUNTS FOR HOSPITAL-BASED HOME HEALTH AGENCIES—Continued

| | A and G Add-on | Labor portion | Nonlabor portion |
|---|---|---|---|
| **Non-MSA Location** | | | |
| Skilled Nursing Care | $7.52 | $6.05 | $1.47 |
| Physical Therapy | 7.47 | 6.00 | 1.47 |
| Speech Pathology | 7.19 | 5.70 | 1.49 |
| Occupational Therapy | 7.18 | 5.68 | 1.50 |
| Medical Social Services | 10.02 | 8.02 | 2.00 |
| Home Health Aide | 5.30 | 4.26 | 1.04 |

## Example

A hospital-based agency in New York City has a wage index of 1.3736.

It provides the following services:

Skilled Nursing (SN) 3370 Visits
Physical Therapy (PT) 1290 Visits
Home Health Aides (HHA) 2111 Visits

The aggregate limit for that agency is calculated as follows:

| | Limit | | Add-On | |
|---|---|---|---|---|
| | Portion | Nonlabor portion | Labor portion | Nonlabor portion |
| SN | $41.41 | $12.51 | $5.66 | $1.95 |
| PT | 39.02 | 11.90 | 4.86 | 1.48 |
| HHA | 27.56 | 8.45 | 4.39 | 1.44 |

### Calculation of Limit

To calculate the limit multiply the labor portion by the wage index and add the nonlabor portion:

SN $41.41 × 1.3736 = $56.88 + $12.51 = $69.39
PT $39.02 × 1.3736 = $53.60 + $11.90 = $65.50
HHA $27.56 × 1.3736 = $37.86 + $8.45 = $46.31

### Calculation of A and G Add-On Amount

To calculate the A and G add-on amount, multiply the labor portion by the wage index and add the nonlabor portion:

SN $5.66 × 1.3736 = $7.77 + $1.95 = $9.72
PT $4.86 × 1.3736 = $6.68 + $1.48 = $8.16
HHA $4.39 × 1.3736 = $6.03 + $1.44 = $7.47

### Computation of Aggregate Limit

The limit and the A and G add-on for each discipline are totaled and multiplied by the number of visits for that discipline. These results are added to determine the aggregate limit:

| | Limit | A and G Add-on | Total | Visits | Allowable costs |
|---|---|---|---|---|---|
| SN | $69.39 | $9.72 | $79.11 | 3,370 | $266,601 |
| PT | 65.50 | 8.16 | 73.66 | 1,290 | 95,021 |
| HHA | 46.31 | 7.47 | 53.78 | 2,111 | 113,530 |
| Aggregate Limit | | | | | $475,152 |

TABLE III A.—WAGE INDEX FOR URBAN AREAS

| MSA area | Wage index |
|---|---|
| Abilene, TX | .9468 |
| Aguadilla, PR | .4907 |
| Akron, OH | 1.0796 |
| Albany, GA | [1] .8969 |
| Albany-Schenectady-Troy, NY | .8976 |
| Albuquerque, NM | 1.0641 |
| Alexandria, LA | .9792 |
| Allentown-Bethlehem, PA-NJ | 1.0578 |
| Alton-Granite City, IL | .9775 |
| Altoona, PA | 1.0308 |
| Amarillo, TX | .9752 |
| Anaheim-Santa Ana, CA | 1.2516 |
| Anchorage, AK | 1.5538 |
| Anderson, IN | 1.0221 |
| Anderson, SC | .8797 |
| Ann Arbor, MI | 1.2159 |
| Anniston, AL | .8675 |
| Appleton-Oshkosh-Neenah, WI | .9719 |
| Arecibo, PR | .5987 |
| Asheville, NC | .9577 |
| Athens, GA | .8868 |
| Atlanta, GA | .9468 |
| Atlantic City, NJ | 1.0710 |
| Augusta, GA-SC | .9670 |
| Aurora-Elgin, IL | 1.0014 |
| Austin, TX | 1.0714 |
| Bakersfield, CA | 1.2342 |
| Baltimore, MD | 1.1006 |
| Bangor, ME | .9325 |
| Baton Rouge, LA | 1.0233 |
| Battle Creek, MI | 1.0661 |
| Beaumont-Port Arthur, TX | .9931 |
| Beaver County, PA | 1.0926 |

TABLE III A.—WAGE INDEX FOR URBAN AREAS—Continued

| MSA area | Wage index |
|---|---|
| Bellingham, WA | [1] 1.0366 |
| Benton Harbor, MI | .8784 |
| Bergen-Passau, NJ | 1.0349 |
| Billings, MT | [1] .9703 |
| Biloxi-Gulfport, MS | .8760 |
| Binghamton, NY | .9581 |
| Birmingham, AL | 1.0105 |
| Bismarck, ND | 1.0158 |
| Bloomington-Normal, IL | [1] 1.0175 |
| Bloomington, IN | [1] .9342 |
| Boise City, ID | 1.0817 |
| Boston-Lowell-Brockton-Lawrence-Salem, MA-NH | 1.1012 |
| Boulder-Longmont, CO | 1.0040 |
| Bradenton, FL | [1] .9252 |
| Brazoria, TX | .8458 |
| Bremerton, WA | [1] .9042 |
| Bridgeport-Stamford-Norwalk-Danbury, CT | 1.1639 |
| Brownsville-Harlingen, TX | .9270 |
| Bryan-College Station, TX | .9130 |
| Buffalo, NY | .9844 |
| Burlington, NC | .8529 |
| Burlington, VT | [1] .9711 |
| Caguas, PR | .5388 |
| Canton, OH | .9854 |
| Casper, WY | [1] 1.0197 |
| Cedar Rapids, IA | .9433 |
| Champaign-Urbana-Rantoul, IL | 1.0304 |
| Charleston, SC | 1.0321 |
| Charleston, WV | 1.1097 |
| Charlotte-Gastonia-Rock Hill, NC-SC | .9832 |
| Charlottesville, VA | 1.3000 |

