

# Federal Register

Thursday  
May 24, 1984

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## Selected Subjects

### Air Pollution Control

Environmental Protection Agency

### Animal Drugs

Food and Drug Administration

### Aviation Safety

Federal Aviation Administration

### Dairy Products

Agency for International Development

### Education

Veterans Administration

### Employment

Wage and Hour Division

### Exports

Commodity Credit Corporation

### Flood Insurance

Federal Emergency Management Agency

### Hazardous Materials Transportation

Research and Special Programs Administration

### Highways and Roads

Federal Highway Administration

### Marine Safety

Coast Guard

### Mortgage Insurance

Housing and Urban Development Department

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## Selected Subjects

### Radio Broadcasting

Federal Communications Commission

### Surface Mining

Surface Mining Reclamation and Enforcement Office

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Federal Communications Commission



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# Presidential Documents

Title 3—

Proclamation 5197 of May 22, 1984

The President

## Year of Excellence in Education

By the President of the United States of America

### A Proclamation

We live in times that are unforgiving of mediocrity, poor citizenship and lack of interest in the world about us. Mankind has rarely faced a period in which preservation of world peace and economic vitality depend more upon the able citizenship of individuals. Our world is becoming smaller each day. Lack of understanding about technological developments or events in even the most remote corners of the globe may affect all our lives.

All Americans are aware of this tremendous responsibility, and we are proud to focus on the need for excellence in education. Every child is a precious resource whose potential should be realized to the fullest. Only informed citizens can preserve our priceless legacy of democracy, individual liberty, and the rule of law.

Our modern technological society is imposing new demands on schools. The report of the National Commission on Excellence in Education and a number of other studies urgently advocate a national effort to revitalize teaching and learning in the 15,800 local school districts and thousands of private schools in our land. Quality education for teachers, recognition of the best in their profession through merit pay, and the restoration of their authority and that of other school officials to maintain respect and discipline in the classroom are essential to guarantee quality education for our Nation's future leaders. We also need to follow a back to basics approach emphasizing fundamental scholastic achievement. Parental and community involvement must be enlarged, and there must be greater participation by business, industries, and individuals. One way to facilitate the involvement of the private sector is to widen the Adopt-a-School and partnership programs that seek to link a company or companies to an individual school.

This same report stated that the declining educational achievement of our schools had left America "a nation at risk." It went on to emphasize that our determination to address this challenge successfully would determine whether America's place in the world will be secured or forfeited.

As a free and democratic people, we depend on the sound judgment of our fellow citizens. Quality education contributes in a major way to that judgment. There are few more important issues before us, for, as Thomas Jefferson once wrote: "I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion."

The Congress, by Senate Joint Resolution 210, has designated the period commencing April 1, 1984, and ending March 31, 1985, as the "Year of Excellence in Education," and has 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 period commencing April 1, 1984, and ending March 31, 1985, as the Year of Excellence in Education. In recognition of the vital role education plays in our Nation, I encourage parents, teachers, admin-



istrators, government officials, and the people of the United States to observe the year with activities aimed at restoring the American educational system to its place of preeminence among nations of the world.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second 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. 84-14096

Filed 5-22-84; 4:10 pm]

Billing code 3195-01-M



# Rules and Regulations

Federal Register

Vol. 49, No. 102

Thursday, May 24, 1984

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

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1497

#### Donation of Dairy Products Overseas

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule will remove the interim rule (47 FR 54285, 7 CFR Part 1497) published by Commodity Credit Corporation (CCC) on December 2, 1982, setting forth the procedures for the donation of dairy products to assist needy persons overseas. Under an agreement with CCC, AID as agent for CCC will perform certain services for CCC in connection with the donation of dairy products overseas. AID's regulation, which replaces CCC's regulation on this subject, appears in this Federal Register in Part III of this issue.

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

#### FOR FURTHER INFORMATION CONTACT:

Mary T. Chambliss, Director, Program Analysis Division, Export Credits, Foreign Agriculture Service, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone: (202) 447-3573.

#### SUPPLEMENTARY INFORMATION:

On December 2, 1982, CCC published an Interim Rule (47 FR 54285, 7 CFR Part 1497) setting forth procedures for the donation of dairy products to assist needy persons overseas under the authority of Section 416 of the Agricultural Act of 1948, as amended (Section 416). On August 9, 1983, a Memorandum of Understanding was entered into between CCC and the Agency for International Development (AID) which provided for the designation of AID as the agent for CCC in performing certain services for CCC

in connection with making dairy products available to needy people overseas under the authority of Section 416. Pursuant to the Memorandum of Understanding, AID has published an Interim Rule which appears in Part III of this Federal Register, setting forth detailed procedures relating to the implementation of the Section 416 foreign donation program. This AID regulation, concurred in by CCC, will now govern the Section 416 foreign donation program. Accordingly, CCC is hereby removing 7 CFR Part 1497.

This rule has been reviewed under USDA procedures required by Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major." It has been determined that this rule 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 geographical regions, or (3) significant adverse effects on competition, employment, investment, productivity innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice, since 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 matter of this rule.

Since the Section 416 foreign donation program will now be implemented pursuant to the AID regulations, 7 CFR Part 1497 no longer serves any functional purpose and is unnecessary. Therefore, CCC finds upon good cause that compliance with the public comment and delayed effectiveness provisions of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest.

#### List of Subjects in 7 CFR Part 1497

Dairy products, Exports, Foreign aid.

Accordingly, Title 7 of the Code of Federal Regulations is amended as follows:

#### PART 1497—[REMOVED]

1. Part 1497 is removed.

**Authority:** Sec. 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431).

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

Richard A. Smith,

*Administrator, Foreign Agricultural Service  
and Vice President of the Commodity Credit Corporation.*

[FR Doc. 84-14006 Filed 5-23-84; 8:45 am]

BILLING CODE 3410-05-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 84-NM-36-AD; Amdt. 39-4872]

#### Airworthiness Directives; Boeing Model 737 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which requires inspection of the auxiliary power unit (APU) feeder cable on certain Boeing 737 aircraft. This action is necessary to detect interference with the elevator control cable which could result in a severed primary control cable. A severed elevator control cable combined with another elevator system failure could result in loss of the airplane.

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

**ADDRESSES:** The referenced service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Carlton Holmes, Airframe Branch, ANM-120S, Federal Aviation Administration, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2926. Mailing Address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68968, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** There have been five reported cases of interference between the elevator control cable and the APU feeder cable, all of which have resulted in abrasion and arcing between the two, leading to cable severance.



Typically, the interference occurs when the APU feeder wire bundle is inadvertently displaced during replacement of the APU generator circuit breaker. Interference between the elevator control cable and the APU feeder cable causes an electrical short which results in arcing and severance of the control cable. This is also a potential fire source.

Loss of the affected elevator down cable results in loss of redundancy and can cause reduced control authority under some jam conditions. Furthermore, cable failures may not be readily detected. Reports indicate that in some instances the crew only detected a slight change in the "feel" of the controls. Since the damage may not be immediately detected, and since the consequence of a damaged or severed control cable, combined with other failures or jams, can result in loss of the airplane, this amendment requires mandatory inspection.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection of the APU feeder cable installation on Boeing Model 737 series airplanes prior to line number 951. A design change equivalent to Boeing Service Bulletin 737-24-1038 is incorporated in production on applicable airplanes beyond production line number 951.

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

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

Aviation safety, Aircraft.

#### Adoption of the Amendment

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

**Boeing:** Applies to Model 737 series airplanes certificated in all categories listed in Boeing Service Bulletin 737-24-1038 dated May 13, 1983, or later FAA approved revisions. To insure continued structural integrity of the elevator control system and to minimize a potential fire hazard, accomplish the following within the next 300 landings or 30 days, whichever occurs first, after the effective date of this AD, unless accomplished since the last removal of the APU generator circuit breaker:

A. Inspect the APU feeder cable on the aft side of Body Station 259.5 for interference

with control cables as specified in Boeing Service Bulletin 737-24-1038 dated May 13, 1983, or later FAA approved revisions.

B. Repair or replace any severed or damaged cables before further flight and insure that APU feeder cable attachments are intact. Relieve any cable interference in accordance with accepted methods prescribed by FAA Advisory Circular AC 43.13-1A, Chapter 11, Section 7, or in accordance with the modification specified by paragraph D, below.

C. Repeat the inspection of paragraph A, above, following each removal of the APU generator circuit breaker, until the modification specified in paragraph D, below, is accomplished.

D. The inspections required by paragraph A may be terminated by installation of the modification specified in Boeing Service Bulletin 737-24-1038 dated May 13, 1983, or later FAA approved revisions.

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

F. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197 and 21.199 with prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective June 4, 1984.

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

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

contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on May 15, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-13895 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 84-NM-35-AD; Amdt. 39-4873]

#### Airworthiness Directives; Boeing Model 767 Airplanes Equipped With CF6 Engines

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new airworthiness directive (AD) applicable to certain Boeing Model 767-200 series airplanes which requires inspection and replacement, as necessary, of the engine fuel feed hose. Leaking hoses have been discovered on several airplanes in service. This action is necessary to detect failed hoses which could cause an engine flame out or engine fire.

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

**ADDRESSES:** The service bulletin specified in this AD may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bernie Gonzalez, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2964. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** Five (5) engine compartment fuel hose failures have been reported on CF6 powered Boeing Model 767-200 airplanes. The hose failures are considered to be the result of alternative positive and negative pressures experienced between engine operation and shutdown. Excessive negative pressures occur on engine shutdown resulting in hose collapse. Repeated shutdown leads to early hose failure.

Since this condition may exist or develop on other airplanes of this type, this AD is necessary to detect and replace the fuel hoses to prevent a possible engine flame out or fire.



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

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

Aviation safety, Aircraft.

#### Adoption of the Amendment

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

**Boeing:** Applies to the Model 767-200 series airplanes equipped with CF6 engines as listed in Boeing Service Bulletin 767-73-11 dated March 28, 1984, or later FAA approved revision, certificated in all categories. Compliance is required as indicated unless previously accomplished. To prevent failure of the engine fuel feed hose and engine flame out or engine nacelle fire, accomplish the following:

A. Within the next 200 landings or 30 days, whichever ever occurs first, after the effective date of this AD, and thereafter at intervals not to exceed 200 landings, inspect and replace, as necessary, the engine fuel feed hose in accordance with Boeing Service Bulletin 767-73-11 dated March 28, 1984, or later FAA approved revision.

**Note.**—It is anticipated that this AD will be amended when a new reinforced hose or equivalent terminating action is available.

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

C. For the purpose of this AD, and when approved by an FAA maintenance inspector, the number of landings may be computed by dividing each airplane's time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

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

This amendment becomes effective June 4, 1984.

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

**Note.**—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an

emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and if this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation/analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **FOR FURTHER INFORMATION CONTACT.**

Issued in Seattle, Washington on May 15, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-13806 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 84-NM-09-AD; Amdt. 39-4869]

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

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

**ACTION:** Final rule.

**SUMMARY:** On January 27, 1984, the FAA issued a telegraphic airworthiness directive (AD), effective upon receipt, to all known operators of McDonnell Douglas DC-9-10 through -50, -80 (if installed), and Military C-9 series airplanes certificated in all categories. This AD required the safety wiring of lateral control mixer shields to adjacent structure and verification of the safety wire installation. This action was prompted by several reports of engine power losses and failure of the main landing gear (MLG) to retract or extend normally as a result of lateral control mixer shields being damaged and jammed against the fuel control valve cables and mixer assembly during gear retraction. This AD is hereby published in the Federal Register to make it effective to all persons.

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

This AD was effective earlier to all recipients of telegraphic AD T84-03-52, dated January 27, 1984. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

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

#### FOR FURTHER INFORMATION CONTACT:

Mr. Michael N. Asahara, Sr., Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2824.

**SUPPLEMENTARY INFORMATION:** On January 27, 1984, the FAA issued a telegraphic airworthiness directive (AD) T84-03-52, applicable to McDonnell Douglas Model DC-9-10 through -50, -80, (if installed), and Military C-9 series airplanes, requiring safety wiring of both lateral control mixer shields to adjacent structure with .032-inch or .040-inch inconel or stainless steel safety wire and verification of the safety wire installation. An alternate means of compliance also was incorporated, which provided the DC-9-80 operators the option of removing the lateral control mixer shields. Three DC-9-80 operators had each reported an incident wherein a right-hand engine power loss occurred as a result of lateral control mixer shield damage caused during gear retraction. During subsequent investigation, it was determined that the mixer shields were not properly secured prior to flight. In all three cases, fuel flow to the right engine was restricted when the damaged right mixer shield impinged on the fire shutoff control cables in the right wheel well. Twenty-one additional cases of shield damage have been reported in 19 years of DC-9 service, some of which resulted in one or more of the following in-flight difficulties:

- Main landing gear did not fully retract following takeoff, main gear unsafe light illuminated.
- Landing gear control was extremely difficult to move, requiring use of alternate gear extension.
- Lateral control stiffness was noted following gear retraction.

Subsequent to the issuance of AD T84-03-52, the FAA, in conjunction with the manufacturer, completed an extensive study to justify the removal of the lateral control mixer shields from all DC-9 and Military C-9 airplanes. The study concluded that removal of the lateral control mixer shield will not degrade the airworthiness or performance of the DC-9 fleet. Therefore, this AD differs from telegraphic AD T84-03-52 by incorporating the optional provision for all DC-9 operators to permanently remove the right and left-hand lateral control mixer shields.

Since a situation existed and still exists that requires immediate adoption of this regulation, it is found that notice



and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

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

Aviation safety, Aircraft.

#### Adoption of the Amendment

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

**McDonnell Douglas:** Applies to McDonnell Douglas Model DC-9 and Military C-9 series airplanes, certificated in all categories. Compliance required as indicated, unless previously accomplished.

To prevent degradation of available roll control, possible loss of an engine at critical flight regime, and/or loss of normal MLG retraction/extension capability, accomplish the following, unless previously accomplished:

A. Within five (5) calendar days after the effective date of this AD:

1. Open left and right inboard MLG doors and install doorkeepers. (See Maintenance Manual, Chapter 32-00, paragraph entitled "General Maintenance Practice.")

2. Locate an area convenient to the secondary latch, P/N 9953874, or bracket, P/N 2919899-1, to install safety wire. Secure lateral control mixer shield assembly to adjacent structure (mixer assembly, P/N 5924667) with .032-inch or .040-inch inonel or stainless steel safety wire and verify the safety wiring installation.

3. Whenever the lateral control mixer shield has been opened, the shield shall, upon closing, be properly secured and safety wired with .032-inch or .040-inch inonel or stainless steel safety wire. The installation of the safety wire shall be verified by a representative of the operator and recorded in the aircraft records prior to further flight.

4. Remove doorkeepers and close left and right MLG doors.

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

**Note.**—Removal of the mixer shields in accordance with McDonnell Douglas Service Bulletin 27-247, dated February 16, 1984, or later revision approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, is an approved alternate means of compliance for the DC-9-10 through -80 and Military C-9 series airplanes.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900

Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective June 4, 1984, and was effective earlier to those recipients of telegraphic AD T84-03-52 dated January 27, 1984.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.39)

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

Issued in Seattle, Washington on May 14, 1984.

**Charles R. Foster,**

*Director, Northwest Mountain Region.*

[FR Doc. 84-13897 Filed 5-23-84; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 510 and 524

#### New Animal Drug Sponsors; Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Neomycin, Hydrocortisone, Tetracaine Ear Ointment

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to remove the entries for a sponsor who no longer holds an approved new animal drug application (NADA) and to remove a sponsor number erroneously inserted for a topical NADA.

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

**FOR FURTHER INFORMATION CONTACT:** David L. Gordon, Center for Veterinary Medicine (formerly Bureau of Veterinary

Medicine) (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

#### SUPPLEMENTARY INFORMATION:

Agricultural Processing Co. is listed in 21 CFR 510.600(c) although the firm is no longer the sponsor of any approved NADA's. The firm was sponsor of NADA's 93-532 and 93-599, approval of both was withdrawn April 6, 1979. Due to the inadvertent error in 21 CFR Part 524, the sponsor entries in Part 510 were not removed. This document amends Part 510 to remove those entries.

In addition, in the March 27, 1975 Federal Register (40 FR 13802), FDA recodified and republished its animal drug regulations. In Part 524 (formerly Part 135a), a sponsor code in § 524.1484(b) was incorrectly redesignated. Before recodification, sponsor Code No. 037 by printer's error was changed to No. 110. During recodification, Code No. 110 was redesignated 011904. This document corrects that error by removing Code No. 011904.

#### List of Subjects

##### 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

##### 21 CFR Part 524

Animal drugs, topical.

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 5.84), Parts 510 and 524 are amended as follows:

#### PART 510—NEW ANIMAL DRUGS

##### § 510.600 [Amended]

1. Part 510 is amended in § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* in paragraph (c)(1) by removing the entry for "Agricultural Processing Co." and in paragraph (c)(2) by removing the entry for "011904."

#### PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

##### § 524.1484d [Amended]

2. Part 524 is amended in § 524.1484d *Neomycin sulfate, hydrocortisone acetate, tetracaine hydrochloride ear ointment* in paragraph (b) by removing the phrase "Nos. 011904 and."

Effective date, May 24, 1984.



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

Dated: May 17, 1984.

William B. Bixler,

Associate Director for Surveillance and Compliance.

[FR Doc. 84-13890 Filed 5-23-84; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 660

#### Defense Access Roads; Revision

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FHWA is amending its regulation which prescribes policies and procedures governing evaluation of defense access roads needs and administration of projects financed under the defense access roads and other defense related special highway programs. The revisions clarify the existing regulation by reflecting organizational changes and eliminating duplicative provisions.

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

#### FOR FURTHER INFORMATION CONTACT:

Thomas O. Edick, Office of Direct Federal Programs, 202-426-0456, or Raymond W. Cuprill, Office of the Chief Counsel, 202-426-0754, 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:** The policies and procedures governing defense access roads needs, evaluations and projects, which are financed by the Department of Defense (DOD) and administered by the FHWA under the authority of 23 U.S.C. 210, are set forth in 23 CFR Part 660, Subpart E. The revisions are being made to eliminate redundancy, to clarify conflicting instructions with respect to the application of Federal-aid procedures and deviations therefrom, and to clarify the duties and responsibilities of the agencies or entities involved in the administration of projects covered by the regulation. The regulation is being revised to: (1) Change its title in order to reflect more accurately the roads covered by its provisions, (2) include routes used by missile transporter-erector vehicles, (3) clarify the duties and responsibilities of the FHWA, the Military Traffic Management Command (MTMC), and the State and local highway agencies with respect to the administration of programs addressed

by the regulation, (4) clarify the design standards and procedures applicable to roads covered by its provisions, and (5) clarify the responsibility for restoring covered roads to a serviceable condition.

#### Summary of Revisions

1. Section 660.501, Purpose, is amended to clarify its language.

2. Sections 660.503, Objectives, and 660.507, Definitions, are amended to clarify the application of the regulations to missile transporter-erector routes.

3. A new § 660.509, General Principles, is added to clarify the responsibility of the State or local highway agency for developing, maintaining, and giving due priority to roads to permanent defense installations, and the assistance of the FHWA, as required by MTMC, in ascertaining State plans. This section also clarifies that if such roads qualify under Federal-aid route criteria, they should be included in the appropriate Federal-aid system.

4. A new § 660.511, Eligibility, is added to clarify that MTMC is the agency responsible for determining eligibility of proposed improvements for financing under the program and that the criteria used to determine eligibility is included in Federal-Aid Highway Program Manual, Volume 6, Chapter 9, Section 5, Attachment 2. Section 660.511 also clarifies that MTMC is responsible for the certification of the project as important to the national defense and for authorizing the expenditure of defense access roads funds.

5. Section 660.511, Standards, is redesignated as § 660.513 and amended to clarify the fact that design standards for defense access roads shall conform to American Association of State Highway and Transportation Officials' standards in such cases where the local highway agency having jurisdiction does not have established standards. In addition, a new paragraph is added to establish standards for access roads to temporary military establishments or for service to workers temporarily engaged in construction of defense installations.

6. Section 660.509, Project Administration, is redesignated as § 660.515 and amended to clarify the duties and responsibilities of the FHWA Division Administrator with respect to the determination of the "best able" agency, the coordination between the selected agency and the State or local highway agency, and obtaining a firm commitment from the State or local highway agency to accept maintenance responsibilities for such roads. This section also clarifies the applicable procedures for the administration of

projects and use of other funding sources in such projects.

7. A new § 660.517, Maneuver Area Roads, is added to clarify the funding procedures applicable to the restoration and condition surveys of roads damaged by military maneuver.

8. Section 660.507, Missile Installation and Facilities, is redesignated as § 660.519 and amended to clarify that contractor's denial of responsibility for damages to public highways as a result of construction activities, must be based on the terms of the contract.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The changes being adopted in this document are primarily technical in nature and provide language clarifications and eliminate duplicative provisions. For these reasons and since the final rule imposes no additional burdens on the States or other Federal agencies, the FHWA finds good cause to make this regulation final without prior notice and opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act. For the same reasons, notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Accordingly, this final rule is effective upon issuance.

Since the changes being adopted in this document are primarily nonsubstantive in nature and merely clarify the existing regulation, the anticipated economic impact, if any, is minimal. Therefore, a full regulatory evaluation is not required.

In consideration of the foregoing and under the authority of 23 U.S.C. 210 and 315, and 49 CFR 1.48(b), the FHWA hereby revises Part 660, Subpart E of Chapter I of Title 23, Code of Federal Regulations, to read as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

#### List of Subjects in 23 CFR Part 660

Government contracts, Highways and roads, National defense.



Issued: May 15, 1984.

R. D. Morgan,

Executive Director, Federal Highway Administration.

## PART 660—SPECIAL PROGRAMS (DIRECT FEDERAL)

### Subpart E—Defense Access Roads

Sec.

- 660.501 Purpose.
- 660.503 Objectives.
- 660.505 Scope.
- 660.507 Definitions.
- 660.509 General principles.
- 660.511 Eligibility.
- 660.513 Standards.
- 660.515 Project administration.
- 660.517 Maneuver area roads.
- 660.519 Missile installations and facilities.

Authority: 23 U.S.C. 210, 315; 49 CFR 1.48(b).

#### § 660.501 Purpose.

The purpose of this regulation is to prescribe policies and procedures governing evaluations of defense access road needs, and administration of projects financed under the defense access roads and other defense related special highway programs.

#### § 660.503 Objectives.

The defense access roads program provides a means by which the Federal Government may pay its fair share of the cost of:

- (a) Highway improvements needed for adequate highway service to defense and defense related installations;
- (b) New highways to replace those which must be closed to permit establishment or expansion of defense installations;
- (c) Repair of damage to highways caused by major military maneuvers;
- (d) Repair of damages due to the activities of contractors engaged in the construction of missile sites; and
- (e) Missile routes to ensure their continued ability to support the missile transporter-erector (TE) vehicle.

#### § 660.505 Scope.

This regulation focuses on procedures as they apply to the defense access roads and other special highway programs of the Department of Defense (DOD).

#### § 660.507 Definitions.

(a) *Defense installation.* A military reservation or installation, or defense related industry or source of raw materials.

(b) *Military Traffic Management Command (MTMC).* The military transportation agency with responsibilities assigned by the Secretary of Defense for maintaining

liaison with the Federal Highway Administration (FHWA) and other agencies for the integration of defense needs into the Nation's highway program.

(c) *Certification.* The statement to the Secretary of Transportation by the Secretary of Defense (or such other official as the President may designate) that certain roads are important to the national defense.

(d) *Access road.* An existing or proposed public highway which is needed to provide essential highway transportation services to a defense installation. (This definition may include public highways through military installations only when right-of-way for such roads is dedicated to public use and the roads are maintained by civil authority.)

(e) *Replacement road.* A public road constructed to replace one closed by establishment of a new, or the expansion of an old, defense installation.

(f) *Maneuver area road.* A public road in an area delineated by official orders for field maneuvers or exercises of military forces.

(g) *Transporter-erector route.* A public road specifically designated for use by the TE vehicle for access to missile sites.

#### § 660.509 General principles.

(a) State and local highway agencies are expected to assume the same responsibility for developing and maintaining adequate highways to permanent defense installations as they do for highways serving private industrial establishments or any other permanent traffic generators. The Federal Government expects that highway improvements in the vicinity of defense installations will receive due priority consideration and treatment as State and local agencies develop their programs of improvement. The FHWA will provide assistance, as requested by MTMC, to ascertain State program plans for improvements to roads serving as access to defense installations. Roads which serve permanent defense installations and which qualify under established criteria as Federal-aid routes should be included in the appropriate Federal-aid system.

(b) It is recognized that problems may arise in connection with the establishment, expansion, or operation of defense installations which create an unanticipated impact upon the long-range requirements for the development of highways in the vicinity. These problems can be resolved equitably only by Federal assistance from other than normal Federal-aid highway programs for part or all of the cost of highway

improvements necessary for the functioning of the installation.

#### § 660.511 Eligibility.

(a) The MTMC has the responsibility for determining the eligibility of proposed improvements for financing with defense access roads funds. The evaluation report will be furnished to MTMC for its use in making the determination of eligibility and certification of importance to the national defense. The criteria upon which MTMC will base its determination of eligibility are included in the Federal-Aid Highway Program Manual, Volume 6, Chapter 9, Section 5, Attachment 2.<sup>1</sup>

(b) If the project is determined to be eligible for financing either in whole or in part with defense access road funds, MTMC will certify the project as important to the national defense and will authorize expenditure of defense access road funds. The Commander, MTMC, is the only representative of the DOD officially authorized to make the certification required by section 210, title 23, U.S.C., in behalf of the Secretary of Defense.

#### § 660.513 Standards.

(a) Access roads to permanent defense installations and all replacement roads shall be designed to conform to the same standards as the agency having jurisdiction is currently using for other comparable highways under similar conditions in the area. In general, where the agency having jurisdiction does not have established standards, the design shall conform to American Association of State Highway and Transportation Officials (AASHTO) standards. Should local agencies desire higher standards than are currently being used for other comparable highways under similar conditions in the area, they shall finance the increases in cost.

(b) Access roads to temporary military establishments or for service to workers temporarily engaged in construction of defense installations should be designed to the minimum standards necessary to provide service for a limited period without intolerable congestion and hazard. As a guide, widening to more than two lanes generally will not be undertaken to accommodate anticipated one-way, peak-hour traffic of less than 1,200 vehicles per hour and resurfacing or strengthening of existing pavements will be held to the minimum type having the

<sup>1</sup> This document is available for inspection and copying from the FHWA headquarters and field offices as prescribed by 49 CFR Part 7, Appendix D.



structural integrity to carry traffic for the short period of anticipated use.

#### § 660.515 Project administration.

(a) Determination of the agency best able to accomplish the location, design, and construction of the projects covered by this regulation will be made by the FHWA Division Administrator after consultation with the State and/or local highway agency within whose jurisdiction the highway lies. When an agency other than the State or local highway agency is selected to administer the project, the Division Administrator will be responsible during the life of the project for any necessary coordination between the selected agency and the State or local highway agency.

(b) Defense access road projects under the supervision of a State or local highway agency, whether on or off the Federal-aid system, shall be administered in accordance with Federal-aid procedures, as modified specifically herein or as limited by the delegations of authority to Regional and Division Administrators, unless approval of other procedures has been obtained from Washington Headquarters Office of Direct Federal Programs (HDF-1).

(c) The Division Administrator shall have a firm commitment from the State or local highway agency, within whose jurisdiction the access road lies, that it will accept the responsibility for maintenance of the completed facility before authorization of acquisition of right-of-way or construction of a project.

(d) When defense access road funds are available for a pro-rata portion of the total project cost, the remaining portion of the project may be funded as a Federal-aid project if on a Federal-aid route. Defense access road funds shall not be substituted for the State's matching share of the Federal-aid portion of a project.

#### § 660.517 Maneuver area roads.

(a) Claims by a highway agency for costs incurred to restore, to their former condition, roads damaged by maneuvers involving a military force at least equal in strength to a ground division or an air wing will be paid from funds appropriated for the maneuver and transferred to FHWA by the DOD agency. Defense access road funds may be used to reimburse the highway authority pending transfer of funds by the DOD agency.

(b) Costs incurred by State or local highway authorities while conducting a pre- or post-condition survey may be included in the claim to DOD for direct

settlement or in the damage repair project as appropriate.

#### § 660.519 Missile installations and facilities.

Should damage occur to public highways as a result of construction activities, the contractor would normally be held responsible for restoring the damages. However, should the contractor deny responsibility on the basis of contract terms, restoration is provided for under 23 U.S.C. 210(h).

(a) *Restoration under the contract.* (1) The highway agency having jurisdiction over the road shall take appropriate actions, such as load and speed restrictions, to protect the highway. When extensive damage is anticipated and the contractor under the terms of the contract is responsible, it may be necessary to require a performance bond to assure restoration.

(2) If the contractor does not properly maintain the roads when requested in writing, the highway agency having jurisdiction over the road shall perform extraordinary maintenance as necessary to keep the roads serviceable and maintain adequate supporting records of the work performed. Claims shall be presented to the contractor for this extraordinary maintenance and any other work required to restore the roads. If the contractor denies responsibility on the basis of the contract terms, the claim with the required supporting documentation shall be presented to the contracting officer for disposition and arrangement for reimbursement.

(b) *Restoration under 23 U.S.C. 210(h).* (1) To implement 23 U.S.C. 210(h), DOD must make the determination that a contractor for a missile installation or facility did not include in the bid the cost of repairing damage caused to public highways by the operation of the contractor's vehicles and equipment. The FHWA must then make the determination that the State highway agency is, or has been, unable to prevent such damage by restrictions upon the use of the highways without interference with, or delay in, the completion of the contract. If these determinations are made, the Division Administrator will be authorized by the Washington Headquarters to reimburse the highway agency for the cost of the work necessary to keep the roads in a serviceable condition.

(2) Upon receipt of a damage claim, division office representatives accompanied by representatives of the agencies that made the original condition survey will inspect the roads on which damage is claimed. The Division Administrator shall then prepare an estimate of the cost of

restoring the roads to original condition as well as any documented cost for extraordinary maintenance for which reimbursement has not been received. No allowance for upgrading the roads shall be included.

[FR Doc. 84-13922 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 904

#### Extension of Deadline for Submission of Program; Amendments to the Arkansas Permanent Program

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

**ACTION:** Final rule.

**SUMMARY:** OSM is announcing its decision to extend the deadline for Arkansas to (1) promulgate rules governing the training, examination and certification of blasters and (2) to develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation. On March 9, 1984 Arkansas requested an extension of time of 120 days for the development of a blaster certification program. All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) are required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause. In accordance with the State's request, the Director is granting the State a 120 day extension of time or until July 8, 1984, to submit a proposed blaster certification program.

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

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Markey, Director, Tulsa Field Office, Office of Surface, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103; Telephone: (918) 745-7927.

**SUPPLEMENTARY INFORMATION:** On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with



an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of Arkansas' program, the applicable date is 12 months after publication date of OSM's rule, or March 4, 1984.

On March 9, 1984, Arkansas advised OSM that it would be unable to meet the March 4, 1984 deadline and requested an additional 120 days to develop and adopt a blaster certification program.

The March 9, 1984, letter from the Arkansas Department of Pollution Control and Ecology advised OSM that it would require additional time in order to work out procedures for the development of the program with the Arkansas Department of Labor which presently certifies Arkansas blasters. The State indicated a need for additional time to complete these tasks so as to develop an adequate program consistent with the requirements of 30 CFR Part 850.

In the April 3, 1984 *Federal Register* (49 FR 13157), OSM proposed a 120 day extension for Arkansas to submit to OSM a proposed blaster training program. Public comment on this proposal was sought for 30 days ending May 3, 1984. No public comments were received.

#### Director's Determination

In accordance with the State's request, the Director has decided to extend the deadline for Arkansas to submit a proposed blaster training program until July 8, 1984. This extension will allow Arkansas to develop an instructional program and resolve certain procedural areas so that the Arkansas program will be consistent with the requirements of 30 CFR Part 850.

#### I. 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 904

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

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

Dated: May 18, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

#### PART 904—ARKANSAS

30 CFR Part 904 is amended by adding a new subsection 904.16 to read as follows:

##### § 904.16 Required program amendments.

Pursuant to 30 CFR 732.17, Arkansas is required to submit for OSM's approval the following proposed program amendments by the dates specified. By July 8, 1984, Arkansas shall submit for OSM's approval—

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

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

[FR Doc. 84-13984 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-05-M

#### 30 CFR Part 917

##### Extension of Deadline for Submission of Program Amendments to the Kentucky Permanent Program

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

ACTION: Final rule.

SUMMARY: OSM is announcing its decision to extend the deadline for Kentucky to (1) promulgate rules governing the training, examination and

certification of blasters and (2) to develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation. On January 20, 1984 Kentucky requested a twelve month extension of time for the development of a blaster certification program. Subsequently, the State modified its extension request to nine months or until December 4, 1984. All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) are required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause. In accordance with the State's request, the Director is granting the State a nine month extension of time to submit a proposed blaster certification program.

EFFECTIVE DATE: May 24, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. W. H. Tipton, Director, Lexington Field Office, Office of Surface, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504; Telephone: (606) 233-7327.

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

On January 20, 1984, Kentucky advised OSM that it would be unable to meet the March 4, 1984 deadline and requested an additional twelve months to develop and adopt a blaster certification program. Subsequently, the State modified its extension request to nine months.

The January 20, 1984, letter from the Natural Resources and Environmental Protection Cabinet advised OSM that it would require additional time in order to work out procedures with the Kentucky



Department of Mines and Minerals which presently certifies Kentucky blasters. The State indicated a need for additional time to complete these tasks so as to develop an adequate program consistent with the requirements of 30 CFR Part 850.

In the March 28, 1984 Federal Register (49 FR 11852), OSM proposed a nine month extension for Kentucky to submit to OSM a proposed blaster training program. Public comment on this proposal was sought for 30 days ending April 26, 1984. Public comments are addressed under section VI of this notice.

#### Director's Determination

In accordance with the State's request, the Director has decided to extend the deadline for Kentucky to submit a proposed blaster training program until December 4, 1984. This extension will allow Kentucky to develop an instructional program and resolve certain procedural areas so that the Kentucky program will be consistent with the requirements of 30 CFR Part 850.

#### I. Public Comment

In response to the public comment period announced by OSM in the March 28, 1984 Federal Register, one public comment was received.

The Appalachian Research and Defense Fund of Kentucky, Inc. (ARDFK) (KY-574) comments that it objects strongly to a one year extension. The commenter believes that Kentucky in the past has certified unqualified blasters and any extension will result in a delay in the implementation of the blaster training and certification program which has the potential for serious human and environmental impacts.

The Director believes that Kentucky's request for a nine month extension is reasonable and will provide the State with the additional time it needs to resolve certain procedural aspects of its program between two distinct areas of authority within the State. The State's approved program contains certain blasting provisions designed to minimize the environmental effects of blasting and protect the public. OSM will continue to monitor, through oversight activities, compliance with such performance standards.

#### II. 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 917

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

#### PART 917—KENTUCKY

30 CFR Part 917 is amended by adding a new § 917.16 to read as follows:

##### § 917.16 Required program amendments.

Pursuant to 30 CFR 732.17, Kentucky is required to submit for OSM's approval the following proposed program amendments by the dates specified. By December 4, 1984, Kentucky shall submit for OSM's approval—

(a) rules governing the training, examination and certification of blasters; and

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

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

**Dated:** May 18, 1984.

**J. Lisle Reed,**

*Acting Director, Office of Surface Mining.*

[FR Doc. 84-13983 Filed 5-23-84; 8:45 am]

**BILLING CODE 4310-05-M**

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

##### 33 CFR Part 165

[COTP, NOLA, Reg. No. 84-06]

#### Safety Zone Regulations; Japan Week Fireworks Display on the Mississippi River in New Orleans

**AGENCY:** Coast Guard, DOT.

**ACTION:** Emergency rule making.

**SUMMARY:** The Coast Guard Captain of the Port, New Orleans, is establishing a Safety Zone on the Mississippi River in New Orleans. This Zone will be located in the vicinity of the Poydras Street Passenger Terminal at Lower Mississippi River (LMR) mile 95.1, Above Head of Passes (AHOP). It is being established to allow for a fireworks display to be held in conjunction with the Louisiana World Exposition's celebration of Japan Week. This Safety Zone will extend from a line drawn perpendicular to the Mississippi River at the upriver edge of the Canal Street Ferry landing (approx. LMR mile 94.9, AHOP) to a line drawn perpendicular to the Mississippi River at the Julia Street Terminal of the Mississippi Aerial River Transit (MART) system (approx. LMR mile 95.3, AHOP). During its effective times, this Safety Zone will be closed to all marine traffic.

**DATES:** This regulation becomes effective at 9:30 p.m. on 3 June 1984 and terminates at 11:00 p.m. that day.

**ADDRESS:** Comments should be mailed to Coast Guard Captain of the Port, New Orleans, Attention: Waterways Safety Office, 4640 Urquhart Street, New Orleans, LA 70117. Normal office hours are between 7:00 a.m. and 3:30 p.m. Monday through Friday, except holidays. Comments may also be hand delivered to this address. Copies of all written comments received will be available for examination and copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** LCDR Richard E. Ford at (504) 589-7117, or ENS Peyton Coleman at (504) 589-7108.

**SUPPLEMENTARY INFORMATION:** Preliminary plans for this fireworks display were presented by representatives of the Louisiana World Exposition and the Japan Pavilion at a meeting held in the Exposition's offices on 4 April 1984. Representatives of the following agencies and organizations were present for this meeting: The Captain of the Port, New Orleans (COTP), The Board of Commissioners



for the Port of New Orleans (Dock Board), The New Orleans Steamship Association, The Crescent River Port Pilots Assoc., and The Louisiana World Exposition. Discussions at this meeting centered on the feasibility of such a display and its possible effects on navigation on the Mississippi River. Plans were then made to convene a future meeting to consider a formal proposal for the display. Representatives of the Japan Pavilion and the Louisiana World Exposition convened this second meeting on 3 May 1984. Participants at this meeting included representatives of: The COTP, The Dock Board, The New Orleans Harbor Police, The New Orleans Steamship Assoc., The Crescent River Port Pilots Assoc., The New Orleans-Baton Rouge Steamship Pilots Assoc., and The Federal Coast Pilots of Louisiana. Discussions at this meeting centered on possible times and dates for conducting the display. Based on a consensus as to the most acceptable date and times for the display, Mr. Naohito Murata, the Director General of the Japan Pavilion, made written application to the COTP on 4 May 1984 to close the Mississippi River to navigation and permit the display to take place on 3 June 1984 between the hours of 9:30 p.m. and 11:00 p.m. The COTP decided to permit this display and notified all of the affected interests by telephone of this decision on 4 May 1984.

A notice of proposed rule making was not published for this regulation because following normal rulemaking procedures would have been impracticable. Firm plans for this display were not made until 3 May 1984, and there was not sufficient time remaining to publish a proposal in advance of the event for which this regulation is needed. Although this Regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESSES" in this preamble. Commenters should include their names and addresses, identify the docket number for the regulation, and give reasons for their comments. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. Based upon comments received, the regulation may be changed.

#### Drafting Information

The drafters of these rules are LCDR Richard E. Ford, Project Officer, COTP

New Orleans, and LCDR R. W. Bruce, Project Attorney, Eighth Coast Guard District Legal Office.

#### Discussion

The Louisiana World Exposition (or World's Fair as it is frequently referred to) is a major international event located along the Mississippi River in New Orleans. Because of its location and its theme, "Fresh Water as a Source of Life," many of its activities center on the river. As a major participant in this Exposition, Japan has constructed a multi-million dollar pavilion to represent it and has enthusiastically supported the Exposition and its events from the outset. In conjunction with this participation, Japan has offered to conduct a fireworks display on the Mississippi River in front of the Exposition as part of the Exposition's honorary "Japan Week" celebration. This display will consist of numerous aerial incendiary bursts, flares, and detonations, which will originate from a barge held midstream on the Mississippi River by a towboat.

The Louisiana World Exposition endorsed the Japanese offer and made preliminary inquiries concerning its feasibility by meeting with various government and industry representatives on April 4, 1984. As a result of these preliminary discussions, it was determined that, if the display were permitted, navigation on the Mississippi River would have to be curtailed for its duration. This was because of the extensive burst diameters of the fireworks involved (60 to 300 meters), their accompanying large diameter safety zones (120 to 600 meters), and the surface width of the Mississippi River at the display location (700 meters). The Captain of the Port, New Orleans, determined that, because of their large size and obvious fire hazard potential, these fireworks represented an extreme hazard to navigation, and decided to establish a Safety Zone around the display and curtail all navigation within it in order to preclude accidents.