TABLE III A.—WAGE INDEX FOR URBAN AREAS—Continued

| MSA area | Wage index |
|---|---|
| Chattanooga, TN–GA | .9756 |
| Chicago, IL | 1.2336 |
| Chico, CA | 1.0619 |
| Cincinnati, OH–KY–IN | 1.0625 |
| Clarksville-Hopkinsville, TN–KY | .8390 |
| Cleveland, OH | 1.2098 |
| Colorado Springs, CO | 1.1132 |
| Columbia, MO | 1.1422 |
| Columbia, SC | .9658 |
| Columbus, GA–AL | .9252 |
| Columbus, OH | 1.0483 |
| Corpus Christi, TX | .9703 |
| Cumberland, MD–WV | .9147 |
| Dallas, TX | 1.0850 |
| Danville, VA | [1] .8759 |
| Davenport-Rock Island-Moline, IA–IL | .9895 |
| Dayton-Springfield, OH | 1.1181 |
| Daytona Beach, FL | .9749 |
| Decatur, IL | [1] .9854 |
| Denver, CO | 1.2170 |
| Des Moines, IA | 1.0770 |
| Detroit, MI | 1.2061 |
| Dothan, AL | .8899 |
| Dubuque, IA | 1.0340 |
| Duluth, MN–WI | .9219 |
| East St. Louis-Belleville, IL | .9543 |
| Eau Claire, WI | .9624 |
| El Paso, TX | .9043 |
| Elkhart-Goshen, IN | [1] .8976 |
| Elmira, NY | 1.0316 |
| Enid, OK | .9070 |
| Erie, PA | .9984 |
| Eugene-Springfield, OR | .9939 |
| Evansville, IN–KY | 1.0327 |
| Fargo-Moorhead, ND–MN | 1.0109 |
| Fayetteville, NC | [1] .9379 |
| Fayetteville-Springdale, AR | .8355 |
| Flint, MI | 1.1590 |
| Florence, AL | .8135 |
| Florence, SC | .8118 |
| Fort Collins-Loveland, CO | .9332 |
| Fort Lauderdale-Hollywood-Pompano, FL | 1.1169 |
| Fort Myers, FL | .9295 |
| Fort Pierce, FL | 1.0000 |
| Fort Smith, AR | .9761 |
| Fort Walton Beach, FL | [1] .7918 |
| Fort Wayne, IN | .9422 |
| Fort Worth-Arlington, TX | .9903 |
| Fresno, CA | 1.2020 |
| Gadsden, AL | .9288 |
| Gainesville, FL | .9765 |
| Galveston-Texas City, TX | 1.1890 |
| Gary-Hammond, IN | 1.1484 |
| Glens Falls, NY | .8864 |
| Grand Forks, ND | .9950 |
| Grand Rapids, MI | 1.0041 |
| Great Falls, MT | [1] 1.0340 |
| Greeley, CO | [1] 1.0870 |
| Green Bay, WI | .9860 |
| Greensboro-Winston-Salem-High Point, NC | .9633 |
| Greenville-Spartanburg, SC | .9529 |
| Hagerstown, MD | .9711 |
| Hamilton-Middletown, OH | 1.0495 |
| Harrisburg-Lebanon-Carlise, PA | 1.0416 |
| Hartford-Middleton-New Britain-Bristol, CT | 1.0791 |
| Hickory, NC | .9558 |
| Honolulu, HI | 1.1537 |
| Houma-Thibodaux, LA | .9842 |
| Houston, TX | 1.1184 |
| Huntington-Ashland, WV–KY–OH | .9907 |
| Huntsville, AL | 9042 |
| Indianapolis, IN | 1.0870 |
| Iowa City, IA | 1.1489 |
| Jackson, MI | [1] 1.0315 |
| Jackson, MS | .9163 |
| Jacksonville, FL | .9971 |
| Jacksonville, NC | [1] .8878 |
| Janesville-Beloit, WI | .9093 |
| Jersey City, NJ | 1.097 |
| Johnson City-Kingsport-Bristol, TN–VA | .9293 |
| Johnstown, PA | 1.0343 |
| Joliet, IL | 1.1111 |
| Joplin, MO | .9634 |
| Kalamazoo, MI | 1.2340 |
| Kankakee, IL | .9196 |
| Kansas City, KS | .9841 |
| Kansas City, MO | .9968 |
| Kenosha, WI | [1] 1.0625 |
| Killeen-Temple, TX | .9457 |
| Knoxville, TN | .9218 |

TABLE III A.—WAGE INDEX FOR URBAN AREAS—Continued

| MSA area | Wage index |
|---|---|
| Kokomo, IN | 1.0175 |
| LaCrosse, WI | [1] .9617 |
| Lafayette, LA | 1.0221 |
| Lafayette, IN | .9312 |
| Lake Charles, LA | .9999 |
| Lake County, IL | 1.1147 |
| Lakeland-Winter Haven, FL | .9330 |
| Lancaster, PA | 1.0432 |
| Lansing-East Lansing, MI | 1.0575 |
| Laredo, TX | [1] 8610 |
| Las Cruces, NM | [1] .8504 |
| Las Vegas, NV | 1.2260 |
| Lawrence, KS | [1] .9832 |
| Lawton, OK | [1] .9930 |
| Lewiston-Auburn, ME | [1] .9230 |
| Lexington-Fayette, KY | .9630 |
| Lima, OH | 1.0045 |
| Lincoln, NE | .8759 |
| Little Rock-North Little Rock, AR | 1.0242 |
| Longview-Marshall, TX | .8610 |
| Lorain-Elyria, OH | 1.0610 |
| Los Angeles-Long Beach, CA | 1.3112 |
| Louisville, KY–IN | 1.0917 |
| Lubbock, TX | 1.0145 |
| Lynchburg, VA | .9294 |
| Macon-Warner-Robins, GA | .9907 |
| Madison, WI | 1.1403 |
| Manchester-Nashua, NH | .9213 |
| Mansfield, OH | .9230 |
| Mayaguez, PR | .6203 |
| McAllen-Edinburg-Mission, TX | .8504 |
| Medord, OR | .9909 |
| Melbourne-Titusville, FL | .9387 |
| Memphis, TN–AR–MS | 1.0828 |
| Miami-Hialeah, FL | 1.1558 |
| Middlesex-Somerset-Hunterdon, NJ | 1.0694 |
| Midland, TX | 1.0845 |
| Milwaukee, WI | 1.0501 |
| Minneapolis-St. Paul, MN–WI | 1.0330 |
| Mobile, AL | .9384 |
| Modesto, CA | 1.0857 |
| Monmouth-Ocean, NJ | .9919 |
| Monroe, LA | .9605 |
| Montgomery, AL | .9782 |
| Muncie, IN | [1] .9749 |
| Muskegon, MI | .9379 |
| Nashville, TN | 1.2328 |
| Nassau-Suffolk, NY | 1.2162 |
| New Bedford-Fall River-Attleboro, MA | .9718 |
| New Haven-Westhaven-Waterbury-Meriden, CT | 1.0728 |
| New London-Norwich, CT | 1.0729 |
| New Orleans, LA | 1.0194 |
| New York, NY | 1.3736 |
| Newark, NJ | 1.1353 |
| Niagara Fall, NY | .8791 |
| Norfolk-Virginia Beach-Newport News, VA | .9840 |
| Oakland, CA | 1.2688 |
| Ocala, FL | [1] .9888 |
| Odessa, TX | [1] .9775 |
| Oklahoma City, OK | 1.0584 |
| Olympia, WA | [1] 1.0625 |
| Omaha, NE–IA | .9052 |
| Orange County, NY | 1.0119 |
| Orlando, FL | 1.0204 |
| Owensboro, KY | [1] .8878 |
| Oxnard-Ventura, CA | 1.2056 |
| Panama City, FL | [1] .9093 |
| Parkersburg-Marietta, WV–OH | 1.0010 |
| Pascagoula, MS | [1] 1.0175 |
| Pensacola, FL | .9163 |
| Peoria, IL | 1.1357 |
| Philadelphia, PA–NJ | 1.1828 |
| Phoenix, AZ | 1.1186 |
| Pine Bluff, AR | [1] .8825 |
| Pittsburgh, PA | 1.1453 |
| Pittsfield, MA | .9872 |
| Ponce, PR | .7637 |
| Portland, ME | .9996 |
| Portland, OR | 1.1259 |
| Portsmouth-Dover-Rochester, NH | .8504 |
| Poughkeepsie, NY | 1.0982 |
| Providence-Pawtucket-Woonsocket, RI | .9832 |
| Provo-Orem, UT | .9526 |
| Pueblo, CO | 1.1666 |
| Racine, WI | 1.0203 |
| Raleigh-Durham, NC | 1.0197 |
| Reading, PA | 1.0345 |
| Redding, CA | 1.0604 |
| Reno, NV | 1.3063 |
| Richland-Kennewick, WA | .9603 |