#### Economic Assessment and Certification

This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). This regulation will result in minor delays to some shipping interests using the Mississippi River, possibly causing them to incur minimal additional expenses for such items as wharf fees. However, it will have a beneficial economic impact on the Louisiana World Exposition and the tourist industry in New Orleans in

that visitors will be attracted by the display. Based upon this assessment it is certified in accordance with section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant adverse economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

#### PART 165—[AMENDED]

##### Final Regulations

In consideration of the foregoing, the Coast Guard is amending Part 165 of Title 33, Code of Federal Regulations, by adding § 165.T818 to read as follows:

#### § 165.T818 Safety Zone; Japan Week Fireworks Display on the Mississippi River in New Orleans.

(a) That portion of the Mississippi River encompassed between a line drawn perpendicular to the river at the upriver edge of the Canal St. Ferry landing (approx. LMR mile 94.9, AHOP) to a line drawn perpendicular to the river at the Julia St. terminal of the Mississippi Aerial River Transit (MART) system (approx. LMR mile 95.3 AHOP) is a Safety Zone.

(b) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, vessels may not enter into, or operate within, this zone unless authorized by the Captain of the Port.

(2) This Safety Zone will be closed to all marine traffic between the hours of 9:30 p.m. and 11:00 p.m. on June 3, 1984. The prohibition against vessels entering or operating within this zone will commence and end promptly at the stated times.

(3) At his discretion, the Captain of the Port, New Orleans, may terminate this safety zone at any time during the dates and times provided for.

[33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3]

Dated: May 9, 1984.

John L. Bailey,  
Captain, U.S. Coast Guard, Captain of the Port, New Orleans.

[FR Doc. 84-13964 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-14-M



**33 CFR Part 165**

[COTP, Memphis, TN, Reg. 84-01]

**Safety Zone Regulations; Mississippi River Mile 734 to Mile 737****AGENCY:** Coast Guard, DOT.**ACTION:** Emergency rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Mississippi River between Mile 734 to Mile 737. The zone is needed due to an air show by the Air Force Thunderbirds and fireworks in conjunction with the Memphis in May Festival and the Cotton Carnival. Certain safety precautions are required to reduce and mitigate the possibility of human injury or death, as well as the possibility of damage to, or loss of property, and to protect the marine environment. Entry into this zone is prohibited unless authorized by the Captain of the Port, Memphis, TN.

**EFFECTIVE DATES:** This safety zone will be established on four separate occasions. The first safety zone becomes effective at 2000 (CDT) on May 5, 1984 and will remain in effect until 2115 (CDT) May 5, 1984. The second safety zone becomes effective at 0700 (CDT) on May 25, 1984 and will remain in effect until 0930 (CDT) May 25, 1984. The third safety zone becomes effective at 1230 (CDT) on May 26, 1984 and will remain in effect until 1500 (CDT) May 26, 1984. The fourth safety zone becomes effective at 2045 (CDT) on June 2, 1984 and will remain in effect until 2230 (CDT) June 2, 1984. In case of rain the fourth safety zone will be delayed and become effective for the same times on June 3, 1984. The times of the safety zones will be strictly adhered to unless sooner terminated by the Captain of the Port, Memphis, TN.

**FOR FURTHER INFORMATION CONTACT:** Commander R. J. O'Pezio, Captain of the Port, Memphis, TN, Marine Safety Office, 100 N. Main St., Suite 1134, Memphis, TN 38103, Telephone (901) 521-3941.

**SUPPLEMENTARY INFORMATION:** A notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent a potential hazard to the river involved.

**Drafting Information**

The drafter of this regulation is Ens. Scott J. Ferguson, Project Officer for the Captain of the Port.

**Discussion of Regulation**

The events requiring this regulation are overflights by the Air Force Thunderbirds between the Hernando Desoto Bridge and the Memphis-Arkansas Highway Bridge and a fireworks display on the Memphis waterfront. These events are in conjunction with the Memphis in May Festival and the Cotton Carnival. Subject regulations are felt necessary to ensure the protection of life and property in the area during the event.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

**Regulation**

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new section to read as follows:

**§ 165.T0205 Safety Zone: Mississippi River, Mile 734 to Mile 737.**

(a) *Location.* The following area is a safety zone: All the waters of the Mississippi River from Mile 734 to Mile 737, including that between the Hernando Desoto Bridge and the Memphis-Arkansas Highway Bridge.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited, unless authorized by the Captain of the Port, Memphis, TN, or his representative. Coast Guard authority may be contacted for instructions by telephoning the Captain of the Port, Memphis, TN at (901) 521-3941.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: April 18, 1984.

R. J. O'Pezio,

Commander, U.S. Coast Guard, Captain of the Port, Memphis, Tennessee.

[FR Doc. 84-13965 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-14-M

**FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 65**

[Docket No. FEMA-6602]

**Changes in Special Flood Hazard Areas Under the National Flood Insurance Program**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Interim rule.

**SUMMARY:** This rule lists those communities where modification of the base (100-year) flood elevations is

appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) flood elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

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

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

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

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

**SUPPLEMENTARY INFORMATION:** The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

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

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

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



for participation in the National Flood Insurance Program.

These elevations, together with the flood plain management measures required by 60.3 of the program regulations, are the minimum that are § 65.4 [Amended]

required. They should not be construed to mean the community must change

any existing ordinances that are more stringent in their flood plain

management requirements. The community may at any time enact

stricter requirements on its own, or

pursuant to policies established by other Federal, State, or regional entities.

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

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Arizona: Maricopa	Glendale (city of)	<i>Glendale Star</i> , June 6, 1984 and June 13, 1984.	Hon. George R. Renner, Mayor, city of Glendale, 7022 North 58th Drive, Glendale, Arizona.		040045C
Arizona: Maricopa	Phoenix (city of)	<i>Arizona Business Gazette</i> , June 4, 1984 and June 11, 1984.	Hon. Terry Goddard, Mayor, city of Phoenix, 251 West Washington, Phoenix, Arizona.		040051B
Louisiana: Orleans Parish	City of New Orleans	<i>The Times-Picayune</i> , May 23, 1984 and May 30, 1984.	Hon. Errol G. Williams, Chief Administrator of the city of Orleans and Orleans Parish, Room 9E 01, 1300 Perdido, New Orleans, Louisiana 70112.	May 9, 1984, Letter of Map Revision.	225203E
Maryland: Montgomery		<i>Montgomery Journal</i> , Apr. 19, 1984 and Apr. 26, 1984.	Hon. Charles W. Gilchrist, Montgomery County Executive, Executive Office Building, Rockville, Maryland 20850.	Apr. 12, 1984	240049
Oklahoma: Tulsa and Wagoner Counties	City of Broken Arrow	<i>Broken Arrow Daily Ledger</i> , May 14, 1984 and May 21, 1984.	Hon. Nick Hood, Mayor of the city of Broken Arrow, City Hall, P.O. Box 610, Broken Arrow, Oklahoma 74013.	May 9, 1984, Letter of Map Revision.	400236C
Pennsylvania: Chester	Township of Caln	<i>The Coatesville Record</i> , May 23, 1984 and May 30, 1984.	Hon. Thomas Zalewski, Township Manager of Caln, P.O. Box 149, Caln, Pennsylvania 19372.	May 15, 1984, Letter of Map Revision.	422247B
Texas: Dallas, Denton, and Collin	City of Carrollton	<i>Carrollton Chronicle</i> , Mar. 29, 1984 and Apr. 5, 1984.	Hon. Laddie Taylor, Mayor of the city of Carrollton, P.O. Box 110488, Carrollton, Texas 75011.	Mar. 21, 1984, Letter of Map Revision.	480167C

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

#### List of Subjects in 44 CFR Part 65

##### Flood insurance, Flood plains.

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

Issued: May 16, 1984.

Jeffrey S. Bragg,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 84-13927 Filed 5-23-84; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 67

##### Final Flood Elevation Determinations

AGENCY: Federal Emergency  
Management Agency.

#### ACTION: Final rule.

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

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

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

**ADDRESSES:** See table below.

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

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

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

The agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

The base (100-year) flood elevations are finalized in the communities listed below. Any appeals of the proposed or proposed modified base flood elevations which were received have been resolved by the agency.



State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Georgia	Unincorporated areas of Gwinnett County (Docket No. FEMA-6586)	Chattahoochee	Approximately 1.52 miles upstream of confluence of Richland Creek. Approximately 2 miles upstream of confluence of Richland Creek.	*920 *920
Maps available for inspection at the Planning Office, 240 Oak Street, Lawrenceville, Georgia.				
New York	Rye, city, Westchester County (FEMA Docket No. 6581).	Long Island Sound	Eastern shoreline of North Manursing Island Manursing Way extended, east Oakland Beach Parsonage Point Milton Point Crane Island	*19 *18 *18 *18 *18 *18
Maps available for inspection at the City Hall, Boston Post Road, Rye, New York.				
Texas	Galveston, city, Galveston County (FEMA Docket No. 6581).	Gulf of Mexico	Old Fort San Jacinto between 2nd Street and Seawall Boulevard.	*11
Maps available for inspection at the City Hall, 2517 Ball Street, Galveston, Texas.				
Virginia	Norfolk, city (Docket No. FEMA-6574)	Chesapeake Bay	Shoreline of Lake Whitehurst at Manassas Court extended. Shoreline of Knitting Mill Creek at 46th Street extended. Shoreline of branch of Little Creek at Sheppard Avenue extended. Shoreline of Lake Taylor at Interstate Route 64 Shoreline of Broad Creek at U.S. Route 13 bridge Shoreline of Wayne Creek at Tidewater Drive bridge Shoreline of Lafayette River at Chesapeake Boulevard extended.	*8.5 *8.5 *8.5 *8.5 *8.5 *8.5 *8.5
Maps available for inspection at 1109 City Hall Building, Norfolk, Virginia.				
Wisconsin	City of Jefferson, Jefferson County (Docket No. FEMA-6581).	Rock River	About 3,500 feet downstream of South Main Street About 0.93 mile upstream of West North Street	*787 *789
Maps available for inspection at the City Administrator's Office, 317 South Main Street, Jefferson, Wisconsin.				

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

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

Flood insurance, Flood plains.

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

Issued: May 16, 1984.

Jeffrey S. Bragg,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 84-13926 Filed 5-23-84; 8:45 am]

BILLING CODE 6718-03-M

#### FEDERAL MARITIME COMMISSION

##### 46 CFR Part 587

[Docket No. 84-22]

#### Action To Address Conditions Unduly Impairing Access of U.S.-Flag Vessels to Ocean Trade Between Foreign Ports

**AGENCY:** Federal Maritime Commission.

**ACTION:** Interim rule and request for comments; correction.

**SUMMARY:** This document corrects an error in the amendatory language which appeared in the interim rule concerning conditions unduly impairing access of U.S.-Flag vessels to ocean trade between foreign ports.

**FOR FURTHER INFORMATION CONTACT:** Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** The following correction should be made to the notice of Interim Rule and Request for Comments in Docket No. 84-22 which appeared in the *Federal Register* on May 16, 1984. On page 20656, third column, beginning on the first line, delete the phrase "proposes to amend"

and substitute therefor the word "amends".

Francis C. Hurney,  
Secretary.

[FR Doc. 84-13979 Filed 5-23-84; 8:45 am]

BILLING CODE 6730-01-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[MM Docket No. 79-269; RM-3392; RM-3398]

#### TV Broadcast Stations in Dover and Seaford, Delaware et al.; Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action assigns Channel 63 to Newton, New Jersey, as its first UHF television channel. In order to make this assignment it was necessary to substitute Channel 62 for 63 at Kingston, New York and Channel 68 for Channel 62 at Syracuse, New York and to modify the permits for these stations accordingly.

**DATE:** Effective: July 23, 1984.



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

**FOR FURTHER INFORMATION CONTACT:** Arthur D. Scrutchins, Mass Media Bureau (202) 634-6530.

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

Television broadcasting.

#### Second Report and Order

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations, (Dover and Seaford, Delaware; Asbury Park, Atlantic City, New Brunswick, Newton, Vineland, West Milford and Wildwood, New Jersey; Kingston and Syracuse, New York; and Bethlehem, Lebanon and State College, Pennsylvania) BC Docket No. 79-269, RM-3392, RM-3393.

Adopted: May 8, 1984.

Released: May 17, 1984.

By the Chief, Mass Media Bureau.

1. The Commission has before it the *Notice of Proposed Rule Making*, (NPRM), 45 FR 16219, published March 13, 1980, proposing to amend the Television Table of Assignments, 47 CFR 73.606(b) by assigning six additional UHF television channels to the State of New Jersey.

2. On March 10, 1982 and September 26, 1983, respectively, the Commission granted construction permits at Syracuse (Channel 62) and Kingston (Channel 63), New York. We have been informed that the permittee for Syracuse (Syracuse Channel 62, Inc., BAL830829HL) is ready to construct.<sup>1</sup> However, both the Syracuse and Kingston assignments are to be switched to different channels in order to accommodate the proposed assignment of Channel 63 to Newton, N.J. We have decided not to further delay the initiation of television service to Syracuse and Kingston,<sup>2</sup> during the pendency of this proceeding. Thus, we have severed the proposed channel assignment for Newton, from the remainder of Docket No. 79-269 for expedited action. Comments were filed by Finn M.W. Caspersen and Community Television in support of the allotment of Channel 63 to Newton.<sup>3</sup>

<sup>1</sup> Syracuse Channel 62, Inc., in response to a Commission request to modify its permit for Station WKAF, Channel 62 to specify Channel 68 instead, submitted a letter in which it consented to the switch to Channel 68.

<sup>2</sup> Permittee for Station WTZA (Channel 63) is Ulster County Communications Inc. (BPCT 811028KF). The permittee received a grant subject to the outcome of this proceeding.

<sup>3</sup> Community's statement of interest is contingent upon action by the Commission to produce a favorable environment for its proposal by, *inter alia*, expediting processing of N.J. applications, permitting interim and joint operation, and use of some channels for satellite stations. These matters are presently under consideration in the companion proceeding (BC DKT. 79-270).

Both stated their intention to apply for the channel if assigned. No opposing comments were filed.

3. Newton (population 7,748) is located in Sussex County, in northwest New Jersey, approximately 75 kilometers (45 miles) west of New York City. There are no television channels currently assigned to Newton.

4. We believe that the assignment of Channel 63 to Newton would serve the public interest by providing a first local television service. A site restriction of 1.6 Kilometers (1 mile) north is required. As noted, the assignment of Channel 63 to Newton requires the substitution of Channel 62 for Channel 63 at Kingston, N.Y. and modification of the permit. Furthermore, the substitution of Channel 62 at Kingston requires the substitution of Channel 68 for Channel 62 at Syracuse, New York.

5. Accordingly, pursuant to authority contained in §§ 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 23, 1984, the Television Table of Assignments (73.606(b) of the Rules) is amended with respect to the following community:

City	Channel No.
Newton, New Jersey.....	63
Kingston, New York.....	62+
Syracuse, New York.....	3-, 5-, 9-, *24+, 43+, and 68-

6. It is further ordered, pursuant to the authority contained in § 316 of the Communications Act of 1934, as amended, that the license of UHF-TV Station WTZA, Channel 63, Kingston, New York, is modified to specify operation on Channel 62, subject to the following provisions:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

7. It is further ordered, that the Secretary shall send a copy of this Order by *Certified Mail*, return receipt requested to: Ulster County Communications, Inc., WTZA-TV, Lost Clove Rd., Box 8, Big Indian, New York 12410.

8. It is further ordered, pursuant to the authority contained in § 316 of the

Communications Act of 1934, as amended, that the license of UHF-TV Station WKAF, Channel 62, Syracuse, New York is modified to specify operation on Channel 68, subject to the following provisions:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

9. It is further ordered, that the Secretary shall send a copy of this Order by *Certified Mail*, return receipt requested to: Syracuse Channel 62, Inc., c/o Russell C. Balch, Fly, Shuebruk, Gaguine, Boros, Schulkind and Braun, 1211 Connecticut Avenue, N.W., Washington, D.C. 20036.

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

11. For further information concerning the above, contact Arthur D. Scrutchins, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-13937 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 83-1024; RM-4478]

#### TV Broadcast Station in Albany, Georgia; Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Action taken herein assigns UHF television Channel 52 to Albany, Georgia, as that community's fourth commercial television service, in response to a petition filed by Harold Yancey Edwards.

**DATE:** Effective July 23, 1984.

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

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

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

Television broadcasting.



**Report and Order (Proceeding Terminated)**

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Albany, Georgia) MM Docket No. 83-1024; RM-4478.

Adopted: May 8, 1984.

Released: May 16, 1984.

By the Chief Policy and Rules Division.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 48 FR 45436, published October 5, 1983, proposing the assignment of UHF television Channel 51<sup>1</sup> to Albany, Georgia, as that community's fourth commercial television service, in response to a request from Harold Yancey Edwards ("petitioner"). Supporting comments were filed by petitioner reiterating his intention to apply for the channel, if assigned. No oppositions to proposal were received.

2. Albany (population 73,934),<sup>2</sup> the seat of Dougherty County (population 100,978), is located approximately 240 kilometers (150 miles) south of Atlanta, Georgia. Currently, it is served by Stations WALB-TV (Channel 10), WJFT-TV (Channel 19), and WTSG-TV (Channel 31).

3. As indicated in the *Notice*, UHF television Channel 52 can be assigned to Albany, Georgia, consistent with the applicable minimum distance separation requirements of Sections 73.610 and 73.698 of the Commission's Rules.

4. In view of the above, and having found no policy objection to the proposal, we believe the public interest would be served by assigning UHF television Channel 52 to Albany, Georgia, since it could provide a fourth television broadcast service to the community for the expression of diverse viewpoints and programming.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective July 23, 1984, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with respect to Albany, Georgia, as follows:

<sup>1</sup> Although petitioner initially requested the assignment of UHF television Channel 50 to Albany, that proposal was short-spaced to a pending petition (RM-4396) to assign Channel 50 to Opelika, Alabama. Therefore, Channel 52 was proposed for consideration in lieu of Channel 50.

<sup>2</sup> Population figures were extracted from the 1980 U.S. Census.

City	Channel No.
Albany, Georgia	10, 19, 31, and 52

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-13808 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 83-592; RM-4406]

**TV Broadcast Stations in McComb, Mississippi, and Natchitoches, Louisiana; Changes Made in Table of Assignments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Action taken herein assigns UHF TV Channel 28 to McComb, Mississippi, and substitutes noncommercial educational Channel \*20 for Channel \*28 at Natchitoches, Louisiana, at the request of Southwestern Broadcasting Company of Mississippi. The assignment could provide McComb with its first local television service.

**DATE:** Effective: July 23, 1984.

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

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

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

Television broadcasting.

**Report and Order (Proceeding Terminated)**

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (McComb, Mississippi, and Natchitoches, Louisiana) MM Docket No. 83-592, RM-4406.

Adopted: May 8, 1984.

Released: May 16, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a *Notice of Proposed Rule Making*, 48 FR 30159, published June 30, 1983, proposing the assignment of UHF TV Channel 28 to McComb, Mississippi, and the substitution of unoccupied noncommercial educational Channel \*20

for Channel \*28 at Natchitoches, Louisiana, in response to a petition filed by Southwestern Broadcasting Company of Mississippi ("petitioner"). Petitioner filed comments in support of the request and restated its intention to apply for the channel, if assigned. No oppositions to the proposal were filed.

2. Channel 28 at McComb, Mississippi, and Channel \*20 at Natchitoches, Louisiana, can be assigned in compliance with the Commission's mileage separation and other technical requirements. The Commission has determined that the public interest would be served by assigning Channel 28 to McComb, since it could provide a first local television service to that community.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 23, 1984, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with respect to the following communities, to read as follows:

City	Channel No.
Natchitoches, Louisiana	*20+
McComb, Mississippi	28

4. It is further ordered, that this proceeding is terminated.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-13838 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF TRANSPORTATION****Research and Special Programs Administration****49 CFR Parts 172 and 173**

[Docket HM-187, Amdt. Nos. 172-92, 173-175]

**Requirement for Small Arms Ammunition**

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

**ACTION:** Final rule.



**SUMMARY:** This final rule authorizes certain types of small arms ammunition to be classed and offered for shipment as ORM-D under the Department's Hazardous Materials Regulations. This change eliminates the requirement for shipping papers when the materials are shipped domestically by surface transportation.

**EFFECTIVE DATE:** July 16, 1984.

**FOR FURTHER INFORMATION CONTACT:**

Lee Jackson, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590, (202) 426-2075.

**SUPPLEMENTARY INFORMATION:** On May 31, 1983, a notice of proposed rulemaking (Docket HM-187; Notice No. 83-2) was published in the *Federal Register* (48 FR 24146) announcing a proposal by the Materials Transportation Bureau (MTB) to add the hazardous materials description and proper shipping name entry "Small arms ammunition" under the hazard class ORM-D. The basis for MTB's action was a petition from the Sporting Arms and Ammunition Manufacturers Institute Inc. (SAAMI). On June 30, 1982, SAAMI petitioned the Office of Hazardous Materials Regulation (OHMR) to authorize the transportation of small arms ammunition classed as ORM-D rather than Class C explosive. Although the MTB recognized in the Notice the merit of the SAAMI request, it was considered too broad in scope because of the wide variety of items that would be included under the category of small arms ammunition such as tear gas cartridges, tracer cartridges for machine guns, and seat ejector cartridges. Therefore, MTB noted that for the purposes of the rulemaking it was including only certain types of small arms ammunition used in rifles, shotguns, and pistols.

Twenty-three comments were received in response to the Notice. These comments were evaluated on the basis of their applicability to this particular rulemaking and their merit. Of the comments received, over half of the commenters firmly supported the addition of the optional entry "Small arms ammunition", classed as ORM-D in the hazardous materials table of 49 CFR 172.101 for domestic shipments. Most of these commenters pointed out that in their many years of experience in shipping small arms ammunition there have been relatively few incidents and no injuries that have arisen as a result of small arms ammunition posing a hazard in transportation.

Small arms ammunition contains only a relatively small amount of propellant explosive in proportion to its total

weight. It will not sustain burning without additional fuel. The negligible hazard presented by packages of small arms ammunition has been confirmed by extensive tests conducted by SAAMI. In these tests, a total of 111 cases of sporting ammunition containing 145,500 rounds of the most popular types and brands of shotgun shells, rimfire cartridges, centerfire pistol and revolver cartridges, and centerfire rifle cartridges were consumed in four different tests. The tests included burning a frame building containing sporting ammunition, burning packed ammunition in an open area, burning packed sporting ammunition enclosed in a fire-resistant structure, and subjecting packed ammunition to severe shock. These series of tests confirmed the fact that mass detonation of sporting ammunition in a fire is not probable and was not evidenced in any of the tests.

It was found that even under extreme conditions of heat and confinement, there was no indication of either mass detonation or explosion. These tests also confirmed that there is a very limited "projection" hazard from a fire involving sporting ammunition. Where projection occurred, the materials with the highest velocity were the primer caps which, because of their non-aerodynamic shape and light weight, traveled short distances with low velocity. It was found that adequate protection would be provided if the usual protective clothing (including face mask) is worn by fire protection personnel.

As was mentioned in the notice of proposed rulemaking (NPRM), MTB also reviewed a documentary film of the SAAMI tests produced in cooperation with the Fire Prevention Bureau of the City of Chicago. The MTB believes this film accurately depicts the very limited hazard that is present when transporting small arms ammunition. In addition to this film and the SAAMI tests, six separate burn tests were conducted by the City of Fridley, Minnesota, Fire Department. These burn tests used ammunition furnished by members of SAAMI and included shotgun shells, centerfire rifle and pistol cartridges and rimfire cartridges. The tests were conducted to duplicate situations which fire fighters and emergency response personnel might encounter. These tests confirm the SAAMI's position that the fire fighting techniques currently in use by most of the nation's fire fighters can be used to effectively and safely extinguish fires involving sporting ammunition.

The Department of Defense (DOD) expressed specific concern about the shipment of small arms ammunition

overseas. They erroneously thought this proposal was applicable to all small arms ammunition shipments, and would require the remarking of all of their small arms stock on hand. Because of this misinterpretation, DOD requested that MTB initiate action with the various international bodies concerned with the movement of hazardous materials, to permit them to ship small arms ammunition overseas without the requirement for remarking or packaging. Since the transport of these materials as Class C Explosives will still be permitted and display of internationally required markings is not precluded, such action is not necessary to accomplish the intended purpose of this rulemaking. Class C Explosive as a hazard class for small arms ammunition is not being terminated, but rather ORM-D as an option for shipping certain types of ammunition is being provided.

In addition to DOD's concern, several comments were received from representatives of organizations and associations contending that reclassifying small arms ammunition from Explosive C to ORM-D would cause major problems for emergency response personnel due to the lack of a shipping paper requirement and the changes that would occur in the marking of shipping documents. Some commenters felt it was imperative that water carriers be notified via the shipping paper that small arms ammunition is fully regulated for international transport by vessel. They contend that without this notification, shipboard personnel would have no knowledge that a small arms ammunition shipment was being made and, in case of an emergency, emergency response personnel would have no way of knowing where the ammunition is stowed on the vessel. These commenters contend that when ammunition is offered for shipment by vessel as an ORM-D, it might not be declared under the International Maritime Organization's Dangerous Goods Code where the goods normally would be classed as explosives having a U.N. division of 1.4. They also contend that the lack of shipping papers and the change in marking requirements would reduce the tight control over the commodity which may lead to not only improper stowage of these materials on vessels, but increase the potential for problems, delays, and penalties for carriers and importers at overseas ports.

Under the regulations as they now exist, shipping papers indicate to water carriers that small arms ammunition is a regulated item in the water mode. MTB believes that these concerns are



unwarranted because the addition of the entry "Small arms ammunition" as an ORM-D will not prohibit a shipper from using the original classification of small arms ammunition as a Class C explosive, nor does it waive the requirements of any international regulation with which an international shipper may have to comply. Regarding the point that the lack of shipping papers and change in marking requirements would reduce the tight control over the commodity and lead to the ammunition not being identified to an ocean carrier as being subject to International Maritime Organization (IMO) rules, MTB believes that this problem is no different than the problems involving other materials that are regulated differently by IMO and DOT. MTB is constantly involved in striking a balance between a strong desire for compatibility with international standards and establishing appropriate levels of regulation for materials in domestic commerce.

A similar comment concerning the need for shipping papers was received from the County of Ventura Fire Protection District of Camarillo, California, stating that shipping papers should be required because of the potential for the release of toxic gases when certain types of small arms ammunition are subjected to heat and detonation. They stated that as a result of toxic gases being released, nitrogen compounds can be released in large quantities along with amines and other gases which could cause pulmonary edema along with other physical symptoms and lead to the deterioration of vital body functions. In response to these comments, MTB doesn't believe the toxic products of combustion that are present in small arms ammunition fires will be any greater than those toxic gases that would be released during a fire involving a large number of materials that are not regulated as hazardous materials. It is for this reason that the new 1984 issue of the DOT Emergency Response Guidebook contains explicit precautionary instructions for emergency service personnel to be followed when they approach the scene of an accident involving any cargo (not only regulated hazardous materials.)

This same commenter made reference to the accident record of those shippers transporting small arms ammunition, suggesting that it leaves something to be desired. A review of hazardous materials incidents reported to the MTB involving shipments of small arms ammunition revealed that over the last decade there have been no fires,

explosions, or hazardous situations reported that were a result of the transportation of small arms ammunition. The majority of these incidents involved broken packagings which permitted individual cartridges to spill out. These were simply collected and repackaged. MTB believes that this record confirms that the transportation of certain types of small arms ammunition poses only a minimal hazard. This belief is supported by correspondence from a representative of a major ammunition manufacturer who states that in shipping his products domestically and internationally for over 29 years there has only been one accident in which his product was involved in a fire, and there were no injuries or deaths as a result of that accident.

This same ammunition manufacturer provided cost data showing that as a result of this final rule there could be a reclassification made to the freight class rating of certain types of small arms ammunition by the National Motor Freight Classification Board which could possibly result in a transportation cost savings in excess of \$1,000,000 for the industry. This is a potential cost saving in excess of that suggested by SAAMI. Information furnished by SAAMI indicated that savings to their members on shipments by one motor carrier alone would be approximately \$100,000 per year. Although MTB solicited comments from interested parties on the cost savings and burden reduction associated with this rule, only these two estimates were received. MTB does believe that these figures indicate that the cost savings and burden reduction associated with this rule may be substantial.

The IAFC and two other commenters also proposed that placards be required for small arms ammunition and other class C explosive shipments. MTB believes that the minimal hazard posed by small arms ammunition classed as ORM-D material does not warrant the placarding of vehicles. Therefore, this suggested change is not adopted.

One commenter representing an ammunition manufacturer supported the addition of the entry "Small arms ammunition", but proposed that this classification include ammunition for revolvers and industrial 8 gauge ammunition. MTB believes this to be a reasonable request based on the fact that ammunition for revolvers (a type of pistol) is considered to already be included under this rule, and industrial 8 gauge ammunition is considered to pose no greater hazard in transportation than the other classes and types of

ammunition under this rule. Therefore, these changes are adopted in this final rule.

The Institute for Legislative Action of the National Rifle Association was in general agreement with SAAMI's proposal, but suggested that the proposed § 173.1201 be amended by adding the word "projectile" after the description "detonating explosive" and by increasing the caliber for rifle and pistol ammunition from 45 caliber to 50 caliber. The MTB believes that the addition of the word "projectile" may serve to clarify the applicability of this section and for this reason adopts this addition in the text of this section. MTB also believes that increasing the caliber of ammunition in this section from 45 to 50 caliber is acceptable, and would not present any significant additional hazard. For this reason, this change is also adopted.

One commenter representing the Air Transport Association expressed as his chief concern the fact that the ORM-D classification for small arms ammunition does not provide for weight limitations when carried in inaccessible cargo compartments on aircraft. MTB believes that placing gross weight limitations on the number of packages permitted in an inaccessible cargo compartment is unnecessary, as packages of small arms ammunition, ORM-D, pose no greater hazard than other ORM-D materials which are not subject to such limitations, and ORM-D shipments by air will still be required to be accompanied by shipping papers. This same commenter suggested the use of a marking such as "1.4S, Small arms ammunition", in addition to the marking ORM-D to enhance identification of such shipments in case of fire in any location (storage, unit load device, etc.). MTB has not adopted this suggestion; however, there is nothing to preclude a shipper from displaying 1.4S on packages, if they comply with international standards (including competent authority approval) for that class and division. In their concluding comment, this same air carrier association stated that this proposal, although not controversial, was not directed toward a commonality with the International Civil Aviation Organization (ICAO) Regulations. MTB's response to this comment is the same as stated above relative to international shipments by vessel.

Based on the comments received and considering the testing programs that confirm the limited risk of certain types of small arms ammunition, MTB believes that the addition of small arms ammunition under the ORM-D hazard



class is justified. Therefore, the proposal contained in Notice No. 83-2 is revised in accordance with the foregoing discussion and for editorial clarity and is adopted in this final rule.

#### List of Subjects

#### 49 CFR Part 172

Hazardous materials transportation, Packaging, Containers.

#### 49 CFR Part 173

Hazardous materials transportation, Packaging, Containers.

In consideration of the foregoing, Parts 172 and 173 of Title 49 of the Code of Federal Regulations is amended as follows:

\* \* \* \* \*

#### PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.101, the Hazardous Materials Table is amended by adding the following entry:

**§ 172.101 Purpose and use of hazardous materials table.**

\* \* \* \* \*

HAZARDOUS MATERIALS TABLE

HEAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Excep-tions	Specific require-ments	Passenger carrying aircraft or railcar	Cargo aircraft only	Cargo ves-sel	Passenger vessel	Other requirements
(1)	(2)	(3)	(3a)	(4)	(5a)	(5b)	(6a)	(6b)	(7a)	(7b)	(7c)
	Small arms ammunition.....	ORM-D.....		None.....	173.101	173.1201	65 pounds gross.	65 pounds gross.			

#### PART 173—[AMENDED]

2. Section 173.101 is amended by the addition of paragraph (g) to read as follows:

#### § 173.101 Small arms ammunition.

\* \* \* \* \*

(g) Special exceptions for certain types of small arms ammunition in the ORM-D class are provided in Subpart N of this part.

3. Subpart N of Part 173 is amended by adding a new § 173.1201 as follows:

#### § 173.1201 Small arms ammunition.

(a) Small arms ammunition which has been classed as a Class C explosive may be re-classed and offered for transportation as ORM-D material (See 173.500 of this Part) if it is packaged in accordance with paragraph (b) of this section. Small arms ammunition that may be shipped as ORM-D is limited to:

- (1) Ammunition for rifle, pistol, or shotgun;
- (2) Ammunition with inert projectiles or blank ammunition;
- (3) Ammunition having no tear gas, incendiary, or detonating explosive projectiles; and
- (4) Ammunition not exceeding 50 caliber for rifle or pistol cartridges or 8 gauge for shotshells.

(b) Packaging for small arms ammunition as ORM-D must be as follows:

- (1) Ammunition must be packed in inside boxes, or in partitions which fit snugly in the outside packaging or in metal clips;
- (2) Primers must be protected from accidental initiation;
- (3) Inside boxes, partitions or metal clips must be packed in securely closed strong outside packagings; and
- (4) Maximum gross weight is limited to 65 pounds per package.

[49 U.S.C. 1803, 1804, 49 CFR 1.53, App. A to Part 1]

**Note.**—The MTB has determined that this document does not constitute a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 CFR 11034) or require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*). I certify that this document does not have a significant economic impact on a substantial number of small entities because any benefit that accrues to small shippers would itself be small. A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C. on May 17, 1984.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-13723 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-60-M



# Proposed Rules

Federal Register

Vol. 49, No. 102

Thursday, May 24, 1984

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 84-NM-28-AD]

#### Airworthiness Directive; Gates Learjet Model 24, 25, 28, 29, 35, 36, and 55 Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes a new airworthiness directive (AD) that would require modification of the aileron trim tab on certain Gates Learjet Model 24, 25, 28, 29, 35, 36, and 55 series airplanes. The manufacturer has determined the aileron trim tab balance weight is insufficient to meet the fail safe requirements of the Federal Aviation Regulations. This action is needed to prevent possible flutter in the event of a failure or disconnect in the trim tab system.

**DATE:** Comments must be received on or before July 16, 1984.

**ADDRESSES:** Send comments on this proposal to this Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Council, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Attention: Airworthiness Rules Docket No. 84-NM-28-AD.

The applicable service information and airplane modification kits (AMK) may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277; telephone (316) 946-2000. This information is contained in the Airworthiness Rules Docket which is located in the Office of the Regional Council, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marvin D. Beene, Airframe Branch, Wichita Aircraft Certification Office,

FAA, Central Region, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 269-7005.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

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

##### Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Council, Attention: Airworthiness Rules Docket No. 84-NM-28-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

##### Discussion

The aileron trim tabs on all transport category Gates Learjet airplanes are 100% statically balanced as a means of precluding flutter in the event a failure or disconnect of the system results in a free surface. The degree of balance used was based on criteria generally accepted at the time the first Learjet was certificated and was employed for the Model 24 without detail verification. The same tab configuration, and degree of mass balance, has been used throughout the Learjet model/series line. Although no incidents involving the aileron or trim tab have occurred, the FAA requested verification of the effectiveness of the balance criteria. Gates Learjet Corporation recently conducted an extensive flutter investigation that included wind tunnel

tests, ground vibration tests, and analyses. The results indicate that a static overbalance condition of 150%, or approximately 0.25 pounds additional weight, is required to prevent tab flutter in the event of a failure or disconnect of the aileron trim tab connecting rod.

Gates Learjet Corporation has developed Airplane Modification Kits (AMK) 83-3 and 55-83-3 which provide a replacement balance weight and instructions for installation. To provide a fail safe/flutter free trim tab system, the FAA has determined that incorporation of AMK 83-3 on certain Gates Learjet Model 24, 25, 28, 29, 35, and 36 series airplanes, and AMK 55-83-3 on the Model 55, is necessary.

Approximately 900 airplanes are on the U.S. Registry and would be affected by this AD. It is estimated that it would take approximately 17 manhours per airplane to accomplish the required actions and that the average labor cost would be \$35 per manhour. Parts are estimated at \$23 per airplane. Based on these figures, the total cost impact of this AD is estimated to be \$556,200. For these reasons, the proposed rule is not considered to be major under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

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

Aviation safety, Aircraft.

#### The Proposed Amendment

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

**Gates Learjet:** Applies to the following model/series airplanes certificated in all categories except airplanes modified in accordance with Supplemental Type Certificate SA 944NW (Dee Howard XR Modification).

Model	Series Nos.
24.....	100 thru 357.
25.....	003 thru 369.
28.....	001 thru 005.
29.....	001 thru 004.
35.....	001 thru 514.
36.....	001 thru 053.
55.....	001 thru 105.

Compliance required as indicated unless already accomplished. To prevent aileron/trim tab flutter due to a failure or disconnect



of the tab control system, accomplish the following:

A. Within the next 600 hours time-in-service, or the next aileron/trim tab removal or rebalance, whichever occurs first, replace the trim tab balance weight and rebalance the left aileron in accordance with the instructions in Gates Learjet Corporation Airplane Modification Kit Number AMK 83-3 for Models 24, 25, 28, 29, 35, 36, and AMK 55-83-3 for Model 55.

B. Issuance of a Special Flight Permit in accordance with FAR 21.197 is permitted for the purpose of moving affected airplanes to a location where the modification required by this AD can be accomplished.

C. Alternate means of compliance with this AD which provide an equivalent level of safety must be approved by the Manager, Wichita Aircraft Certification Office, FAA, Central Region.

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

**Note.**—For the reasons discussed earlier in the preamble: The FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291, and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, small entities operate Learjet airplanes. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on May 15, 1984.

Wayne J. Barlow,

Acting, Director, Northwest Mountain Region.

[FR Doc. 84-13893 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-13-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 270

[Release No. 33-6536; IC-13947; S7-1007]

#### Registration Forms for Insurance Company Separate Accounts That Offer Variable Annuity Contracts

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Extension of time for comment.

**SUMMARY:** The Securities and Exchange Commission today announced that it has extended from May 15, 1984 until June 15, 1984 the date by which comments on Investment Company Act Release No. 13689 (Dec. 22, 1983) [49 FR 614 (January 5, 1984)] must be submitted. The commission has received a request

that the comment period on these forms be extended a second time and believes that an extension of time until June 15, 1984 will be beneficial since it may result in the receipt of additional useful comments.

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

**ADDRESS:** Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549 (Reference to File No. S7-1007). All comments will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

**FOR FURTHER INFORMATION CONTACT:** Larry L. Green, Attorney, (202) 272-7320, Office of Disclosure Legal Service, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** In Investment Company Act Release No. 13689, the Commission requested written comments on proposed new registration Forms N-3 and N-4 for use by insurance company separate accounts organized as either management investment companies or unit investment trusts, respectively, that offer variable annuity contracts. The release also proposed certain related form and rule amendments and published staff guidelines relating to Forms N-3 and N-4. Proposed Form N-3 would be the required form for registration under both the Securities Act of 1933 (the "Securities Act") and the Investment Company Act of 1940 (the "1940 Act") for insurance company separate accounts that offer variable annuity contracts and are organized as management investment companies ("management accounts"). Proposed Form N-4 would be the required form for registration under both Acts for separate accounts that offer variable annuity contracts and are organized as unit investment trust ("trust accounts"). Both forms would contain a two-part format for disclosure to prospective investors. Form N-3 would replace Form N-1 for both Securities Act and 1940 Act registration purposes for management accounts. Form N-4 would replace Form S-6 (for registering securities under the Securities Act) and Form N-8B-2 (for registering separate accounts under the 1940 Act) for trust accounts. The commission is proposing these new regulation forms in order to (1) codify the disclosure standards that have developed for separate accounts, (2)

integrate the reporting and disclosure requirements of both the Securities Act and the 1940 Act for trust accounts into one form, and (3) shorten and simplify prospectus disclosure requirements for separate accounts.

The Commission has received a request from the American Council of Life Insurance ("ACLI") that the comment period be extended from May 15th to June 15th. In response to an earlier request from the ACLI, the Commission extended the initial 90 day comment period from April 1, 1984 until May 15, 1984. In view of the ACLI's request and in order to receive the benefit of comments from the greatest number of interested persons, the Commission has extended the comment period for Investment Company Act Release No. 13689 from May 15, 1984 until June 15, 1984.

By the Commission.

Dated: May 17, 1984.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 84-13935 Filed 5-23-84; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Housing—Federal Housing Commissioner

#### 24 CFR Parts 200 and 203

[Docket No. R-84-1162; FR-1867]

#### Mutual Mortgage Insurance and Rehabilitation Loans; Mortgage Insurance Endorsement on Proposed or a New Dwelling in a New Subdivision or Improved Area

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

**ACTION:** Proposed rule.

**SUMMARY:** Current HUD policy requires analysis of new and proposed subdivisions before issuing mortgage insurance commitments on individual one- to four-family dwellings. HUD proposes to modify this policy by allowing, without subdivision analysis, the processing and issuance of individual and master conditional commitments for FHA insurance on individual lots and dwellings located in partially completed improved areas. Such areas must comply with local development standards or, in the absence of such standards, with HUD subdivision criteria. HUD will endorse mortgages only after the improved areas



are substantially completed. HUD will permit use of the Direct Endorsement program for properties located in substantially completed improved areas. HUD will also provide for acceptance on a fully reciprocal basis of subdivision approvals issued by the Veterans Administration and Farmers Home Administration. The effect of these changes would provide mortgagees alternative procedures and points in time when they may apply for conditional commitments and/or endorsements for mortgages on properties located in these development areas.