TABLE III A.—WAGE INDEX FOR URBAN AREAS—Continued

| MSA area | Wage index |
|---|---|
| Richmond-Petersburg, VA | 1.9353 |
| Riverside San Bernardino, CA | 1.1821 |
| Roanoke, VA | 1.0077 |
| Rochester, MN | 1.0315 |
| Rochester, NY | 1.0438 |
| Rockford, IL | 1.0492 |
| Sacramento, CA | 1.1520 |
| Saginaw-Bay City-Midland, MI | 1.1013 |
| St. Cloud, MN | .8857 |
| St. Joseph, MO | .9933 |
| St. Louis, MO–IL | 1.0778 |
| Salem, OR | 1.0642 |
| Salinas-Seaside-Monterey, CA | 1.2837 |
| Salt Lake City-Ogden, UT | .9725 |
| San Angelo, TX | .9342 |
| San Antonio, TX | 1.0570 |
| San Diego, CA | 1.1965 |
| San Francisco, CA | 1.4055 |
| San Jose, CA | 1.3029 |
| San Juan, PR | .6640 |
| Santa Barbara-Santa Maria-Lompoc, CA | 1.1181 |
| Santa Cruz, CA | 1.1452 |
| Santa Rosa-Petaluma, CA | 1.1901 |
| Sarasota, FL | .9937 |
| Savannah, GA | .9576 |
| Scranton-Wilkes-Barre, PA | .9818 |
| Seattle, WA | 1.0944 |
| Sharon, PA | .9716 |
| Sheboygan, WI | .8641 |
| Sherman-Denison, TX | .9067 |
| Shreveport, LA | 1.0717 |
| Sioux City, IA–NE | 1.0382 |
| Sioux Falls, SD | .9502 |
| South Bend-Mishawaka, IN | .9791 |
| Spokane, WA | 1.1257 |
| Springfield, IL | 1.1483 |
| Springfield, MO | .9593 |
| Springfield, MA | .9932 |
| State College, PA | [1] 1.0604 |
| Steubenville-Weirton, OH–WV | .9819 |
| Stockton, CA | 1.1714 |
| Syracuse, NY | 1.4641 |
| Tacoma, WA | 1.0505 |
| Tallahasse, FL | .9324 |
| Tampa,-St. Petersburg-Clearwater, FL | 1.0041 |
| Terre Haute, IN | .8878 |
| Texarkana-TX-Texarkana, AR | 1.1168 |
| Toledo, OH | 1.1396 |
| Topeka, KS | 1.1195 |
| Trenton, NJ | 1.0446 |
| Tucson, AZ | 1.0220 |
| Tulsa, OK | 1.0467 |
| Tuscaloosa, AL | 1.0245 |
| Tyler, TX | 1.0086 |
| Utica-Rome, NY | .9405 |
| Valiejo-Fairfield-Napa, CA | 1.3370 |
| Vancouver, WA | [1] 1.0892 |
| Victoria, TX | .8684 |
| Vineland-Millville-Bridgeton, NJ | .9553 |
| Visalia-Tulare-Porterville, CA | 1.1420 |
| Waco, TX | .8378 |
| Washington, DC–MD–VA | 1.1668 |
| Waterloo-Cedar Falls, IA | .9152 |
| Wausau, WI | [1] .9502 |
| West Palm Beach-Boca Raton-Delray, FL | 1.0068 |
| Wheeling, WV–OH | .9688 |
| Wichita, KS | 1.1278 |
| Wichita Falls, TX | .8769 |
| Williamsport, PA | 1.0322 |
| Wilmington, DE–NJ–MD | 1.0956 |
| Wilmington, NC | .9067 |
| Worcester-Fitchburg-Leominster, MA | .9626 |
| Yakima, WA | 1.0096 |
| York, PA | 1.0366 |
| Youngstown-Warren, OH | 1.1103 |
| Yuba City, CA | 1.0892 |

[1] Approximate value for area.

TABLE III B.—WAGE INDEX FOR RURAL AREAS

| Non-MSA areas | Wage index |
|---|---|
| Alabama | .7836 |
| Alaska | 1.4496 |
| Arizona | .9001 |
| Arkansas | .7855 |
| California | 1.0179 |

TABLE III B.—WAGE INDEX FOR RURAL AREAS—Continued

| Non-MSA areas | Wage index |
|---|---|
| Colorado | .8383 |
| Connecticut | 1.0185 |
| Delaware | .9067 |
| Florida | .8969 |
| Georgia | .8548 |
| Hawaii | 1.1839 |
| Idaho | .9054 |
| Illinois | .8776 |
| Indiana | .8776 |
| Iowa | .8222 |
| Kansas | .8182 |
| Kentucky | .8201 |
| Louisiana | .8388 |
| Maine | .8712 |
| Maryland | .9369 |
| Massachusetts | .9766 |
| Michigan | .9545 |
| Minnesota | .8639 |
| Mississippi | .8066 |
| Missouri | .8345 |
| Montana | .8762 |
| Nebraska | .7469 |
| Nevada | 1.0237 |
| New Hampshire | 1.0125 |
| New Mexico | .9347 |
| New York | .8766 |
| North Carolina | .8554 |
| North Dakota | .8374 |
| Ohio | .9198 |
| Oklahoma | .8649 |
| Oregon | .9617 |
| Pennsylvania | 1.0389 |
| Puerto Rico | .6179 |
| Rhode Island | [1]1.0892 |
| South Carolina | .8134 |
| South Dakota | .7918 |
| Tennessee | .7921 |
| Texas | .8167 |
| Utah | .8275 |
| Vermont | .8825 |
| Virginia | .8569 |
| Washington | .9552 |
| West Virginia | .9235 |
| Wisconsin | .8536 |
| Wyoming | .9599 |

[1] Approximate value for area.

TABLE IV.—COST REPORTING YEAR ADJUSTMENT FACTORS[1]

| If the HHA cost reporting period begins— | The adjustment factor is |
|---|---|
| Aug. 1, 1984 | 1.0048 |
| Sept. 1, 19884 | 1.0097 |
| Oct. 1, 1984 | 1.0145 |
| Nov. 1, 1984 | 1.0193 |
| Dec 1, 1984 | 1.0242 |
| Jan. 1, 1985 | 1.0290 |
| Feb. 1, 1985 | 1.0340 |
| Mar. 1, 1985 | 1.0390 |
| Apr. 1, 1985 | 1.0440 |
| May 1, 1985 | 1.0490 |
| June 1, 1985 | 1.0540 |

[1] Based on projected market basket inflation rates of 5.8 percent for 1985 and 6.0 percent for 1986. These adjustment factors are subject to change based on later estimates of cost increases. We will publish a new notice of limits effective July 1, 1985.

**Chart I.—MSA Area and Constituent Counties**

*MSA Area*

Abilene, TX
- Taylor, TX

Aguadilla, PR
- Auada
- Aguadilla
- Isabella
- Moca

Akron, OH
- Portage, OH
- Summit, OH

Albany, GA
- Dougherty, GA
- Lee, GA

Albany-Schenectady-Troy, NY
- Albany, NY
- Greene, NY
- Montgomery, NY
- Rensselaer, NY
- Saratoga, NY
- Schenectady, NY

Albuquerque, NM
- Bernalillo, NM

Alexandria, LA
- Rapides, LA

Allentown-Bethlehem, PA–NJ
- Warren, NJ
- Carbon, PA
- Lehigh, PA
- Northampton, PA

Alton-Granite City, IL
- Jersey, IL
- Madison, IL

Altoona, PA
- Blair, PA

Amarillo, TX
- Potter, TX
- Randall, TX

Anaheim-Santa Ana, CA
- Orange, CA

Anchorage, AK
- Anchorage, AK

Anderson, IN
- Madison, IN

Anderson, SC
- Anderson, SC

Ann Arbor, MI
- Washtenaw, MI

Anniston, AL
- Calhoun, AL

Appleton-Oshkosh-Neenah, WI
- Calumet, WI
- Outagamie, WI
- Winnebago, WI

Asheville, NC
- Buncombe, NC

Athens, GA
- Clarke, GA
- Jackson, GA
- Madison, GA
- Oconee, GA

Atlanta, GA
- Barrow, Ga
- Butts, GA
- Cherokee, GA
- Clayton, GA
- Cobb, GA
- Coweta, GA
- De Kalb, GA
- Douglas, GA
- Fayette, Ga
- Forsyth, GA
- Fulton, GA
- Gwinnett, GA
- Henry, GA
- Newton, GA
- Paulding, GA
- Rockdale, GA
- Spalding, GA
- Walton, GA

Atlantic City, NJ
- Atlantic, NJ
- Cape May, NJ

Augusta, GA–SC
- Columbia, GA
- McDuffie, GA
- Richmond, GA
- Aiken, SC

Aurora-Elgin, IL
- Kane, IL
- Kendall, IL

Austin, TX
- Hays, TX
- Travis, TX
- Williamson, TX

Bakersfield, CA
- Kern, CA

Baltimore, MD
- Anne Arundel, MD
- Baltimore, MD
- Baltimore City, MD
- Carroll, MD
- Harford, MD
- Howard, MD
- Queen Annes, MD

Bangor, ME
- Penobscot, ME

Baton Rouge, LA
- Ascension, LA
- East Baton Rouge, LA
- Livingston, LA
- West Baton Rouge, LA

Battle Creek, MI
- Calhoun, MI

Beaumont-Port Arthur, TX
- Hardin, TX
- Jefferson, TX
- Orange, TX

Beaver County, PA
- Beaver, PA

Bellingham, WA
- Whatcom, WA

Benton Harbor, MI
- Berrien, MI

Bergen-Passiac, NJ
- Bergen, NJ
- Passaic, NJ

Billings, MT
- Yellowstone, MT

Biloxi-Gulfport, MS
- Hancock, MS
- Harrison, MS

Bighamton, NY
- Broome, NY
- Tioga, NY

Birmingham, AL
- Blount, AL
- Jefferson, AL
- Saint Clair, AL
- Shelby, AL
- Walker, AL

Bismarck, ND
- Burleigh, ND
- Morton, ND

Bloomington, IN
- Monroe, IN

Bloomington-Normal, IL
- McLean, IL

Boise City, ID
- Ada, ID

Boston-Lawrence-Salem-Lowell-Brockton, MA
- Essex, MA
- Middlesex, MA
- Norfolk, MA
- Plymouth, MA
- Suffolk, MA

Boulder-Longmont, CO
- Boulder, CO

Bradenton, FL

Manatee, FL
Brazoria, TX
Brazoria, TX
Bremerton, WA
Kitsap, WA
Bridgeport-Stamford-Norwalk-Danbury, CT
Fairfield, CT
Brownsville-Harlingen, TX
Cameron, TX
Bryan-College Station, TX
Brazos, TX
Buffalo, NY
Erie, NY
Burlington, NC
Alamance, NC
Burlington, VT
Chittenden, VT
Grand Isle, VT
Caguas, PR
Caguas
Gurabo
San Lorenz
Canton, OH
Carroll, OH
Stark, OH
Casper, WY
Natrona, WY
Cedar Rapids, IA
Linn, IA
Champaign-Urbana-Rantoul, IL
Champaign, IL
Charleston, SC
Berkeley, SC
Charleston, SC
Dorchester, SC
Charleston, WV
Kanawha, WV
Putnam, WV
Charlotte-Gastonia-Rock Hill, NC–SC
Cabarrus, NC
Gaston, NC
Lincoln, NC
Mecklenburg, NC
Rowan, NC
Union, NC
York, SC
Charlottesville, VA
Albermarle, VA
Charlottesville City, VA
Fluvanna, VA
Greene, VA
Chattanooga, TN–GA
Catoosa, GA
Dade, GA
Walker, GA
Hamilton, TN
Marion, TN
Sequatchie, TN
Chicago, IL
Cook, IL
Du Page, IL
McHenry, IL
Chico, CA
Butte, CA
Cincinnati, OH–KY–IN
Dearborn, IN
Boone, KY
Campbell, KY
Kenton, KY
Clermont, OH
Hamilton, OH
Warren, OH
Clarksville-Hopkinsville, TN–KY
Christian, KY
Montgomery, TN
Cleveland, OH
Cuyahoga, OH
Geauga, OH
Lake, OH
Medina, OH
Colorado Springs, CO
El Paso, CO
Columbia, MO
Boone, MO
Columbia, SC
Lexington, SC
Richland, SC
Columbus, GA–AL
Russell, AL
Chattahoochee, GA
Muscogee, GA
Columbus, OH
Delaware, OH
Fairfield, OH
Franklin, OH
Licking, OH
Madison, OH
Pickaway, OH
Union, OH
Corpus Christi, TX
Nueces, TX
San Patricio, TX
Cumberland, MD–WV
Allegeny, MD
Mineral, WV
Dallas, TX
Collin, TX
Dallas, TX
Denton, TX
Ellis, TX
Kaufman, TX
Rockwall, TX
Danville, VA
Danville City, VA
Pittsylvania, VA
Davenport-Rock Island-Moline, IA–IL
Scott, IA
Henry, IL
Rock Island, IL
Dayton-Springfield, OH
Clark, OH
Greene, OH
Miami, OH
Montgomery, OH
Daytona Beach, FL
Volusia, FL
Decatur, IL
Macon, IL
Denver, CO
Adams, CO
Arapahoe, CO
Denver, CO
Douglas, CO
Jefferson, CO
Des Moines, IA
Dallas, IA
Polk, IA
Warren, IA
Detroit, MI
Lapeer, MI
Livingston, MI
Macomb, MI
Monroe, MI
Oakland, MI
Saint Clair, MI
Wayne, MI
Dothan, AL
Dale, AL
Houston, AL
Dubuque, IA
Dubuque, IA
Duluth, MN–WI
St. Louis, MN
Douglas, WI
East St. Louis-Belleville, IL
Clinton, IL
St. Clair, IL
Eau Claire, WI
Chippewa, WI
Eau Claire, WI
El Paso, TX
El Paso, TX
Elkhart-Goshen, IN
Elkhart, IN
Elmira, NY
Chemung, NY
Enid, OK
Garfield, OK
Erie, PA
Erie, PA
Eugene-Springfield, OR
Lane, OR
Evansville, IN–KY
Posey, IN
Vanderburgh, IN
Warrick, IN
Henderson, KY
Fargo-Moorhead, ND–MN
Clay, MN
Cass, ND
Fayetteville, NC *
Cumberland, NC
Fayetteville-Springdale, AR
Washington, AR
Flint, MI
Genesee, MI
Florence, AL
Colbert, AL
Lauderdale, AL
Florence, SC
Florence, SC
Fort Collins-Loveland, CO
Larimer, CO
Fort Lauderdale-Hollywood-Pompano Beach, FL
Broward, FL
Fort Myers, FL
Lee, FL
Fort Pierce, FL
Martin, FL
St. Lucie, FL
Fort Smith, AR–OK
Crawford, AR
Sebastian, AR
Sequoyah, OK
Fort Walton Beach, FL
Okaloosa, FL
Fort Wayne, IN
Allen, IN
De Kalb, IN
Whitley, IN
Fort Worth-Arlington, TX
Johnson, TX
Parker, TX
Tarrant, TX
Fresno, CA
Fresno, CA
Gadsden, AL
Etowah, AL
Gainesville, FL
Alachua, FL
Bradford, FL
Galveston-Texas City, TX
Galveston, TX
Gary-Hammond, IN
Lake, IN
Porter, IN