**DATE:** Comments are due July 23, 1984.

**ADDRESS:** Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Alan Kappeler, Director, Office of Single Family Housing and Mortgage Activities, Department of Housing and Urban Development, Room 9278, 451 7th Street, SW., Washington, D.C. 20410. Telephone (202) 755-3046. (This is not a toll free number.)

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

HUD, through the Federal Housing Administration, insures individual mortgages on individual one- to four-family dwelling pursuant to various authorities, particularly Section 203(b), under Title II of the National Housing Act. Mortgages are endorsed for insurance only upon completion of construction and purchase of the property by a purchaser who is satisfactory to FHA as a borrower.

HUD underwriting standards and procedures regarding its one- to four-family dwelling mortgage insurance programs have been subject to evolution, both substantively and procedurally. Substantively, this evolution has been in the direction of increased reliance upon locally adopted planning and construction standards; procedurally, it has been in the direction of increased reliance upon responsible lenders doing HUD's underwriting.

For example, HUD historically has relied upon HUD promulgated minimum property standards as the mandatory basis for satisfaction of HUD

underwriting requirements for building construction and site design of the property covered by the insured mortgage. In 1982, HUD revised its single-family minimum property standards to remove criteria relating to marketability and livability in reliance upon market forces. In addition, the chapter of the minimum property standards relating to site design was made inapplicable in communities having locally adopted land use and site development criteria applicable to one- and two-family dwellings. At the same time, HUD gave notice of its intention to propose total elimination of the HUD minimum property standards for one- and two-family dwellings in favor of reliance upon nationally recognized model building codes and locally adopted codes comparable to the model codes. See 47 FR 34334 (August 6, 1982). This trend was confirmed by Congress in Section 405 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181, which provides that the Secretary may require that each property, other than a manufactured home, subject to an FHA-insured mortgage shall, with respect to health and safety comply with one of the nationally recognized building codes, or with a State or local building code based on one of the nationally recognized model building codes or their equivalent.

Procedurally, HUD historically has relied upon processing of applications for mortgage insurance by HUD field staff, leading to the issuance of commitments. In the one- to four-family programs, conditional commitments are issued when HUD determines that the property proposed for insurance meets the standards and requirements for eligibility for insurance in an amount and under terms specified but the mortgagor remains unknown. Firm commitments are issued after identification and credit approval of the proposed borrower. A major departure from this practice occurred with institution in 1983 of the Direct Endorsement Program, under which mortgages are underwritten and closed by eligible lenders without FHA commitment and submitted to HUD/FHA for mortgage insurance endorsement after the closing of the loan. See 24 CFR 200.163.

In one general circumstance, HUD underwriting concerns have extended beyond the boundaries of the property proposed to be subject to the insured mortgage. This occurs when the property proposed for insurance is located in a new subdivision where market response or physical durability of the property has not yet been established by

experience. Responding to the lack of widespread or uniform State or local standards and procedures for regulating land development, FHA published Subdivision Standards in 1937 and commenced requiring examination of subdivision plans for compliance with the FHA standards as a precondition to the consideration of individual homes for insurance eligibility. FHA subdivision regulations covered public infrastructure requirements, e.g., roads, utilities, and sidewalks, and other conditions that affect the value and appropriateness of the site for insurance eligibility.

The programmatic basis of FHA subdivision approval requirements, therefore, was related entirely to underwriting considerations pertaining to individual properties located within the new subdivision which might be proposed for mortgage insurance. The requirement of subdivision analysis pertained whether FHA mortgage insurance was proposed for a single property within the subdivision or for many. Moreover, if market experience or physical durability of the mortgaged property was established through the dwelling having been completed more than one year prior to the application for insurance, or if insurance was proposed in connection with a resale of the home to a second or subsequent purchaser, the subdivision analysis requirements would not be applicable.

Following enactment of the National Environmental Policy Act, an additional function accredited to FHA subdivision on analysis. In this context, the subdivision analysis itself took on the character of a "Federal action" potentially having a significant impact upon the environment. Accordingly, subdivision analysis was expanded to cover not only environmental factors regarding the subdivision development which affected individual properties proposed for insurance, but also, factors regarding the subdivision development which might impact upon the surrounding environment.

The programmatic basis for FHA subdivision analysis has, in HUD's judgment, been diluted by developments comparable to those accountable for other aspects of the evolution of HUD underwriting requirements. Increasing numbers of localities have adopted land use and development controls over subdivisions. A large share of single-family housing developments, especially in metropolitan areas, are subject to controls covering such development elements as streets, grading, water and sewer systems, utilities, storm drainage, community facilities and abatement of



nuisances and hazards. By 1968, subdivision regulations had been adopted in over 90 percent of incorporated areas with populations in excess of 5,000 located within standard metropolitan statistical areas and in 82 percent of such areas located outside SMSA's. See National Commission on Urban Problems, *Building the American City 209* (Government Printing Office 1968).

HUD's own subdivision analysis procedures have recognized this growth of local subdivision regulation to a limited extent. The basic FHA subdivision analysis procedure provides for environmental review by HUD Valuation Staff. The elements of the environmental review are set forth in Appendix A, Environmental Assessment for Subdivision and Multifamily Projects (Form HUD 4128), to 24 CFR Part 50. Following notification to the developer of acceptability or conditional acceptability through an Environmental Review Letter, the developer thereafter submits subdivision plans, specifications, and other exhibits together with certifications by the engineer or other professional responsible for preparation of the exhibits that they comply with all local codes and requirements or with HUD subdivision criteria, whichever are the more stringent. This Developer Certification procedure is described in Chapter 2 of Handbook 4135.1 REV-2, *Procedures for Approval of Single Family Proposed Construction Application in New Subdivisions* (1981).

Commencing in 1979, HUD developed an alternative procedure based on studies of local subdivision, environmental and construction standards and enforcement procedures. Studies are initiated by HUD in those localities where most subdivision applications are generated and which are deemed most likely to have subdivision and environmental standards and enforcement which might be judged acceptable in comparison to HUD standards. If, following an in-depth study, the local jurisdiction is certified as having acceptable standards, HUD thereafter will not accept applications for HUD environmental review or provide subdivision analyses in the certified community, and applications for commitments are processed without subdivision analysis. The Local Area Certification process is described in Chapter 3 of Handbook 4135.1 REV-2. See 24 CFR 50.22. To date, approximately 250 jurisdictions have been fully or conditionally certified.

HUD now proposes to further advance the evolution of its underwriting

procedures regarding proposed or new one- to four-family dwelling construction in new subdivisions. The existing HUD subdivision analysis and Local Area Certification procedures will be retained for developers who choose to utilize them and obtain the resulting assurance of availability of FHA insurance prior to the commencement of substantial development activity. As required by Section 535 of the National Housing Act, added by Section 523 of the Housing and Urban-Rural Recovery Act of 1983, HUD also will provide for acceptance, on a fully reciprocal basis, of subdivision approvals issued by the Veterans Administration or Farmers Home Administration. Alternatively, HUD proposes to accept applications for individual and master conditional commitments on lots and dwellings located in a partially completed improved area (which may be a smaller area than an entire subdivision). Because the pattern of development will have been established at this point, all critical factors relevant to underwriting concerns regarding the properties to be insured can be taken into account appropriately by the appraiser on site inspection. However, mortgages approved through this procedure will be eligible for endorsement for insurance only upon substantial completion of the improved area. HUD also proposes to extend the Direct Endorsement Program to properties located in substantially completed improved areas that are not within a community that has received local area certification or a subdivision that has undergone subdivision analysis.

Absence of prior subdivision analysis may increase the risk that FHA insurance will be denied for new construction in a new subdivision. Because subdivision analysis usually is performed before substantial development work is undertaken, it allows an opportunity for mitigating measures to be adopted as to problems which, without correction, would cause underwriting rejection. On the other hand, subdivision analysis is a staff-intensive process which frequently has resulted in substantial delays in commencement of development. Because of the general upgrading of local standards noted above, the Department believes that developers, utilizing their own judgment and experience including prior experience with both HUD and local requirements, should be permitted to choose whether to obtain subdivision analysis prior to undertaking construction or, in the interest of efficiency and time-cost reduction, to accept the risks entailed in seeking commitments or insurance at a

time when practicable opportunities for mitigation may no longer be available.

## II. Proposal

Accordingly, the Department proposes the addition of a new section in 24 CFR Part 203 regarding procedures for processing of proposals for insurance of mortgages on new construction in new subdivisions or improved areas. The new § 203.12 codifies a regulatory basis for existing procedures which are being retained as well as the proposed new alternatives.

Paragraph (a) of proposed § 203.12 states that its provisions are applicable to all insurance under Section 203(b) of the National Housing Act except insurance covering dwellings which (1) were completed more than a year prior to application for insurance, (2) are located in a subdivision where all development has been completed and accepted by the local jurisdiction and most dwellings have been completed, or (3) are being sold to a second or subsequent purchaser. This reflects current and long-standing practices as to the demarcation between cases where subdivision analysis requirements are applicable and cases where they are not.

Paragraph (c) of proposed § 203.12 states that proposals for mortgage insurance in new subdivisions will be processed pursuant to one of three basic procedures: (1) Commitment or Direct Endorsement procedures applicable to "improved areas," further described in subsection (d); (2) Local Area Certification procedures authorized in subsection (e); and (3) subdivision analysis procedures authorized in subsection (f).

Paragraph (f) provides a regulatory basis for current subdivision analysis procedures. It provides, pursuant to Section 535 of the National Housing Act, that such procedures prescribed by the Secretary shall provide for acceptance by HUD, on a fully reciprocal basis, of subdivision approvals issued by the Veterans Administration and Farmers Home Administration.

Pursuant to paragraph (f), the Department proposes to retain essentially its existing Developer Certification procedures outlined in Handbook 4135.1 REV-2, with one significant change. As noted above, under existing procedures, following HUD environmental review and acceptance a developer is required to certify, among other things, that the subdivision plans and specifications comply with applicable local codes, comprehensive plans and standards, or with HUD subdivision criteria,



whichever are the more stringent. Consistent with the recent revisions to the minimum property standards regarding site design referred to above, HUD intends to revise this requirement (which is not regulatory) to require that the subdivision plans and standards meet local requirements or, in the absence of duly adopted local standard, HUD criteria. (HUD subdivision criteria are contained in HUD Handbooks 4900.1 *Minimum Property Standards for One- and Two-Family Dwellings* (1982), Chapter 3; 4140.1, *Land Planning Principles for Home Mortgage Insurance* (1973); and 4140.3, *Land Planning Data Sheet Handbook* (1973).) Paragraph (g) would provide for the payment of reasonable fees to cover processing costs to HUD where developers elect to use this procedure.

Studies by the General Accounting Office ("GAO") and the American Planning Association ("APA") provide evidence that local subdivision standards are often comparable to or more stringent than HUD criteria. In 1978 the GAO reported on how local subdivision standards compared to Federal standards. The analysis was based upon questionnaires sent to local officials in 87 communities in 11 SMSA's (1) in which substantial single-family detached construction was occurring, (2) representing a cross-section of the country, and (3) for which data on costs, prices, incomes, etc., were readily available. Each of the selected communities issued more than 250 permits for single-family housing, with a total of 76,000 permits issued by all communities surveyed. The GAO estimated that these communities represented 16 percent of all communities, nationwide, that issued more than 250 permits in 1975.

The GAO collected information on street, sidewalk and driveway design and construction standards; water main pipe size, storm sewer pipe size and manhole spacing requirements. Seventeen different street and related improvement standards were collected and compared to the FHA minimum specifications or standards set by other Government agencies or professional organizations such as the American Society of Civil Engineers and Asphalt Institute. The comparison standards listed in Appendix I of the report were either equivalent to or in some cases more stringent than HUD's requirements. Further, in almost all cases surveyed the community standards exceeded the comparison standards. See Comptroller General, *Why Are New Housing Prices So High, How Are They Influenced by*

*Government Regulations, And Can Prices Be Reduced?* (Washington, D.C. Comptroller General of the United States, 1978), Chapters 4 and 7, and Appendix I.

The APA conducted a 1982 study of recent comprehensive zoning and subdivision changes in 171 communities. While this study was not designed to compare local standards with HUD requirements, it provides information on trends in standard changes at the community level. The APA analyzed changes in zoning and subdivision standards in localities that comprehensively revised their standards within the past five years. The survey covered zoning standards—density, setbacks, yard requirements, frontage, parking, building dimensions and open space. It also covered subdivision standards—lot improvements (soil preservation, grading, and seeding), streets, sidewalks, drainage and storm sewers, sewerage facilities and dedications.

When the local regulations were last comprehensively revised, relaxation of standards generally occurred in zoning requirements, particularly density, setbacks, yard requirements and frontage. The pattern was mixed with subdivision standards. Equal numbers of communities reported relaxation or greater restrictiveness in standards for street and sidewalk size requirements. Since localities typically have been more restrictive than HUD on these items, relaxation does not necessarily imply revised local standards less stringent than HUD's. Most communities reported increased restrictiveness in standards pertaining to soil preservation, grading, seeding, drainage and storm sewers and sewerage facilities. APA concluded that "[c]ommunities apparently believe that making these standards less restrictive might adversely affect their performance and subsequent public health or safety." See Sanders, Wellford and David Mosena *Changing Development Standards for Affordable Housing* (Report prepared by the American Planning Association for the U.S. Department of Housing and Urban Development, 1982).

Paragraph (e) of proposed § 203.12 provides a regulatory basis for the current Local Area Certification procedures outlined in Handbook 4135.1 REV-2. The Department plans no significant change in this procedure.

Paragraph (d) authorizes new procedures, without subdivision analysis, for mortgage insurance on new construction in an "improved area," which is defined in subsection (b) as an area in which the local jurisdiction is

willing to accept the streets and water and/or sewerage systems for maintenance as appropriate. These procedures apply to applications for commitments made to HUD and to Direct Endorsement applications made to eligible mortgagees. In commitment cases, the application may not be made before the improved area is partially completed as defined in paragraph (b), there is vehicular access to the finished lot at least to a line beyond the subject site, and the lot and block grading are sufficiently finished to permit the appraiser to analyze the influence of adjacent areas on the subject site; in Direct Endorsement cases, the mortgagee's appraisal cannot be made before such point. In both cases, the mortgage will not be endorsed for insurance before the improved area is substantially completed.

As in current practice, the Department intends that commitments sought under the "improved area" procedures may be either individual commitments or master conditional commitments. Current Master conditional commitment procedures, which are for group submission of five or more individual lots, are described in Handbook 4115.3 (1975). Subdivision developers who plan to utilize FHA Insurance in the marketing of their developments generally apply for master commitments, and HUD expects that, because of the economies which this process achieves, this will continue to be the case with developers utilizing the new improved area procedures. As in current practice, individual commitments can be expected to be sought only in cases where the price range of homes in the subdivision generally is above the level where FHA-insured loans usually are sought, or where individual buyers express a preference for FHA insurance during the course of marketing the subdivision.

Current appraisal instructions generally require appraiser attention to all items sometimes considered environmental in nature which also are underwriting concerns, such as location near hazards, inharmonious land uses, and soil conditions. The Department plans no special instructions for individual commitment appraisals under the improved area procedure. However, for appraisals for master conditional commitments, the Department intends to require the fee appraiser and HUD staff review appraiser to complete a checklist covering related environmental laws and authorities and certain factors which a study of subdivision analysis experience has indicated to be the most frequent causes



of rejection or mitigation requirements. The items to be specified in the appraiser checklist include floodplains, wetlands, site and soil suitability, proximity to flammable and explosive materials, toxic wastes, airport runways, and other natural and man-made hazards, noise levels, endangered species and their critical habitats, sole source aquifers, coastal zones and coastal barriers, and historic preservation sites. The Department intends to provide the supplemental checklist in a format that allows the fee or review appraiser to answer in "yes" or "no."

As indicated, the "improved area" procedure also will be available to developers seeking mortgage commitments from Direct endorsement lenders. The Department intends to issue instructions under the Direct Endorsement program which will mirror the master conditional commitment procedure as well as individual commitment procedures. Under these instructions, lenders' appraisers and underwriters will be required to complete the supplemental checklist described above in cases where the insured property would have been processed under a master conditional commitment had commitment procedures under paragraph (f) been used.

### III. Findings and Other Information

A proposed Finding of No Significant Impact ("FONSI") with respect to the environment has been prepared in accordance with HUD regulations in 24 CFR Part 50, which implements the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347). In accordance with 24 CFR 50.34(b), the FONSI and accompanying Environmental Assessment are available for public review for thirty (30) calendar days before HUD makes a final decision whether to publish an environmental impact statement and before the proposed action is taken. These documents can be inspected and copied during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., 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. Analysis of the rule indicated 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 export markets.

The effect of the change is mainly procedural by providing mortgagees different points in time when they may elect to seek conditional commitments or endorsement for FHA insurance on individual and groups of individual lots. Reliance on local subdivision standards should not increase costs because developers currently must satisfy local requirements in any event. HUD also expects that quicker processing will reduce the overall costs of development.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)) the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The proposed changes should decrease the burden on these parties because these changes would eliminate unnecessary duplication of paperwork in cases involving improved areas. In those cases where obtaining HUD subdivision acceptance is preferred, the builder may elect to follow this course.

This rule was not listed in the Department's most recent Semiannual Agenda of Regulations, published pursuant to Executive Order 12291 and the Regulatory Flexibility Act on October 17, 1983 (48 FR 47418).

The rule is applicable to all insured mortgages on one-to-four family dwellings constructed in a new subdivision or improved area. The mortgage insurance programs which are listed in the catalog of Federal Domestic Assistance under the following numbers are eligible for consideration under these rules: 14.117 through 14.121.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the reporting or recordkeeping provisions that are included in the regulation have been or will be submitted for approval to the Office of Management and Budget (OMB). They will not be effective until OMB approval has been obtained and the public has been notified to that effect.

### List of Subjects

#### 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs—Housing and community development, Mortgage insurance, Organization and functions

(Government agencies), Reporting and recordkeeping requirements, Minimum property standards.

#### 24 CFR Part 203

Home improvement, Loan programs—Housing and community development, Mortgage insurance, Solar energy.

Accordingly, HUD proposes to amend 24 CFR Parts 200 and 203 as follows:

### PART 200—INTRODUCTION

#### § 200.163 [Amended]

1. Part 200 is proposed to be amended by revising paragraph 200.163(c)(22) to read as follows:

(a) \* \* \*

\* \* \* \* \*

(22) In the case of proposed or new construction to which 24 CFR 203.12 is applicable, that the property covered by the application for insurance meets the requirements of 24 CFR 203.12(c)

\* \* \* \* \*

### PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

2. In Part 203, it is proposed to amend the table of contents to include the following entry:

Sec.

\* \* \* \* \*

203.12 Mortgage insurance on a new or existing dwelling in a new subdivision or improved area.

\* \* \* \* \*

3. Part 203 is proposed to be amended by adding a new § 203.12, to read as follows:

#### § 203.12 Mortgage insurance on proposed or new construction in a new subdivision or improved area.

(a) *Applicability.* This section applies to all applications for insurance of mortgages on one-to-four family dwellings constructed in a new subdivision or improved area (both as defined in paragraph (b)), except an application for insurance of a mortgage on a dwelling which:

(1) Was completed more than one year prior to the date of the application for mortgage insurance (or, under the Direct Endorsement Program, the date of the appraisal), or

(2) Is located in a subdivision where all development construction has been completed and accepted by the local jurisdiction and most dwellings have been completed, or

(3) Is being sold to a second or subsequent purchaser.

(b) *Definitions.* For purposes of this section:



(1) "Subdivision" means the total area containing all of the proposed land development activities, building or construction operations which are under centralized control, and planned principal development elements to support the creation of 25 or more dwelling lots (or such lesser number of lots as HUD shall determine to be appropriate to require applicability of this section in individual cases).

(2) "Improved area" means an area of at least the minimum size in which the local government is willing to accept the streets and/or the water and sewerage systems for maintenance as appropriate. Alternatively, it means an area of such size as HUD is willing to process in the absence of local approval procedures.

(3) "Partially completed," with respect to an improved area, means that:

(i) The local government has accepted that plat of a subdivision or of an improved area, and the plan for its principal development elements and rights-of-way;

(ii) All government approvals to commence development and construction in the improved area have been secured;

(iii) The development or construction of the improved area's streets, water and sewerage systems and utilities has proceeded to a point which precludes any major changes; and

(iv) Provisions are in place for continuous maintenance of the streets and water and sewerage systems once the improved area is substantially completed.