Glens Falls, NY
Warren, NY
Washington, NY
Grand Forks, ND
Grand Forks, ND
Grand Rapids, MI
Kent, MI
Ottawa, MI
Great Falls, MT
Cascade, Mt
Greeley, CO
Weld, CO
Green Bay, WI
Brown, WI
Greensboro-Winston-Salem-High Point, NC
Davidson, NC
Davie, NC
Forsyth, NC
Guilford, NC
Randolph, NC
Stokes, NC
Yadkin, NC
Greenville-Spartanburg, SC
Greenville, SC
Pickens, SC
Spartanburg, SC
Hagerstown, MD
Washington, MD
Hamilton-Middletown, OH
Butler, OH
Harrisburg-Lebanon-Carlise, PA
Cumberland, PA
Dauphin, PA
Lebanon, PA
Perry, PA
Hartford-New Middletown-Britain-Bristol, CT
Hartford, CT
Middlesex, CT
Tolland, CT
Hickory, NC
Alexander, NC
Burke, NC
Catawba, NC
Honolulu, HI
Honolulu, HI
Houma-Thibodaux, LA
Lafourche, LA
Terrebonne, LA
Houston, TX
Fort Bend, TX
Harris, TX
Liberty, TX
Montgomery, TX
Waller, TX
Huntington-Ashland, WV–KY–OH
Boyd, KY
Carter, KY
Greenup, KY
Lawrence, OH
Cabell, WV
Wayne, WV
Huntsville, AL
Madison, AL
Indianapolis, IN
Boone, IN
Hamilton, IN
Hancock, IN
Hendricks, IN
Johnson, IN
Marion, IN
Morgan, IN
Shelby, IN
Iowa City, IA
Johnson, IA
Jackson, MI
Jackson, MI
Jackson, MS
Hinds, MS
Madison, MS
Rankin, M
Jacksonville, FL
Clay, FL
Duval, FL
Nassau, FL
St. Johns, FL
Jacksonville, NC
Onslow, NC
Janesville-Beloit, WI
Rock, WI
Jersey City, NJ
Hudson, NJ
Johnson City-Kingsport-Bristol, TN–VA
Carter, TN
Hawkins, TN
Sullivan, TN
Unicoi, TN
Washington, TN
Bristol City, VA
Scott, VA
Washington, VA
Johnstown, PA
Cambria, PA
Somerset, PA
Joliet, IL
Grundy, IL
Will, IL
Joplin, MO
Jasper, MO
Newton, MO
Kalamazoo, MI
Kalamazoo, MI
Kankakee, IL
Kankakee, IL
Kansas City, KS
Johnson, KS
Leavenworth, KS
Miami, KS
Wyandotte, KS
Kansas City, MO
Cass, MO
Clay, MO
Jackson, MO
Lafayette, MO
Platte, MO
Ray, MO
Kenosha, WI
Kenosha, WI
Killeen-Temple, TX
Bell, TX
Coryell, TX
Knoxville, TN
Anderson, TN
Blount, TN
Grainger, TN
Jefferson, TN
Knox, TN
Sevier, TN
Union, TN
Kokomo, IN
Howard, IN
Tipton, IN
LaCrosse, WI
LaCrosse, WI
Lafayette, LA
Lafayette, LA
St. Martin, LA
Lafayette, IN
Tippecanoe, IN
Lake Charles, LA
Calcasieu, LA
Lake County, IL
Lake, IL
Lakeland-Winter Haven, FL
Polk, FL
Lancaster, PA
Lancaster, PA
Lansing-East Lansing, MI
Clinton, MI
Eaton, MI
Ingham, MI
Laredo, TX
Webb, TX
Las Cruces, NM
Dona Ana, NM
Las Vegas, NV
Clark, NV
Lawrence, KS
Douglas, KS
Lawton, OK
Comanche, Ok
Lewiston-Auburn, ME
Androscoggin, ME
Lexington-Fayettee, KY
Bourbon, KY
Clark, KY
Fayette, KY
Jessamine, KY
Scott, KY
Woodford, KY
Lima, OH
Allen, OH
Auglaize, OH
Lincoln, NE
Lancaster, NE
Little Rock-North Little Rock, AR
Faulkner, AR
Lonoke, AR
Pulaski, AR
Saline, AR
Longview-Marshall, TX
Gregg, TX
Harrison, TX
Lorain-Elyria, OH
Lorain, OH
Los Angeles-Long Beach, CA
Los Angeles, CA
Louisvile, KY–IN
Clark, IN
Floyd, IN
Harrison, IN
Bullitt, KY
Jefferson, KY
Oldham, KY
Shelby, KY
Lubbock, TX
Lubbock, TX
Lynchburg, VA
Amherst, VA
Campbell, VA
Lynchburg City, VA
Macon-Warner Robins, GA
Bibb, GA
Houston, GA
Jones, GA
Peach, GA
Madison, WI
Dane, WI
Manchester-Nashua, NH
Hillsboro, NH
Mansfield, OH
Richland, OH
Mayaguez, PR
Anasco
Cabo Rojo
Hormigueros
Mayaquez
San German

McAllen-Edinburg-Mission, TX
Hidalgo, TX
Medford, OR
Jackson, OR
Melbourne-Titusville-Palm Bay, FL
Brevard, FL
Memphis, TN–AR–MS
Crittenden, AR
De Soto, MS
Shelby, TN
Tipton, TN
Miami-Hialeah, FL
Dade, FL
Middlesex-Somerset-Hunterdon, NJ
Hunterdon, NJ
Middlesex, NJ
Somerset, NJ
Midland, TX
Midland, TX
Milwaukee, WI
Milwaukee, WI
Ozaukee, WI
Washington, WI
Waukesha, WI
Minneapolis-St Paul, MN–WI
Anoka, MN
Carver, MN
Chisago, MN
Dakota, MN
Hennepin, MN
Isanti, MN
Ramsey, MN
Scott, MN
Washington, MN
Wright, MN
St Croix, WI
Mobile, AL
Baldwin, AL
Mobile, AL
Modesto, CA
Stanislaus, CA
Monmouth-Ocean, NJ
Monmouth, NJ
Ocean, NJ
Monore, LA
Ouachita, LA
Montgomery, AL
Autauga, AL
Elmore, AL
Montgomery, AL
Muncie, IN
Delware, IN
Muskegon, MI
Muskegon, MI
Nashville, TN
Cheatham, TN
Davidson, TN
Dickson, TN
Robertson, TN
Rutherford, TN
Sumner, TN
Williamson, TN
Wilson, TN
Nassau-Suffolk, NY
Nassau, NY
Suffolk, NY
New Bedford-Fall River-Attleboro, MA
Bristol, MA
New Haven-Waterbury-Meriden, CT
New Haven, CT
New London-Norwich, CT
New London, CT
New Orleans, LA
Jefferson, LA
Orleans, LA
St Bernard, LA
St Charles, LA
St John The Baptist, LA
St Tammany, LA
New York, NY
Bronx, NY
Kings, NY
New York City, NY
Putnam, NY
Queens, NY
Richmond, NY
Rockland, NY
Westchester, NY
Newark, NJ
Essex, NJ
Morris, NJ
Sussex, NJ
Union, NJ
Niagara Falls, NY
Niagara, NY
Norfolk-Virginia Beach-Newport News, VA
Chesapeake City, VA
Gloucester, VA
Hampton City, VA
James City, Co, Va
Newport News City, VA
Norfolk City, VA
Poquoson, VA
Portsmouth City, VA
Suffolk City, VA
Virginia Beach City, VA
Williamsburg City, VA
York, VA
Oakland, CA
Alameda, CA
Contra Costa, CA
Ocala, FL
Marion, FL
Odessa, TX
Ector, TX
Oklahoma City, Ok
Canadian, OK
Cleveland, OK
Logan, OK
McClain, OK
Oklahoma, OK
Pottawatomie, OK
Olympia, WA
Thurston, WA
Omaha, NE–IA
Pottawattamie, IA
Douglas, NE
Sarpy, NE
Washington, NE
Orange County, NY
Orange, NY
Orlando, FL
Orange, FL
Osceola, FL
Seminole, FL
Owensboro, KY
Daviess, KY
Oxnard-Ventura, CA
Ventura, CA
Panama City, FL
Bay, FL
Parkersburg-Marietta, WV–OH
Washington, OH
Wood, WV
Pascagoula, MS
Jackson, MS
Pensacola, FL
Escambia, FL
Santa Rosa, FL
Peoria, IL
Peroria, IL
Tazewell, IL
Woodford, IL
Philadelphia, PA–NJ
Burlington, NJ
Camden, NJ
Gloucester, NJ
Bucks, PA
Chester, PA
Delaware, PA
Montgomery, PA
Philadelphia, PA
Phoenix, AZ
Maricopa, AZ
Pine Bluff, AR
Jefferson, AR
Pittsburgh, PA
Allegheny, PA
Fayette, PA
Washington, PA
Westmoreland, PA
Pittsfield, MA
Berkshire, MA
Ponce, PR
Juano Diaz
Ponce
Portland, ME
Cumberland, ME
Portland, OR
Clackamas, OR
Multnomah, OR
Washington, OR
Yamhill, OR
Portsmouth-Dover-Rochester, NH
Rockingham, NH
Stafford, NH
Poughkeepsie, NY
Dutchess, NY
Providence-Pawtucket-Woonsocket, RI
Bristol, RI
Kent, RI
Providence, RI
Washington, RI
Provo-Orem, UT
Utah, UT
Pueblo, CO
Pueblo, CO
Racine, WI
Racine, WI
Raleigh-Durham, NC
Durham, NC
Franklin, NC
Orange, NC
Wake, NC
Reading, PA
Berks, PA
Redding, CA
Shasta, CA
Reno, NV
Washoe, NV
Richland-Kennewick-Pasco, WA
Benton, WA
Franklin, WA
Richmond-Petersburg, VA
Charles City Co., VA
Chesterfield, VA
Colonial Heights City, VA
Dinwiddie, VA
Goochland, VA
Hanover, VA
Henrico, VA
Hopewell City, VA
New Kent, VA
Petersburg City, VA
Powhatan, VA
Prince George, VA
Richmond City, VA

Riverside-San Bernardino, CA
Riverside, CA
San Bernardino, CA
Roanoke, VA
Botetourt, VA
Roanoke, VA
Roanoke City, VA
Salem City, VA
Rochester, MN
Olmsted, MN
Rochester, NY
Livingston, NY
Monroe, NY
Ontario, NY
Orleans, NY
Wayne, NY
Rockford, IL
Boone, IL
Winnebago, IL
Sacramento, CA
Eldorado, CA
Placer, CA
Sacramento, CA
Yolo, CA
Saginaw-Bay City-Midland, MI
Bay, MI
Midland, MI
Saginaw, MI
St. Cloud, MN
Benton, MN
Sherburne, MN
Stearns, MN
St. Joseph, MO
Buchanan, MO
St. Louis, MO–IL
Monroe, IL
Franklin, MO
Jefferson, MO
St. Charles, MO
St. Louis, MO
St. Louis City, MO
Salem, OR
Marion, OR
Polk, OR
Salinas-Seaside-Monterey, CA
Monterey CA
Salt Lake City-Ogden, UT
Davis, UT
Salt Lake, UT
Weber, UT
San Angelo, TX
Tom Green, TX
San Antonio, TX
Bexar, TX
Comal, TX
Guadalupe, TX
San Diego, CA
San Diego, CA
San Francisco, CA
Marin, CA
San Francisco, CA
San Mateo, CA
San Jose, CA
Santa Clara, CA
San Juan, PR
Bayomon
Canovanas
Santa Barbara-Santa Maria-Lompoc, CA
Santa Barbara, CA
Santa Cruz, CA
Santa Cruz, CA
Santa Rose-Petaluma, CA
Sonoma, CA
Sarasota, FL
Sarasota, FL
Savannah, GA
Chatham, GA
Effingham, GA
Scranton-Wilkes Barre, PA
Columbia, PA
Lackawanna, PA
Luzerne, PA
Monroe, PA
Wyoming, PA
Seattle, WA
King, WA
Snohomish, WA
Sharon, PA
Mercer, PA
Sheboygan, WI
Sheboygan, WI
Sherman-Denison, TX
Grayson, TX
Shreveport, LA
Bossier, LA
Caddo, LA
Sioux City, IA–NE
Woodbury, IA
Dakota, NE
Sioux Falls, SD
Minnehaha, SD
South Bend-Mishawaka, IN
St. Joseph, IN
Spokane, WA
Spokane, WA
Springfield, IL
Menard, IL
Sangamon, IL
Springfield, MO
Christian, MO
Greene, MO
Springfield, MA
Hampden, MA
Hampshire, MA
State College, PA
Centre, PA
Steubenville-Weirton, OH–WV
Jefferson, OH
Brooke, WV
Hancock, WV
Stockton, CA
San Joaquin, CA
Syracuse, NY
Madison, NY
Onondaga, NY
Oswego, NY
Tacoma, WA
Pierce, WA
Tallahasse, FL
Gadsden, FL
Leon, FL
Tampa-St. Petersburg-Clearwater, FL
Hernando, FL
Hillsborough, FL
Pinellas, FL
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Wood, OH
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Mahoning, OH
Trumbull, OH
Yuba City, CA
Sutter, CA
Yuba, CA