(4) "Substantially completed," with respect to an improved area, means that:

(i) With the exception of delays approved by the local government and HUD the improved area's principal development elements have been completed;

(ii) The local government has issued occupancy permits or their equivalents on those new dwellings being processed by HUD for mortgage insurance; and

(iii) The local government does or will accept for continuous maintenance the streets, water and sewerage systems, and any other public services. Where local acceptance for maintenance is not available, adequate provisions for private maintenance must be demonstrated provided, however, that with respect to private water and sewer systems, the local government shall certify that public systems are economically infeasible, or the property is served by a system approved by the Secretary pursuant to Title X of the National Housing Act.

(5) "Principal development elements" include, without being limited to, necessary grading, streets, water and

sewerage systems, utilities, storm drainage, and community facilities, as well as measures and devices for the abatement of nuisances and hazards.

(c) *Procedures.* Applications for insurance to which this section is applicable shall be processed in accordance with procedures consistent with this section or in accordance with such instructions prescribed under the Direct Endorsement Program as the Secretary may prescribe. Such procedures may provide for endorsement for insurance:

(1) Of a mortgage covering a dwelling located in an improved area in accordance with the terms of a commitment issued in accordance with paragraph (d);

(2) Of a mortgage covering a dwelling located in a subdivision to which paragraph (e) is applicable, in accordance with the terms of a commitment issued in accordance with such subsection;

(3) Of a mortgage covering a dwelling located in a subdivision found acceptable pursuant to paragraph (f), in accordance with the terms of a commitment issued in accordance with such subsection.

(d) *Improved areas.* A commitment to insure a mortgage on a dwelling located in an improved area may be issued (or the dwelling appraised for insurance pursuant to the Direct Endorsement Program) when:

(1) The improved area is at least partially completed;

(2) There is vehicular access to the finished lot at least to a line beyond the subject site, and the lot and block grading are sufficiently finished to permit the appraiser to analyze the influence of adjacent areas on the subject site(s); and

(3) Compliance with applicable HUD and local requirements can be demonstrated. The commitment issued (or Direct Endorsement Program instructions prescribed) with respect to a dwelling located in an improved area appraised in accordance with this subsection shall require that the improved area shall be at least substantially completed prior to endorsement for insurance.

(e) *Local Area Certification.* The Secretary may prescribe procedures for certifying the capacity of a local jurisdiction to maintain and enforce acceptable environmental, underwriting and development standards and procedures for the analysis and approval of subdivisions and their principal development elements. A subdivision which is or will be approved by a certified jurisdiction shall not be reviewed by HUD pursuant to paragraph

(f) of this section except for such elements for which HUD may have conditioned the certification of such jurisdiction. Commitments for insurance of mortgages covering dwellings located in such subdivision to which this paragraph (e) is applicable may be issued prior to, during, or after subdivision development.

(f) *Subdivision Analysis.* The Secretary shall prescribe procedures for analysis of proposed or new subdivisions by HUD for compliance with applicable HUD and local development, underwriting and environmental standards. Such review may be conducted (and commitments for insurance of mortgages covering dwellings located in subdivisions found acceptable pursuant to such procedures may be issued) prior to, during, or after subdivision development. Such procedures also shall provide for acceptance by HUD, on a fully reciprocal basis, of subdivision approvals issued by the Veterans Administration and Farmers Home Administration.

(g) *Processing Fee.* The developer of a subdivision or improved area shall pay a nonrefundable fee to cover costs of processing. The fee shall be paid at the time of filing the Application for Environmental Review. The amount of the fee shall be set by, and may from time to time be changed by, notice published in the *Federal Register*. Any subsequent application involving additional lots must be accompanied by an additional fee payment. In the event the application is incomplete on its face, or is otherwise not acceptable for processing, payment will be returned with the application.

Authority: Sec. 211, National Housing Act (12 U.S.C. 1715b); Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: April 11, 1984.

Shirley McVay Wiseman,  
General Deputy Assistant Secretary for  
Housing—Federal Housing Commissioner.

[FR Doc. 84-13889 Filed 5-23-84; 8:45 am]

BILLING CODE 4210-27-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 916

#### Permanent State Regulatory Program of Kansas

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



**ACTION:** Proposed rule.

**SUMMARY:** OSM is proposing to modify the deadline for Kansas (1) to promulgate rules governing the training, examination and certification of blasters and (2) to develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation. On May 1, 1984, Kansas requested an extension of time for the development of a blaster certification program until May 1, 1985. Each State with a regulatory program approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) is required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

**DATE:** Comments not received by 4:00 p.m. June 25, 1984 will not necessarily be considered.

**ADDRESS:** Written comments should be mailed or hand delivered to Richard Rieke, Director, Kansas City Field Office, Office of Surface Mining, 818 Grand Avenue, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Rieke, Director, Kansas City Field Office, Office of Surface Mining, 818 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

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

On March 23, 1984, Kansas requested an extension of the March 4, 1984 deadline, until May 15, 1985, to submit its blaster certification program. Subsequently, the State modified its request for an extension to May 1, 1985. (KS Administrative Record No. 321). The

State's letter of May 1, 1984, stated that the extension was needed so that the State regulatory authority (Mined Land Conservation and Reclamation Board) will not have to promulgate its regulations in a piecemeal manner. Kansas is anticipating that OSM's review of Kansas' existing regulations as a result of OSM's own regulatory reform effort will identify a number of necessary changes and the State wishes to make all regulation changes at the same time.

Therefore, OSM is seeking comment on the State's request for additional time to develop and adopt a blaster certification program. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a state to develop and adopt a program upon a demonstration of good cause.

**Additional determinations**

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

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

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

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

**List of Subjects in 30 CFR Part 916**

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

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

Dated: May 18, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

[FR Doc. 84-13985 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-05-M

**30 CFR Part 917****Public Comment and Opportunity for Public Hearing on the Modification to the Kentucky Permanent Regulatory Program**

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

**ACTION:** Proposed rule.

**SUMMARY:** OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of certain program amendments submitted by the State of Kentucky as a modification to the Kentucky permanent regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These amendments are submitted (1) to satisfy certain conditions imposed by the Secretary of the Interior on the approval of the Kentucky program, and (2) as further modifications to the Kentucky program. The amendments pertain to (1) citizen complaints, (2) injunction relief and monetary damages, (3) temporary relief, (4) intervention, (5) reclamation deferrals and (6) the definition of a principal shareholder.

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

**DATES:** Written comments not received on or before June 25, 1984 will not necessarily be considered.

If requested, a public hearing on the proposed modifications will be held on June 18, 1984 beginning at the location shown below under "ADDRESSES."

**ADDRESSES:** Written comments should be mailed or hand delivered to: W. H. Tipton, Director, Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

If a public hearing is held, its location will be at: The Harley Hotel, 2143 North Broadway, Lexington, Kentucky 40505.

**FOR FURTHER INFORMATION CONTACT:** W. H. Tipton, Director, Lexington Field Office, 340 Legion Drive, Suite 28,



Lexington, Kentucky 40504, Telephone: (606) 233-7327.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Comment Procedures

###### *Availability of Copies*

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

Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504  
Office of Surface Mining, Reclamation and Enforcement, Room 5124, 1100 L Street NW., Washington, D.C. 20240  
Bureau of Surface Mining, Reclamation and Enforcement, Capitol Plaza Tower, Third Floor, Frankfort, Kentucky 40601.

###### *Written Comments*

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

###### *Public Hearing*

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by the close of business ten working days before the date of the hearing. If no one request to comment at the public hearing, the hearing will not be held.

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

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber.

Submission of written statements at the time of the hearing is requested and will greatly assist the transcriber.

Submissions of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The Public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not

been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

###### *Public Meeting*

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

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

##### II. Background on the Kentucky State Program

On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSM. On April 13, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of 12 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982 Federal Register (47 FR 21404-21435).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982 Federal Register notice.

##### III. Submission of Program Amendments and Material To Satisfy Conditions

By a letter dated May 1, 1984, Kentucky submitted to OSM pursuant to 30 CFR 732.17, certain revisions to the Kentucky Revised Statutes (KRS) Chapter 350 previously approved by the Secretary. These modifications are intended to satisfy certain conditions of approval placed on the Kentucky program.

###### *Condition (e)*

Condition (e) requires Kentucky to amend its program to provide a right of action in accordance with section 520 (a) of SMCRA for any person having an interest which is or may be adversely affected. Kentucky proposes to satisfy the condition by modifying KRS 350.250, section 1, pertaining to affected persons with an interest.

###### *Condition (f)*

Condition (f) requires Kentucky to amend its program to create two causes of action against a violator. These causes should compel compliance through (1) injunctive relief and (2) monetary damages. Kentucky proposes to satisfy condition (f) by modifying KRS 350.250, section 3, to add a provision for injunctive relief and a protective clause on the Commonwealth's sovereign immunity.

###### *Condition (g)*

Condition (g) requires Kentucky to amend its program to provide for intervention in citizen suits by the Kentucky Natural Resources and Environmental Protection Cabinet (NERPC) as a matter of right in accordance with section 520 of SMCRA. Kentucky proposes to satisfy this condition by adding a new provision to KRS 350.250, section 4.

###### *Condition (h)*

Condition (h) requires Kentucky to amend its program to set standards for State courts granting temporary relief in accordance with section 526(c) of SMCRA. Kentucky amended its law at KRS 350.032 to add new language applying the same or similar standards of relief as SMCRA.

###### *Condition (m)*

Condition (m) requires Kentucky to amend by May 1, 1984, KRS 350.093, section 2, in a manner consistent with section 515(b)(16) of SMCRA. The condition requires Kentucky to change KRS 350.093(2) to clarify that at all times the applicant for a reclamation deferral has the burden of such deferral. Kentucky has amended KRS 350.093(2) pertaining to the burden of proof in establishing the need for a reclamation deferral.

Condition (m) also requires Kentucky to amend its regulations by October 31, 1984 to (1) provide criteria for reclamation deferrals, (2) require that the applicant demonstrate that reclamation on the site is contemporaneous as of the date of the request for deferral and that certain distance requirements pertaining to backfilling and grading (405 KAR 16:020(2)) will be met during the period of deferral and (2) require re-evaluation of the bond on all deferrals. The Commonwealth proposes to satisfy these requirements by its amended law at KRS 350.093, section 3.

###### *Condition (n)*

Condition (n) requires that Kentucky amend its law, at KRS 350.060 section 5



(g), by May 1, 1984 to be consistent with section 507(b)(4) of SMCRA pertaining to the definition of principal stockholder. Kentucky believes it has satisfied this requirement of the condition by adding certain language to KRS 355.060, section 5 (g).

The remaining requirement of condition (n) will be satisfied, October 31, 1984, the time period set when the condition was imposed. For a complete discussion of condition (n) see the *Federal Register* dated May 13, 1982 (48 FR 21574-21479).

Therefore, the Secretary is seeking public comment on the adequacy of these proposed modifications to the Kentucky program. Comments should specifically address the issues of whether the proposed amendments are consistent with SMCRA, no less effective than the Federal regulations, and contain the same or similar procedures as specified in the Federal regulations. If these amendments are approved, they will become part of the Kentucky program and the conditions on the approval of the Kentucky program to which they pertain will be removed.

#### IV. Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1291(d), no environmental impact statement need be prepared on this rulemaking.

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

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

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

#### List of Subjects in 30 CFR Part 917

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

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

Dated: May 21, 1984.

Dean Hunt,

Acting Director, Office of Surface Mining.

[FR Doc. 84-13986 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-05-M

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

##### 33 CFR Part 100

[CGD3-84-25]

##### Regatta; Air Brook Barnegat Bay Classic, Toms River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

**SUMMARY:** Special Local Regulations are being proposed for the Air Brook Barnegat Bay Classic being sponsored by the Barnegat Bay Power Boat Racing Association of Bricktown, NJ. This event will be held on August 25, 1984 between the hours of 12:00 p.m. and 3:00 p.m. This proposed regulation would become effective at 10:00 a.m. to allow time for the regulated area to be cleared of any vessel traffic. The Coast Guard is considering the issuance of this regulation to provide for the safety of participants and spectators on navigable waters during the event.

**DATE:** Comments must be received on or before June 25, 1984.

**ADDRESSES:** Comments should be mailed to Commander (b), Third Coast Guard District, Governors Island, New York, NY 10004. The comments will be available for inspection and copying at the Boating Safety Office, Building 110, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** LTJG D. R. Cilley, (212) 668-7974.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3-84-25) and the specific section of the proposal to which their comments apply, and give reasons for each

comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

#### Drafting Information

The drafters of this notice are LTJG D. R. Cilley, Project Officer, Boating Safety Office, and Ms. Mary Ann Arisman, Project Attorney, Third Coast Guard District Legal Office.

#### Discussion of Regulations

The Air Brook Barnegat Bay Classic is sponsored by the Barnegat Bay Power Boat Racing Association of Bricktown, NJ. This powerboat race event will be held on Barnegat Bay on August 25, 1984. This event is well known to the residents of the communities surrounding Tom's River and Barnegat Bay. There will be one (1) 80-mile race sanctioned by the National Power Boat Association. Between 45-60 powerboats will compete during the day reaching speeds of 65-80 mph. The oval track has been laid out so that there should be little or no interference with vessel traffic in the Intercoastal Waterway (I.C.W.) Access to and from any section of Tom's River and Barnegat Bay will not be restricted. The sponsor is providing in excess of 40 patrol vessels in conjunction with Coast Guard and local resources to patrol this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the race course area and will establish special anchorages for what is expected to be a large spectator fleet. Mariners are urged to use extreme caution when transiting the area due to the large number of spectators, and should adhere closely to the charted Intercoastal Waterway. The Coast Guard will issue a safety voice broadcast and this regulation will be published in the Local Notice to Mariners to advise the general public of this event.

#### Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected



to be minimal since this event will draw a large number of spectator craft into the area for the duration of the event. This should easily compensate area merchants for the slight inconvenience of having navigation restricted. Based upon this assessment it is certified in accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

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

Marine safety, Navigation (water).

#### Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations by adding a temporary § 100.35-306 to read as follows:

#### § 100.35-306 Air Brook Barnegat Bay Classic, Toms River, NJ.

(a) *Regulated Area.* Barnegat Bay, New Jersey in the area bounded by 39 degrees 55' on the north, 39 degrees 50' on the south, the Intercoastal Waterway (I.C.W.) on the west and Island Beach on the east, together with all navigable waters connecting with this area.

(b) *Effective Period.* This proposed regulation will be effective from 10:00 a.m. to 3:00 p.m. on August 25, 1984. In case of postponement, the raindate will be August 26, 1984 and this regulation will be in effect for the same time period.

(c) *Special Local Regulations.* (1) All persons or vessels not registered with sponsor as participants or not part of the regatta patrol are considered spectators.

(2) No spectator or press boats shall be allowed out onto or across the race course without Coast Guard escort.

(3) The sponsor shall anchor race committee boats on each turn. Checkpoints shall be positioned so that race participants will pass no closer than 200 feet from the I.C.W. A line of committee boats shall be positioned to separate the race course from the I.C.W.

(4) Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area in such a way that they shall not interfere with mariners transiting the Intercoastal Waterway. The spectator fleet shall be held behind buoys or committee boats provided by the sponsor in the following areas:

(i) Between the race course and the I.C.W. in the area to the west of the race course.

(ii) Between the race course and Island Beach State Park in the area north of Tices Shoal.

(5) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(6) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) \$500 for any person in charge of the navigation of a vessel.

(ii) \$500 for the owner of a vessel actually on board.

(iii) \$250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

(46 U.S.C. 454; 33 CFR 100.35 and 33 CFR 1.01-1)

Dated: May 15, 1984.

W. E. Caldwell,

Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 84-13967 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 100

[CGD13 84-08]

#### Regatta; Gold Cup Unlimited Hydroplane Race; Establishment of Controlled Navigation Area

May 11, 1984.

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is considering the promulgation of special local regulations for a part of the Columbia River at Kennewick, Washington to be in effect daily from July 24, 1984 through July 28, 1984 during the hours 0830-1930 Pacific Daylight Time (PDT), and on July 29, 1984 from 0830 until one hour after the conclusion of the last race. This action is required to permit the conducting of the Gold Cup Unlimited Hydroplane Races, an approved marine event, scheduled for this time period as part of the Tri-Cities Water Follies. It is intended to restrict the general navigation in the area for the safety of spectators and participants in this event.

**DATE:** Comments should be received on or before June 25, 1984.

**ADDRESS:** Comments should be mailed to Commander, U.S. Coast Guard Group, 6767 North Basin Avenue, Portland, Oregon 97217. The comments will be available for inspection and copying at 6767 North Basin Avenue, Room 1124, Mt. St. Helens Building. Normal office hours are between 7:30 a.m. and 3:45 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**EFFECTIVE DATES:** July 24, 1984 until July 29, 1984.

#### FOR FURTHER INFORMATION CONTACT:

Lcdr Mark P. Troseth, Chief, Port Operations Department, 6767 N. Basin Ave., Portland, Oregon 97217, (503) 240-9317.

#### SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice, CGD13 84-08, and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

#### Drafting Information

The principal persons involved in the drafting of this proposal are Ltjc Kristin M. Quann, USCGR, Project Officer, CG Group Portland, and LT Aubrey W. Bogle, USCGR, Project Attorney, CCGD13 Legal Office.

#### Discussion of Regulation

Each year, the Tri-Cities Water Follies Association sponsors an unlimited hydroplane race on the Columbia River near Kennewick, Washington. The event draws a large number of spectators to the beaches and waters surrounding the race course. A sizeable portion of the spectators watch the event from numerous pleasure craft anchored near the race course. To ensure the safety of both the spectators and the participants, a special navigation regulation providing Coast Guard personnel with



the authority to control and coordinate general navigation in the waters surrounding the race course during the event is required.

#### Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5). An economic evaluation of this notice has not been conducted since its impact is expected to be minimal. This regulation affects a short section of the Columbia River with only light commercial traffic and will be in effect for only five (5) days, two of those being Saturday and Sunday. On the days of time trials, 24 July to 29 July 1984, the Patrol Commander will allow commercial traffic to transit the area between time trials. On race day, Sunday, July 29, 1984, all traffic will be excluded. This race is an annual event and similar regulations have been promulgated in the past. There has been no evidence brought to the attention of the Coast Guard of significant adverse economic effect from such past regulation. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

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

Marine safety, Navigation (water).

#### Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended by adding § 100.35-1308 to read as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

##### § 100.35-1308 1984 Gold Cup Unlimited Hydroplane Race.

(a) From July 24, 1984 through July 28, 1984, this regulation will be in effect from 0830 until 1900 Pacific Daylight Time. On July 29, 1984, this regulation will be in effect from 0830 until one hour after the conclusion of the last race.

(b) The Coast Guard will restrict general navigation and anchorage by this regulation during the hours it is in effect on the waters of the Columbia

River from the western end of Hydro Island to the western end of Clover Island at Kennewick, Washington.

(c) When deemed appropriate, the Coast Guard may establish a patrol consisting of active and auxiliary Coast Guard vessels in the area described in paragraph (b). The patrol shall be under the direction of a Coast Guard officer or petty officer designated as Coast Guard Patrol Commander. The Patrol Commander is empowered to forbid and control the movement of vessels in the area described in paragraph (b) of this section.

(d) The Patrol Commander may authorize vessels to be underway in the area described in paragraph (b) of this section during the hours this regulation is in effect. All vessels permitted to be underway in the controlled area shall do so only at speeds which will create minimum wake, seven (7) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(e) A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR Part 100.35)

Dated: May 7, 1984.

H. W. Parker,

Rear Admiral, U.S. Coast Guard Commander,  
13th Coast Guard District.

[FR Doc. 84-13968 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 165

[COTP Baltimore, MD Docket 84-06]

#### Safety Zone; Annapolis Harbor, Maryland, Severn River, Vicinity of U.S. Naval Academy

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

**SUMMARY:** The Coast Guard Captain of the Port (COTP), Baltimore, MD is proposing to establish a Safety Zone in the Severn River, Annapolis Harbor, Maryland adjacent to Dewey Field on the grounds of the U.S. Naval Academy. This Safety Zone is intended to protect property and ensure the safety of the participants and spectators of the 1984 Olympic Soccer Quarterfinal Competition that will be conducted in Annapolis, and facilitate vessel traffic

control. It would allow the COTP to strictly control access from the Severn River to Dewey Field on the grounds of the U.S. Naval Academy where the Olympic athletes will be practicing, and prevent unmanageable boating traffic congestion. This Safety Zone would be established on 12 July 1984 and terminated on 4 August 1984.

**DATE:** Comments must be received on or before June 25, 1984.

**ADDRESS:** Comments should be mailed to Captain of the Port, Baltimore, Attention: Port Operations Department, Custom House, 40 S. Gay Street, Baltimore, MD 21202. The comments will be available for inspection and copying at the above address. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** LCDR Larry H. Gibson or LT Kent F. Krause, (301) 962-5150.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (COTP BALTIMORE 84-06) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may change in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. The reason for the shortened comment period is that the determination that Dewey Field would be used as the practice field was not made until late April 1984. The Coast Guard desires public participation in this rulemaking. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

#### Drafting Information

The drafters of this notice are LCDR Larry H. Gibson, project officer, Coast Guard Marine Safety Office, Baltimore, MD, and LCDR Michael Perrone, project attorney, Fifth Coast Guard District Legal Office.



### Discussion of Proposed Regulation

During the week of 29 July through 3 August 1984, Annapolis, Maryland will serve as one of the four venues for the Quarterfinal Elimination Round of the 1984 Olympic Soccer Competition.

Olympic Soccer Teams representing various nations will be conducting practice sessions at Dewey Field on the grounds of the U.S. Naval Academy during the week of the soccer competition and the two weeks preceding it. In order to protect the lives and property of the spectators and participants, a means to control access to Dewey Field from the Severn River is necessary. This international event is expected to draw thousands of visitors to Annapolis, with many coming by boat. Since this event coincides with the peak of the recreational boating season, the waterways in and around Annapolis are expected to be extremely congested with privately owned yachts and pleasure boats. This congestion could result in confusion for boaters and possibly lead to an increase in the number of boating accidents. In addition to providing a degree of protection for the Olympic participants, this Safety Zone will provide the control necessary to ensure that vessels will not congregate in the vicinity of the soccer practice fields creating a hazardous boating condition, and ensure a smooth flow of vessel traffic up and down the Severn River.

Accordingly, Coast Guard vessels will patrol the Safety Zone and adjacent areas continuously. The primary mission of these teams will be to prevent or control hazardous boating activities, with an emphasis on facilitating commercial operations and recreational boating.

While carrying out these port safety operations, the COTP Baltimore will make every effort to minimize the necessary restrictions on vessel and port activities, within overall safety and security considerations.

### Economic Assessment and Certification

This proposed regulation is considered to be nonmajor under Executive Order 12291 and nonsignificant under the Department of Transportation Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). Its economic impact is expected to be minimal since this Rule is of limited duration, limits access to only certain Port areas, will not cause delays to vessels transiting the area, and provides safety and security during a period of expected high vessel traffic congestion. Based upon this assessment,

it is certified in accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this Rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

### Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations, by adding a temporary § 165.T501 to read as follows:

#### § 165.T501 Annapolis Harbor, Maryland, Severn River, Vicinity of U.S. Naval Academy.

(a) *Location.* The waters located within the following boundaries constitute a Safety Zone effective beginning 12 July 1984 and will terminate 4 August 1984: A line beginning at the northwest corner of the entrance to U.S. Naval Academy Santee Boat Basin at 38°58'59"N latitude, 076°28'46"W longitude; thence 040° T to a point on the eastern shore of the Severn River at 38°59'12"N latitude, 076°28'30"W longitude; thence following the eastern shore of the Severn River northwest to a point at 38°59'35"N latitude, 076°28'52"W longitude; thence 218° T to the southeastern tip of the Naval Academy Hospital grounds at 38°59'12"N latitude, 076°29'14"W longitude; thence west along the north shore of College Creek to the first footbridge from its mouth; thence southeast along the footbridge to the south shore of College Creek; thence east along the shoreline of the U.S. Naval Academy to the point of origin.

(b) *Regulations.* (1) In accordance with § 165.23 of this part, entry into the portion of this Safety Zone which lies within 200 yards of the U.S. Naval Academy grounds is prohibited unless authorized by the COTP Baltimore. This portion of the Safety Zone is delineated by a line beginning at a point at 38°59'05"N latitude, 076°28'40"W longitude; thence 310° T for 900 yards to a point at 38°59'21"N latitude, 076°29'06"W longitude. This portion of the Safety Zone will be marked with temporary buoys at 50 yard intervals. (2) Vessel transit through the portion of the Safety Zone which lies to the east of the prohibited entry area is normally permitted. However, unless specifically authorized by the COTP Baltimore, no vessel within this portion of the Safety Zone may:

(i) Loiter;

(ii) Moor along the river bank; or  
(iii) Anchor.

(3) Persons seeking a permit to engage in the activities prohibited in paragraphs (b)(1) and (b)(2) must submit a written request, at least 5 days in advance of the desired effective date of the permit, to: COTP Baltimore, Attn: Port Operations Department, Custom House, 40 S. Gay Street, Baltimore, MD 21202.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46, and 33 CFR 185.3)

Dated: May 9, 1984.

J. C. Carlton,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, MD.

[FR Doc. 84-13966 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-14-M

### DEPARTMENT OF EDUCATION

#### Office of Special Education and Rehabilitative Services

#### 34 CFR Parts 76, 369, and 370

#### Client Assistance Program

##### Correction

In FR Doc. 84-13339 beginning on page 21018 in the issue of Thursday, May 17, 1984, make the following corrections.

1. On page 21018, second column, third paragraph from the top, fifth line, "is in" should read "in an"; and in the third line from the bottom of that same paragraph, insert "not" after "was"; in the fifth paragraph, second line, "of" should read "to"; third column, first full paragraph, eleventh line from the bottom, "mutiple" should read "multiple"; and in the seventh line from the bottom, "of" should read "to".

2. On page 21020, first column, § 76.102, paragraph (x), second line, "requests" should read "request"; third column § 370.2, paragraph (e), fourth line, "to" should read "of".

BILLING CODE 1505-01-M

### VETERANS ADMINISTRATION

#### 38 CFR Part 21

#### Veterans Education; Measurement of Courses

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

**SUMMARY:** The regulations governing measurement of courses have assumed that when a college is accredited by a regional accrediting association, the accreditation extends to all the college's courses. This is not always the case.



Consequently, when regulation users attempted to apply these regulations, they became confused. This amendment will eliminate this confusion.

**DATES:** Comments must be received on or before June 25, 1984. It is proposed to make these regulations effective the date of final approval.

**ADDRESSES:** Send written comments to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until July 3, 1984. Anyone visiting VA Central Office in Washington, D.C. for the purpose of inspecting any of these comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

**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:** Section 21.4272, Title 38, Code of Federal Regulations is amended to account for instances when an educational institution's accreditation does not extend to the highest degree it offers. Section 21.4273, Title 38, Code of Federal Regulations is amended to indicate how the VA (Veterans Administration) will measure nonaccredited courses leading to a graduate degree.

The VA has determined that these proposed regulations are not major rules as that term in defined by Executive Order 12291, entitled "Federal Regulation." The proposal will not cause a major increase in costs or prices for anyone. It 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 the proposed regulations, if promulgated, 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), these proposed regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because measurement of courses affects only payments made directly to individuals in a program of education. The amendment to 38 CFR 21.4272 affects measurement of courses, and so affects only individual benefit recipients. The amendment to 38 CFR 21.4273 simply states a longstanding VA policy which has not been stated clearly before.

The Catalog of Federal Domestic Assistance number for the program affected by these regulations 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: May 2, 1984.

By direction of the Administrator.  
Everett Alvarez, Jr.,  
Deputy Administrator.

### PART 21—VOCATIONAL REHABILITATION AND EDUCATION

It is proposed to amend 38 CFR Part 21 as set forth below:

#### § 21.4270 [Amended]

1. In § 21.4270(b), footnote 2 is amended by changing the reference "§ 21.4272(f)" to read "§ 21.4272(k)."

2. In § 21.4272, the heading, introduction and paragraphs (a) and (b) are revised as follows:

#### § 21.4272 Collegiate course measurement.

The Veterans Administration will measure a college level course in an institution of higher learning on a credit-hour basis provided all the conditions under paragraph (a), (b), (c)(1) or (c)(2) of this section are met. If a course qualifies for credit-hour measurement, it is still subject to the provisions of paragraph (f) of this section. See also § 21.4273 (38 U.S.C. 1788).

(a) *Degree courses—accredited or candidate.* The Veterans Administration considers a course to be an accredited degree course when—

(1) A college or university offers the course, and

(2) A nationally recognized accrediting association either—

(i) Accredits the college or university offering the course at a level appropriate to the degree to which the course leads, or

(ii) Recognizes the college or university offering the course as a candidate for accreditation at a level appropriate to the degree to which the course leads, and

(3) The course is offered on a semester-hour or quarter-hour basis, and

(4) The course leads to an associate, baccalaureate, or higher degree which is granted by the college or university offering the course (38 U.S.C. 1788).

(b) *Degree courses—nonaccredited.*

(1) The Veterans Administration considers a degree course, when offered by a college or university, to be nonaccredited when a nationally recognized accrediting association neither—

(i) Accredits the college or university offering the course at a level appropriate to the degree to which the course leads, nor

(ii) Recognizes the college or university offering the course as a candidate for accreditation at a level appropriate to the degree to which the course leads.

(2) The Veterans Administration will measure a nonaccredited degree course on a credit-hour basis when—

(i) The course is offered on a semester-hour or quarter-hour basis,

(ii) The course leads to an associate, baccalaureate or higher degree, which is granted by the school offering the degree under authority specifically conferred by a State education agency, and

(iii) The school will furnish a letter from a State university or letters from three schools that are full members of a nationally recognized accrediting association. In each letter the State university or accredited school must certify either:

(A) That credits have been accepted on transfer at full value without reservation, in partial fulfillment of the requirements for a baccalaureate or higher degree for at least three students within the last 5 years, and that at least 40 percent of the subjects within each curriculum, for which credit-hour measurement is sought, has been accepted without reservation by the certifying State university or accredited school, or

(B) That in the last 5 years at least three students, who have received a baccalaureate or higher degree as a result of having completed the nonaccredited course, have been admitted without reservation into a graduate or advanced professional program offered by the certifying State university or accredited school (38 U.S.C. 1788).

\* \* \* \* \*



3. In § 21.4273, paragraph (a) is revised as follows:

**§ 21.4273 Collegiate graduate.**

(a) *In residence.* (1) The Veterans Administration will measure a nonaccredited graduate or advanced professional course (other than a law course) as provided in § 21.4272. The Veterans Administration will measure a nonaccredited law course as stated in § 21.4274.

(2) An accredited graduate or advanced professional course, including law as specified in § 21.4274, pursued in residence at an institution of higher learning will be assessed in accordance with § 21.4272 unless it is established policy of the school to consider less than 14 semester hours or the equivalent as full-time enrollment, or the course includes research, thesis preparation, or a comparable prescribed activity beyond that normally required for the preparation of ordinary classroom assignments. In either case a responsible official of the school will certify that the veteran or eligible person is pursuing the course full, three-quarter, one-half, less than one-half but more than one-quarter, or one quarter or less time (38 U.S.C. 1788(b)).

[FR Doc. 84-13962 Filed 5-23-84; 8:45 am]

BILLING CODE 3320-01-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 15 and 90**

[Gen. Docket No. 81-413; FCC 84-169]

**Authorization of Spread Spectrum and Other Wideband Emissions Not Presently Provided for in the FCC Rules and Regulations**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes changes in Part 15 of the Rules to allow spread spectrum usage for low power communication devices operating on frequencies above 70 MHz. Special protection from interference is given to the Radio Astronomy, Safety and TV bands.

Changes in Part 90 of the Rules are also being proposed to allow law enforcement officers to operate direct sequence and time hopping spread spectrum transmitters on selected frequencies in the Police Radio Service. Before any licensed law enforcement officer can operate a spread spectrum transmitter on these frequencies, he

must first obtain approval from the local area coordinator of the Police Radio Service of the district in which the license and equipment are to be used.

**DATES:** Comments are due by September 14, 1984 and replies by October 12, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Dr. Joseph McNulty, (301) 725-1585. Dr. Michael Marcus, (202) 632-7040.

**List of Subjects**

**47 CFR Part 15**

Radio frequency devices.

**47 CFR Part 90**

Private land mobile radio services.

**Further Notice of Inquiry and Notice of Proposed Rulemaking**

In the matter of Authorization of spread spectrum and other wideband emissions not presently provided for in the FCC Rules and Regulations (Gen Docket No. 81-413).

Adopted: April 26, 1984.

Released: May 21, 1984.

By the Commission.

**Introduction and Background**

1. On June 30, 1981, the Commission adopted a Notice of Inquiry ("Inquiry") (46 FR 51259; 87 FCC 2d 876), for the authorization of certain types of wideband modulation systems. The Inquiry is unusual in the way that it deals with a new technology. In the past, the Commission has usually authorized new technologies only in response to petitions from industry. However in the case of spread spectrum, the Commission initiated the Inquiry on its own, since its current Rules implicitly ban such emissions in most cases, and this prohibition may have discouraged research and development of civilian spread spectrum systems. As the next step in this proceeding, we are proposing in this Notice of Proposed Rulemaking rules that would authorize the use of spread spectrum under conditions that prevent harmful interference to other authorized users of the spectrum. We anticipate that this authorization will stimulate innovation in this technology, while meeting our statutory goal of controlling interference. We are issuing a Further Notice of Inquiry to solicit comments that will enable us to develop the appropriate test procedures for spread spectrum devices.

2. Spread spectrum is a term applied to communications systems that spread radio frequency energy over a wide bandwidth by means of an auxiliary spreading code. The spreading of the bandwidth can be accomplished in

many different ways and the systems are usually classified by the type of spreading technique which they employ. They are commonly referred to as: direct sequence (or pseudonoise), frequency hopping, time hopping, pulsed FM (or chirp) and hybrid systems. (These terms are defined in Section 15.4 of the proposed rules in Appendix B.) The spreading or dilution of the energy in spread spectrum systems over a wide bandwidth results in several possible advantages: short range interference-free overlays on other emissions, resistance to interference from other emissions, and low detectability. While we do not anticipate that spread spectrum will replace other types of modulations, the unique characteristics of spread spectrum offer important options for the communications system designer.

3. Although most spread spectrum systems are presently used in government applications, there are some non-government systems also in operation. In some instances, the existing Rules and Regulations allow such operation, in other cases, permission to operate has been obtained through special authorization. Under § 90.209(b) and under footnote US217 in § 2.106 of the Rules and Regulations, spread spectrum systems for radiolocation purposes can be licensed for operation in the 420-435 MHz band. Also, special authorization was given to the Amateur Radio Research and Development Corporation to conduct spread spectrum tests in the 50.0-54.0, 144-148 and 220-225 MHz bands. Under Part 25 of the Rules and Regulations which deals with Satellite Communications, licensees are only required to meet certain power attenuation standards and are not limited in operation by any specific emission designators. This, plus the wide bandwidth available in the 4.4-4.7 GHz band, has enabled Equatorial Communications Company to use spread spectrum in its satellite communications.<sup>1</sup>

<sup>1</sup> On April 14, 1980, Equatorial was granted permission to provide a 9600 bit per second data distribution service using spread spectrum transmissions. The signals were broadcast from a large earth station in Mountain View, California and were rebroadcast from a satellite to customers which received them with 0.6 meter (2 foot) diameter receiving antennas. Over 6000 of these systems were sold in 1983. Equatorial's filings with the Commission concerning this system have been given the reference file numbers W-P-C-3078 and W-P-C-3476. On March 5, 1984, Equatorial was granted permission to use spread spectrum in a 1200 bit per second satellite uplink using a 1.2 meter (4 foot) transmitting antenna. Equatorial's filings with the Commission for this system have been given the

Continued



4. These are some of the services in which spread spectrum systems are now operating in accordance with the current FCC Rules and Regulations. In the Inquiry, we sought to determine whether it would be in the public interest to authorize spread spectrum in an additional number of services and over a broader range of frequencies. There is some interest in spread spectrum communications because these systems offer certain advantages over conventional communications systems. For example, since the spreading functions for these systems are not uniquely specified different codes can be used to obtain selective addressing as well as message privacy. As a result, code-division multiple access systems can be implemented using spread spectrum techniques. Also, the low spectral density needed for spread spectrum communications systems, as well as the ability of some of these systems to process signals that are buried far into the noise, offer a potential for shared spectrum use with existing systems on a non interference basis. Finally, spread spectrum systems could be useful in applications to control multipath interference.

5. In the Inquiry, we also requested comments on the interference potential of spread spectrum systems to existing services, their frequency allocations, and the measurement of their emissions for monitoring as well as equipment authorization purposes. Information was also solicited concerning what services might be authorized, what transmitted power should be allowed, how can the transmissions be measured, should spectrum overlay of existing systems be allowed and what potential exists for interference with existing communications.

6. We also brought to the public's attention a study made by the MITRE Corporation on the potential use of spread spectrum techniques in non-government applications ("Scales Report") and a second study made by the IIT Research Institute (IITRI) on the analysis of interference caused by spread spectrum signals ("Newhouse Report").<sup>2</sup> Comments were invited on

the appropriateness of using the theoretical models developed in these reports as a basis for rulemaking.

#### *Discussion of Comments and Reply Comments*

7. Sixteen comments and twelve reply comments were filed in response to the Inquiry. A list of those filing comments is contained in Appendix A. The comments received were primarily in reply to the questions raised in the Inquiry and no new matters or issues of significance were raised. Although several questions in the Inquiry specifically addressed the use of spread spectrum in police applications, there were no responses to the Inquiry from police agencies or associations or from any public safety group. The replies to the Inquiry were primarily from manufacturers, individuals and broadcast groups.

8. In general, most of the replies were favorable to the overall concept of spread spectrum communications. It was felt that there are many useful communications applications which could be achieved with spread spectrum techniques that could not be satisfactorily developed with any other technology. However, many had reservations about the particularly implementation of spread spectrum systems and expressed concern over the potential for interference with existing communications systems. Because the technology is so new, many urged the Commission to proceed slowly with its implementation until we have had successful operating experience with these systems, including the identification and measurement of spread spectrum signals and their interference potential. There was particular concern among some parties that regular communications might be interrupted and the Commission might not be able to detect the source of the interference.

9. Various parties as well as the Commission suggested many civilian applications of spread spectrum techniques. These were:

- a. Wireless data terminals;
- b. Wireless microphones;
- c. Cordless telephones;
- d. Wireless intercoms;

- e. Remote area telephone service;
- f. Radionavigation and ranging;
- g. Intrusion alarms;
- h. Police radar;
- i. Police tracking and trailing devices;
- j. A wide range of telemetry applications; and
- k. Remote control applications both domestic and industrial.

Although many of these applications duplicate existing services, there are some instances where spread spectrum systems could provide a superior and less expensive alternative to the systems presently in use. Lucasfilm Ltd., which makes extensive use of wireless microphones, made this observation in their comments:

[W]e would like to offer the Commission comment from a potential user for whom spread-spectrum techniques may provide the only solution to a standing problem. . . . special circumstances surround the use of FCC-authorized "radio microphones" in the production of theatrical motion pictures. It is the experience of every user with whom I have compared notes, that narrow-band FM radio microphones provide unreliable communications. Multiple transmission paths cause frequent complete drop-outs of signal, with the resultant loss of a great deal of time and money. . . . One need only listen to the tapes from the locations of C3PO of the next "Star Wars" film with its nearly continuous dropouts to realize the potential importance of spread spectrum techniques.

[Lucasfilm Ltd., Comments, June 28, 1982; pages 1 and 2]

10. Regarding the use of spread spectrum techniques in police communications, only GE and the IEEE Communications Society Subcommittee commented on whether non-jammable police radars could be developed using spread spectrum. Both thought that this type of spread spectrum implementation was not needed at the present time. Although no formal responses were received on this issue, we did receive an informal inquiry from Transcript/International Inc. concerning the use of spread spectrum in police trailing applications.<sup>3</sup>

11. Concerning the parameters that characterize spread spectrum emissions and the methods for their detection and measurement, there as much broad comment but very little concrete detail. It was generally felt that each type of wideband modulation system has its own unique characteristics, and that different measurement techniques would be needed for each of the different spread spectrum systems. Some thought

reference file numbers 962-DSE-P/L-83 and 963/964/965-DSE-ML-83. In both of these cases, the data is spread to 5 MHz using direct sequence pseudonoise modulation. This spreading is essential for these applications in order to allow the use of small antennas and prevent interference to other satellites and terrestrial users.

<sup>2</sup> Walter C. Scales, "Potential Use of Spread Spectrum Techniques in Non-Government Applications", the MITRE Corporation, PB 81-165284, December 1980.

Paul Newhouse, "Procedures for Analyzing Interference Caused by Spread-Spectrum Signals".

IIT Research Institute, Report ESD-TR-77-003, AD-A056911, February 1978.