**Chart II.—SMSA/NECMA Constituent Counties**

AREAS NO LONGER QUALIFYING AS MSAS

| SMSA area | Constituent counties |
|---|---|
| Rapid City SD | Meade.<br>Pennington. |

AREAS QUALIFYING FOR RECOGNITION AS NEW MSAS

| MSA Area | Constituent counties |
|---|---|
| Anderson SC | Anderson. |
| Arecibo PR | Arecibo Municipio.<br>Camuy Municipio.<br>Hatillo Municipio. |
| Athens GA | Clarke.<br>Jackson.<br>Madison.<br>Oconee. |
| Bellingham WA | Whatcom. |
| Benton Harbor MI | Berrien. |
| Bremerton WA | Kitsap. |
| Casper WY | Natrona. |
| Charlottesville VA | Albermarle.<br>Fluvanna.<br>Greene.<br>Charlottesville City. |
| Chico CA | Butte. |
| Cumberland MD-WV | Allegany (MD).<br>Mineral (WV). |
| Danville VA | Pittsylvania.<br>Danville City. |
| Florence SC | Florence. |
| Fort Walton Beach FL | Okaloosa. |
| Glens Falls NY | Warren.<br>Washington. |
| Hagerstown MD | Washington. |
| Hickory NC | Alexander.<br>Catawba |
| Jacksonville NC | Onslow. |
| Joplin MO | Jasper.<br>Newton |
| Medford OR | Jackson. |
| Newark OH | Licking. |
| Newburgh-Middletown NY | Orange. |
| Ocala FL | Marion. |
| Olympia WA | Thurston. |
| Redding CA | Shasta. |
| Rock Hill SC | York. |
| Salisbury-Concord NC | Cabarrus.<br>Rowan. |
| Sharon PA | Mercer. |
| Sheboygan WI | Sheboygan. |
| State College PA | Centre. |
| Victoria TX | Victoria. |
| Visslia-Tulare-Porterville CA | Tulare. |
| Wausau WI | Marathon. |
| Yuba City CA | Sutter.<br>Yuba. |

NEW MECMAS

| NECMA | Constituent counties |
|---|---|
| Bangor ME | Penobscot. |
| Burlington VT | Chittendon. |
| Portsmouth-Dover-Rochester NH-ME. | Rockingham (NH).<br>Strafford (NH).<br>York (ME). |

REVISED NECMA DEFINITIONS

| NECMA | Constituent counties |
|---|---|
| Boston-Lowell-Brockton-Lawrence-Harverhill MA. | Essex (MA).<br>Middlesex (MA).<br>Norfolk (MA).<br>Suffolk (MA).<br>Plymouth (MA). |

REVISED NECMA DEFINITIONS—Continued

| NECMA | Constituent counties |
|---|---|
| Hartford-New Britian-Bristol CT | Hartford.<br>Middlesex.<br>Tolland. |
| Manchester-Nashua NH | Hillsborough. |
| Portland ME | Cumberland.<br>Sagadahoc. |
| Providence-Warwick-Pawtucket RI | Bristol.<br>Kent.<br>Providence.<br>Washington. |

## III. Proposed Regulations—Clarification of Exception for Newly Established Home Health Agencies

We are proposing to revise the language at 42 CFR 405.460(f)(7) to clarify both our present policy and the intention of the existing language with respect to the exception from cost limits for newly established agencies. Current § 405.460(f)(7) enables a newly established HHA to file a request for an exception from the cost limits if the agency can demonstrate that:

- It has operated as the type of provider for which it was certified for Medicare under present and previous ownership for less than three full years;
- Its variable operating costs are reasonable in relation to its utilization during the fiscal cost reporting year for which the exception is requested; and
- Its fixed operating costs are reasonable in relation to a realistic projection of utilization to be achieved at the end of the provider's second year of operation.

When HHA limits were first established in 1979, there was increasing congressional concern about the rising costs of home health care, in part due to the growing number of agencies entering the market. New HHAs were, in many instances, entering the health care field with little capital investment, and with Medicare becoming the sole payor for home care services. Therefore, we did not believe it was appropriate, or equitable to the established HHAs, to exempt all newly certified HHAs from the limits. We concluded that a blanket exemption would have resulted in an unwarranted competitive advantage for new entrants into the market.

Nonetheless, we did not believe the cost differential created by establishing a new organization should be ignored. Therefore, a new HHA exception was established to grant relief to those new agencies whose higher initial costs of operation can be traced to low utilization associated with entering the health care market without an established referral system.

We believe that, as part of its exception request, a new HHA should be able to demonstrate that it has budgeted for its initial years of operations in cost conscious manner as well as planned for future expansion. For this reason, we made a distinction in the regulations between fixed costs which are generally unaffected by utilization, and variable costs, which should be adjusted for changes in utilization patterns.

Since the implementation of the cost limits, we have received exception requests and telephone inquiries that indicate that these regulations, as presently written, are being misinterpreted by providers and intermediaries. For example, exception requests have been received from agencies that have been providing Medicare equivalent services for years but have only recently become newly certrified under the program.

Under § 405.460(f) as presently written, we intend that providers that are already established agencies will not qualify for the "newly established" exception from the limits, as they have existing contacts in the community. However, they are able to apply for exception under all other provisions of § 405.460(f) that are applicable to home health agencies. We would revise the language in § 405.460(f)(7) to clarify this intent. This clarification would aid providers and intermediaries in determining whether an HHA qualifies for this exception.

## IV. Impact Analyses

### *A. Executive Order 12291*

We expect that implementation of these revised HHA limits would result in Medicare savings of $8 million during the next year in addition to the savings that would result from the limits that are already in place and that would continue to be in place regardless of this proposal. The additional savings would be due to the use of more recent data and incorporating the effects of inflation on HHA operating costs in setting these proposed limits. We have, therefore, determined that the proposed rule does not meet any of the threshold criteria for a major rule under Executive Order 12291.

### *B. Regulatory Flexibility Act*

The Regulatory Flexibility Act requires that an initial regulatory flexibility analysis be prepared if a proposed rule would have a significant impact on a substantial number of small entities. All HHAs are considered small entities under the Regulatory Flexibility Act. Such an analysis must examine regulatory alternatives that minimize

unnecessary burden or otherwise assure that regulations are cost-effective.

The estimate that this proposed rule would save $8 million during the next year is derived from our estimate of the number of home health agencies that will exceed the proposed limit during the year and the amount of incurred costs that would not be reimbursed. We have a detailed data base covering 2,382 agencies, approximately 57 percent of total participating agencies. Of these agencies we estimate that 471 freestanding and 154 hospital-based agencies will exceed these limits. Extrapolating from this sample to the universe of all participating HHAs, we estimate that slightly more than a quarter, or 1,090, of all participating agencies would exceed the limits during the next year.

The average annual Medicare income of participating home health agencies is $410,000. The average annual economic impact of this rule on each affected agency would be about $7,340 or 1.8 percent of its annual Medicare income. However, HHAs vary greatly in the percentage of total income derived from Medicare payments, and in the "worst case," an agency could lose 3 percent or more of its revenues. Since a 3 to 5 percent decrease in Medicare income could have a significant economic impact on an agency, and 1,090 is a substantial number of HHAs, it appears that an initial regulatory flexibility analysis could be required. Therefore, we have prepared this analysis to serve together with the rest of the preamble as a voluntary initial regulatory flexibility analysis.

Other parts of the preamble discuss in detail the basis for setting the limits. In summary, improved data and a revised market basket index have resulted in limits that would yield greater program savings than would result from merely inflating existing limits. Nonetheless, for the most part, these savings are not the result of methodological changes proposed in these regulations. Rather, they result from the requirements of legislation and existing regulations. In addition, an HHA affected by the revised limits can reduce the impact by initiating management improvements to bring its costs down to levels which the majority of HHAs are now able to meet. There also is an exceptions process available to affected providers under 42 CFR 405.460(f). This process allows for adjustment of a provider's limits under certain conditions such as circumstances beyond its control or as a newly established home health agency. Therefore, we conclude that this proposal meets the regulatory standards required by the Regulatory Flexibility Act.

### V. List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (Agreements), End-Stage Renal Disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

## PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

### Subpart D—Principles of Reimbursement for Providers, Outpatient Dialysis and Services by Hospital-Based Physicians

42 CFR Part 405, Subpart D would be amended as set forth below:

1. The authority citation for Subpart D reads as follows:

**Authority:** Secs. 1102, 1814(b), 1815, 1833(a), 1861(v), 1871, 1881, 1886, and 1887 of the Social Security Act as amended (42 U.S.C. 1302, 1395f(b), 1395g, 1395l(a), 1395x(v), 1395hh, 1395rr, 1395ww, and 1395xx).

2. Section 405.460(f)(7) is amended by reprinting the introductory language of paragraph (f) unchanged and revising paragraph (f)(7) to read as follows:

**§ 405.460 Limitations on reimbursable costs.**

* * * * *

(f) *Exceptions.* Limits established under this section may be adjusted upward for a provider under the circumstances specified in paragraphs (f)(1) through (f)(8) of this section, and may be adjusted upward or downward under the circumstances specified in paragraph (f)(9) of this section. An adjustment is made only to the extent the costs are reasonable, attributable to the circumstances specified, separately identified by the provider, and verified by the intermediary.

(7) *Newly established home health agency.* The agency can demonstrate that:

(i) It has provided under present and previous ownership for a period of less than three full years home health care services equivalent to those that would have been covered if the agency had a Medicare provider agreement in effect. Eligibility for an exception under this paragraph ceases with the end of the cost reporting period that begins not more than 24 months after the HHA makes its first visit covered under the Medicare program or its first visit that would have been covered under the Medicare program if the agency had a Medicare provider agreement in effect.

*Example No. 1:* Home Health Agency A had been operating for several years and had been performing only "homemaker" visits. The Medicare provider agreement of HAA A became effective on July 1, 1980 and on that date the agency performed its first skilled nursing visit. Home Health Agency A's first cost reporting period under Medicare ends December 31, 1980. Home Health Agency A qualifies under this paragraph for an exception for the periods ending December 31, 1980, December 31, 1981, and December 31, 1982 because the first Medicare covered visit was performed on July 1, 1980. Prior to that date, the agency only provided "homemaker" visits (not covered by Medicare).

*Example No. 2:* Home Health Agency B began operating on January 1, 1974, providing only homemaker visits. In July 1974, it contracted with an HHA participating in the Medicare program to supply staff that HHA B used to furnish nursing and home health aide visits in addition to homemaker services. Home Health Agency B obtained a Medicare provider agreement effective on March 1, 1980, and its first cost reporting period under Medicare ended February 28, 1981. Home Health Agency B may not qualify under this paragraph as a newly established home health agency because it has been furnishing skilled nursing and home health aide visits (of the type reimbursable by Medicare) under contract since July 1974 (first visit).

(ii) Its variable operating costs were reasonable in relation to its utilization during the year; and

(iii) Its fixed operating costs are reasonable in relation to realistic projection of utilization to be achieved at the end of the provider's second full year (the reporting year containing the 24th month after the start of the provider's first cost reporting period) of operation in the program.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: August 15, 1983.

**Carolyne K. Davis,**

*Administrator, Health Care Financing Administration.*

[FR Doc.84-11550 Filed 5-14-84; 8:45 am]

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**S.J. Res. 244/Pub.L. 98-281**

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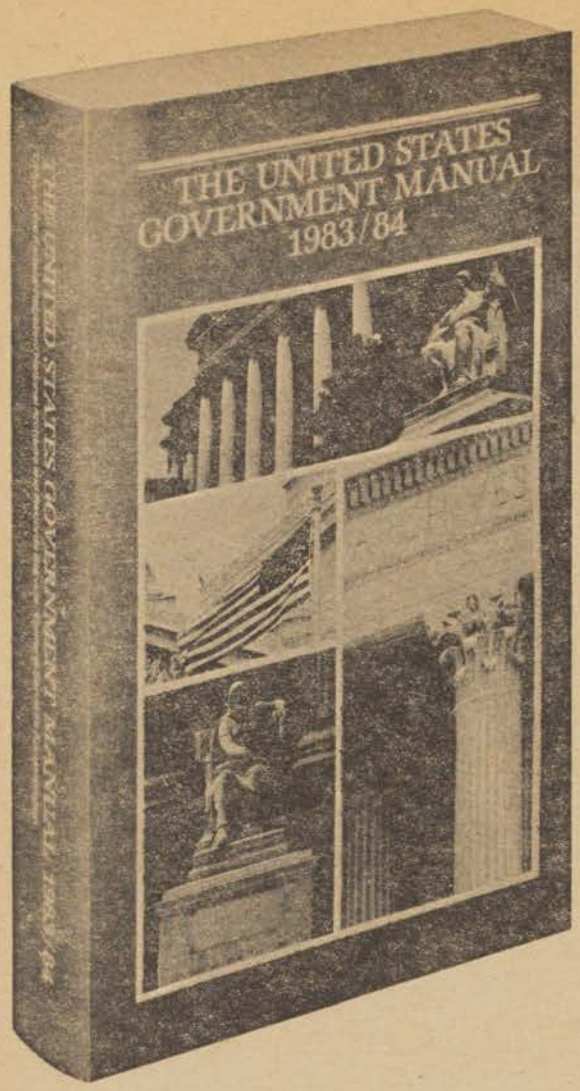


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