Copies of these reports may be purchased from the National Technical Information Service, Springfield, Va., 22161. Tel. (703)-487-4650. Scales and Newhouse have presented tutorials at the FCC on their reports. These presentations are useful background information for those preparing comments in this area and copies of videotapes are available from the Prism Corporation, 4545 42nd St., NW, Suite 109, Washington, D.C. 20016. Attn: Donna Edwards, Tel: (202)-686-8250.

<sup>3</sup> Transcript/International Inc. has developed frequency hopping transmitters which they have been demonstrating to law enforcement agencies for possible use in the police radio service.



that the average power per unit of bandwidth would be an adequate measure of the spectral emissions and that this measurement could be made on a spectrum analyzer. However, no specific procedures were given for making these measurements, and no useful analysis was provided of the levels and character of the emissions to be expected at various distances from a spread spectrum transmitter. It was suggested that the American National Standards Committee C63 on Radio-Electrical Coordination might be of some help to the Commission in setting up adequate monitoring and measurement standards.

12. Although few parties commented on the Newhouse and Scales theoretical models, those who did felt that the models were not sufficiently accurate or complete to be used as a basis for frequency allocation or to predict the interference to conventional systems from spread spectrum signals. They felt that both Newhouse and Scales have greatly expanded our knowledge in this area; but, that for any theoretical model to be accepted as a standard, it would have to be first thoroughly checked against experimental data over a wide range of test conditions.

13. The topic that caused the most concern was the potential interference that spread spectrum systems might cause to existing services. Some concern was also expressed about the possibility of spread spectrum systems interfering with each other. GE felt that the interference problems presented by spread spectrum systems may be so great as to preclude their successful implementation in the land mobile services. Because of this, they thought that spread spectrum systems should not be authorized in mobile services but should be confined to the FIXED services.

14. Both GE and RCA objected to authorizing spread spectrum systems in the Industrial, Scientific and Medical (ISM) bands because many Part 15, low power consumer devices, such as home security devices and video disc systems, have already been authorized to operate in some of the bands. Not only were they concerned that spread spectrum systems operating in the ISM bands might cause interference to these devices, they also feared that any interference could lead to restrictions on the ISM bands for all Part 15 devices. Although RCA's objections were limited to the ISM bands below 1000 MHz, GE did not qualify its objections. All other parties responding to this issue felt that spread spectrum systems should be authorized in the ISM bands.

15. With the exception of NTIA, all of the respondents who specifically addressed the issue were against the overlay of spread spectrum systems upon existing services. However, these respondents made no explicit objection to the use of spread spectrum in low-powered, limited range applications. Indeed, most of the suggested applications for spread spectrum implementation were for systems of this type. Nevertheless, there was considerable concern about the interference to existing services from spread spectrum systems, regardless of the power levels involved. It was hoped that the interference could be minimized or completely eliminated, through the establishment of sufficient standards for the measurement and monitoring of spread spectrum emissions. In their comments, NTIA has pointed out that there are military and government spread spectrum systems which are presently operating in the frequency bands of other services, and are apparently causing no harmful interference to these services. However, they also state that in order to prevent interference to the overlaid services, some constraints and limitations had to be placed upon the operation of the spread spectrum systems.

#### *Proposed Rulemaking for Spread Spectrum Authorization*

16. It appears that most low power communication devices, currently authorized under Part 15 of our Rules and Regulations, could be considered as potential candidates for spread spectrum. As the staff at the Commission's Laurel Laboratory facility has considerable experience in measuring the emissions from Part 15 devices, the authorization of spread spectrum devices under this section of the Rules is attractive, since the expertise of the Laboratory staff could be drawn upon in establishing measurement standards for these devices and monitoring their emissions. However, most of the measurements at the Laboratory have been made on narrowband transmitting systems. Consequently, we will also have to rely on comments and help from outside the Commission in developing meaningful measurement standards for broadband systems. We would like to draw upon industry's knowledge and resources in this area and invite their comments on the development of such broadband measurement standards.

17. The authorization of spread spectrum systems under Part 15 of the Rules is attractive from another point of view. With the exception of frequency hopping systems, spread spectrum

devices require continuous bands of spectrum in which to operate. But since Part 15 low power communication devices are authorized to operate on all frequencies above 70 MHz, subject to certain restrictions, spread spectrum systems authorized under this Part of the Rules would have access to this broad continuous area of spectrum. This essentially unlimited amount of spectrum is therefore important to spread spectrum use. Also, authorization of spread spectrum devices under Part 15 would allow considerable experimentation to be done on devices such as wireless microphones and wireless data terminals without Commission regulations restricting their development. At the same time, the Commission might be spared the immediate need to allocate additional spectrum space for these services and for other requested services such as cordless telephones. Many specific problem areas, such as those pointed out by Lucasfilm Ltd., could perhaps also be eliminated by Part 15 spread spectrum authorization. The use of spread spectrum in existing types of Part 15 devices, such as cordless phones and garage door openers, might increase their interference rejection capability while decreasing their potential interference to other systems and improving their privacy.

18. The authorization of spread spectrum systems under Part 15 of the Rules and Regulations would be unrestrictive and unregulatory in nature, since devices operating under Part 15 do not have to be licensed and users do not face eligibility requirements, content regulation, or coordination requirements. This would allow the forces of the marketplace to drive the implementation of this new technology, unhampered by regulations other than those needed to prevent harmful interference to licensed systems. Because of this, we are proposing to allow spread spectrum usage, under Part 15 of our Rules, for all low power communication devices which transmit or receive information on frequencies on or above 70 MHz. For frequency hopping, time hopping and pulsed FM systems, the levels of emissions which are being proposed are comparable with those presently authorized in the Rules for low power communication devices. For direct sequence systems, the levels of emission have been chosen so that the signals will not affect passable television quality (TASO grade 3) at a distance of 10 meters from the transmitter. Television receivers, because of their wide channel



bandwidth are generally more sensitive to interference than narrowband receiving systems. Hence, the emission limits which have been chosen to protect the television services, should be sufficient to protect narrowband systems from interference also. Emergency and radio astronomy bands have been protected in the proposed rules by placing stringent limits on the radiation which can be emitted in these bands. (See paragraph 15.126(c) of the proposed rules in Appendix B.) These constraints should minimize the probability of harmful interference to any of the existing services.

19. Spread spectrum devices, authorized under the rules proposed in this NPRM, will be required to be certified as a prerequisite to marketing. The Rules for the certification of Part 15 low power communication devices are given in the Rules and Regulations under Part 15, Subpart B. The Commission has the discretionary authority to call in sample devices for testing as part of the certification process. As we have done in the past with cordless telephones, CB radios, home computers and other devices and in response to the comments received in this proceeding, we expect to engage in a thorough sampling program until we are confident that the manufacturers have gained sufficient knowledge and skill in building them, so that they pose no potential interference problems.

20. The present Rules specify power and bandwidth limits for all low power communication devices. They also specify that, for devices authorized under the general provisions of Section 15.122, periodic operation in the bands 41.66-40.70 MHz and above 70 MHz, the duration of each transmission shall not be greater than one second and the silent period between transmissions shall be at least 30 times the transmission duration but in no case less than 10 seconds. Although, we are proposing to authorize spread spectrum systems under a new, separate section of the Part 15 Rules, § 15.126, the new proposed rules were modeled after those of § 15.122 and were made consistent with the rules and requirements of that section to the greatest extent possible. Nevertheless, in order to accommodate spread spectrum system under this Section of the Rules, some of these requirements have to be amended.

21. As we have indicated above, we are proposing to allow spread spectrum systems to operate on any range of frequencies above 70 MHz without any restrictions on their occupied bandwidths. And since a requirement of a 10 second minimum time between

transmissions for spread spectrum devices could severely hamper the development of this technology, we are proposing to eliminate this restriction for these devices. However, spread spectrum systems would be subject to power and spectral occupancy limits that are comparable with those presently in the Rules, and for frequency hopping, time hopping and pulsed FM systems, a modified form of the  $\frac{1}{30}$  transmission on/off time requirement, would apply also.

22. Time hopping and pulsed FM, spread spectrum systems can meet the present power and transmitting time on/off limits, if the measured field strength of their emissions on any frequency is no greater than those presently specified in this Part of the Rules, and if their duty cycles are less than 3.3%. Frequency hopping systems will also meet these requirements, if they are subject to this same field strength criteria, if 30 or more hopping frequencies are used, and if the transmission time on any one frequency is less than 1 second. However, because frequency hopping, time hopping and pulsed FM systems could cause considerable interference to television reception if they were allowed to indiscriminately operate within the television bands, restrictions have been placed upon the use of the television bands by these systems. If these systems operate on frequencies which fall within the television bands, it is proposed that they either be designed so that they do not have a total time of occupancy on any single television channel that is greater than one second out of every 30 seconds, or that they be provided with a switch or switches, that will enable the equipment to be operated on channels which are unused in that area. A television channel will be considered as used in an area, if the spread spectrum transmitter under consideration will produce a field, within the grade A contour of the television station using that channel, which is greater than 10 microvolts per meter.

23. With regards to interference, direct sequence systems pose a different type of problem since they require a continuous occupancy of the frequency bands in which they are operating. Juroshek has shown that the interference to television by direct sequence signals is of the same magnitude as that from narrowband signals of equivalent power.<sup>4</sup> But for

narrowband interference, a signal to interference ratio of 50 dB will yield a television picture of passable quality.<sup>4,5</sup> At the grade A contour, most locations can tolerate a wideband or narrowband interference signal of approximately 10 microvolts per meter. Thus, the proposed maximum emission level of 33 microvolts per meter, measured at 3 meters, corresponds to no significant interference to most TV receivers that are 10 meters away from the emitter at the grade A contour, or 15-100 meters away (depending on channel number) at the grade B contour. It should be noted that this level of radiation is far below that presently allowed for Part 15 of the Rules and Regulations for spread spectrum devices are presented in Appendix B.

24. The limits on the effective radiated power from spread spectrum devices, operating on frequencies on or above 70 MHz, are presented in § 15.126(a) (cf. Appendix B). It should be noted that no fixed limits are being placed on the radiated power of spread spectrum devices operating in the 902-928 MHz, 2400-2483.5 MHz and 5725-5875 MHz ISM bands.<sup>6</sup> In these bands, all devices are allowed sufficient power for satisfactory operation, providing they do not cause harmful interference to other users of the bands, or produce unacceptable levels of radiated emissions outside the bands. The proposed rules would authorize spread spectrum systems to share these bands on a secondary non-interference basis with the primary users.<sup>7</sup> The majority of the comments favored allowing spread spectrum systems to operate in these bands. Also, in the previously cited report, "Potential Use of Spread Spectrum Techniques in Non-Government Applications", Scales recommended that the Commission consider the implementation of spread

<sup>4</sup> CCIR Report 523, 1974, "System Models for the Evaluation of Interference", International Telecommunications Union, Geneva.

<sup>5</sup> RM-4426, a petition for rulemaking filed by Geostar Corporation for a radiolocation satellite service, requested use of the 2483.5-2500 MHz band. The availability of this band for spread spectrum communications systems will depend on the final disposition of the Geostar petition.

<sup>7</sup> NTIA has recently studied the current and potential electromagnetic usage of these three bands. Their findings are contained in the following reports.

Bohdan Bulawka, "Spectrum Resource Assessment in the 902-928 MHz Band" NTIA Report 80-46, September 1980.

Robert T. Waston, "Spectrum Resource Assessment in the 2300-2450 MHz Band", NTIA Report 81-78, September 1981.

William B. Grant, John C. Carroll and Charles J. Chilton, "Spectrum Resource Assessment in the 5650-5825 MHz Band", NTIA Report 83-115, January 1983.

<sup>4</sup> John R. Juroshek, "A Preliminary Estimate of the Effects of Spread-Spectrum Interference on TV", NTIA Report 78-6, June 1978.



spectrum systems in the ISM bands. Although GE and RCA have presented arguments against the shared usage of the ISM bands, we do not feel that they outweigh the considerable advantages to be gained from sharing these bands with spread spectrum systems. If spread spectrum systems can contend with the heavy interference from the other users of these bands, then these bands could offer an excellent proving ground for high power spread spectrum applications. Comments are requested on this issue.

25. In response to Transcript/International's inquiry concerning the use of spread spectrum in police communications, we are proposing to authorize frequency hopping and direct sequence systems to operate on a limited basis on certain frequencies in the Public Safety Radio Services. This authorization would be only for Police Departments' use of Public Safety spectrum for the purpose of communications in connection with physical surveillance, stakeouts, raids and other such activities and would be on a secondary basis to operations of licensees regularly authorized on these frequencies. Approval of the area frequency coordinator must be obtained prior to operation. The proposed changes to Part 90 of the Rules and Regulations to accomplish this are presented in Appendix B.

26. Because criminals have become increasingly more sophisticated in the means which they use to monitor police communications and detect surveillances, law enforcement officers must use increasingly sophisticated methods to guard their communications. Since spread spectrum transmissions are not readily detectable by criminals monitoring the air waves and are difficult to jam, this form of communications can become an extremely valuable tool for police. Federal law enforcement agencies, operating radio systems under 47 USC 305 have been authorized on a case by case basis by the National Telecommunications and Information Administration to use spread spectrum in their operations. This proposed rule gives state and local law enforcement agencies this same, important capability.

27. Under the proposed change to Part 90 of the Rules, frequency hopping systems would be allowed to operate on any of the frequencies which are presently available to the Police Radio Service and listed in § 90.19(d) of the Rules. The power limit specified for the users of these frequencies is 2 watts. Hence, frequency hopping systems,

which are operating on these frequencies, are not expected to cause harmful interference to other users, if their maximum output power is kept below 2 watts. However, if the hop rate of these systems is greater than 10 hops per second and more than 10 hopping frequencies are used, then we feel that a maximum output power of 15 watts can be allowed and still not cause objectionable interference to the other users, since the time of continuous occupancy of any single frequency, by the frequency hopping system, will be less than one tenth of a second. Also, direct sequence spread spectrum systems will be allowed to operate in the 37.01-37.43, 39-40, 44.61.6, -46.6, 154.6375-156.250 and 158.715-159.48 MHz, Public Safety bands, if their maximum integrated output power is limited to 10 mW per KHz. The level of this signal is about one-tenth of that allowed for the other users of these bands and therefore the potential for interference is small.

28. We recognize that there is a potential for increased interference in allowing spread spectrum systems to share spectrum with conventional radio services. The proposed operation of spread spectrum devices under Part 15 of the Rules on frequencies above 70 MHz could, depending upon power levels allowed and other technical details, potentially affect Private Radio, Mass Media, and Common Carrier Services. We are particularly determined to avoid harmful interference to the Public Safety Radio Services from devices operating under both Part 15 and Part 90 of the Commission's Rules. Communications in the public safety services are directly related to the safety of life and property. As such, harmful interference could have a direct and adverse effect on the public. Public safety licensees operate radio systems in the 30 MHz, 150 MHz, 450 MHz, 470 MHz, 800 MHz private land mobile bands. We have attempted to minimize this potential for interference by choosing conservative technical standards and, in the case of operation under Part 90, by requiring frequency coordination. We request comments on the ability of our proposed rules to ensure the integrity of public safety communications as well as other services.

29. Although automatic identifiers for spread spectrum systems are not being considered in this proceeding, we may in the future have to consider some form of transmission identifier to assist us in identifying and locating units which may be causing interference. Hence, comments are sought on the feasibility

of using such identifiers and the particular form that they might take. (As an example, Del Norte Technology Inc. uses a blanking technique to superimpose Morse code on their emissions with the identifiers DN and DNT for their spread spectrum radiolocation devices.)<sup>8</sup> It should be noted that there could be some difficulties with using these identifiers. For instance, the transmitted designator could be so strong that it could cause interference even when the signal it is identifying is not causing any, and on the other hand, it could be so weak that it might remain undetected while the signal which it is identifying is causing interference. We are requesting comments as to whether these difficulties pose real hindrances to the use of transmitter designators with spread spectrum communications systems. If not, what form should the designator take and what power levels should be specified?

30. We may wish to consider spread spectrum transmissions that are carried by line conducted carrier current. There are many practical applications of spread spectrum systems which could be realized if the transmissions could be carried by this means. At the present time, line conducted transmissions are only allowed in restricted instances because of the danger of feeding interference back into the mains. Anticipating a possible future concern of the Commission in this area, we are requesting comments on the conditions under which this method of transmission would be practical for spread spectrum systems in domestic, business and industrial environments. Also, what power levels and frequency ranges should be specified and what range of transmission frequencies should be allowed? What precautions should be taken so that excessive spread spectrum signal strength does not feed back into the mains?

31. One area in which we expect significant growth for spread spectrum systems is in its use in wireless data terminals. The Commission has already received several inquiries concerning this use for spread spectrum and experimental licenses for such devices have already been issued.<sup>9</sup> To help us

<sup>8</sup> 47 FR 34415, "Revisions of Parts 2 and 90 of the Commission's Rules and Regulations to permit inland assignment of frequencies in the 420-450 MHz band for non-Government radiolocation", Second Report and Order, General Docket No. 80-135, Paragraph 14.

<sup>9</sup> Hewlett-Packard has been issued experimental licenses under Part 5 of the Rules to develop and operate direct sequence, spread spectrum wireless data terminals in the 2450-2550 MHz band. All of



anticipate industry's needs in this area, we are requesting comments as to whether the Rules, proposed here, are sufficient to allow spread spectrum wireless data terminals to operate efficiently in domestic, business and promising application, should we consider authorizing two classes of wireless data terminals under Part 15 as is presently done with computing devices? Alternatively, should such data terminals require a license if they exceed a certain emission limit? If so, what power and emission limits should be imposed? On the other hand, if in order to operate efficiently, these terminals would require bands of their own, where should they be located and what should the power limits be?

#### *Notice of Inquiry*

32. For equipment authorization and monitoring purposes, standards will have to be established for the measurement of spread spectrum emissions. However, because of the unique problems associated with the detection and measurement of these signals, we are unable to this time to furnish the appropriate procedures for their measurement. These will be released with the final Report and Order. To develop these procedures, we will need considerable assistance from business and industry to help solve the many difficult problems associated with these types of measurements. Some areas of concern about which we seek comments are:

1. With the power levels proposed for Part 15, spread spectrum transmitters, is it feasible, or even possible with our present measurement techniques, to measure the field strength of emissions from this equipment at outdoor 3 meter test sites? If so, what antennas would be the most suitable for making the measurements? (It should be kept in mind that, since most antennas become very inefficient at high frequencies, i.e., their antenna factors become very large, it may not be possible to detect and accurately measure low powered, spread spectrum signals, at these test sites. Also, remember that, since it is proposed that spread spectrum operations be allowed on all frequencies above 70 MHz, several different antennas will be needed to span the range over which these systems will be operating.) Would the same measurement procedures suffice if field strength levels listed in § 15.126(a) were

to be decreased by 20 dB? What would the test procedures be in this case?

2. Measurements could perhaps be made more easily and accurately indoors, by measuring the output signal from the devices at a point just prior to any passive antenna tuning network that is used. What should be measured here: the total power of the unmodulated carrier, the power density over a specified frequency range or some other parameter? How can these measurements be coordinated with the field strengths specified in § 15.126(a) of the proposed Rules (cf. Appendix B)? Will there be any difficulty in adjusting the data for transmission line loss and antenna gain?

3. Perhaps all of the equipment authorization measurements will have to be made indoors on a test bench. For accuracy and repeatability in making these measurements, we may require that the manufacturer install, on devices that are submitted for test, some type of low loss RF connector at a point on the device just prior to any passive antenna tuning network that is used. What type of a connector should be specified? (If possible, the generic name of the connector should be used rather than the brand name.)

4. How should the connector be coupled to the network to prevent it from loading down the device? What impedance matching standards should be specified to prevent either the connector or the measuring equipment, which is to be attached to the connector, from interfering with the operation of the device? (Remember, that these connectors, if required, will only be mounted on the piece of communications equipment which the manufacturer submits for testing. They will not be allowed on devices which are produced for the general public. Hence, the addition of the connector to the device should not substantially change its operating characteristics.)

5. What equipment should be used to make the measurements? Are both spectrum analyzers and field intensity meters adequate for making these measurements or would the noise floors of these instruments mask the signals which are being measured?

6. What IF bandwidth should be used? Although the specification of a 1 MHz IF bandwidth is appealing and is easily attainable on most instruments, it is perhaps not adequate for measuring spread spectrum signals because their bandwidth is so large. The tradeoff for reduced IF bandwidth is the speed of making the measurements and it would take 10 times longer to scan a given spectrum with an instrument with a 1

MHz IF bandwidth as it would with one that had a 10 MHz bandwidth. And for signals which may span several GHz, even a 10 MHz IF bandwidth may not be adequate.

7. What scanning speed should be used to ensure that a representative sample of the spread spectrum transmission is actually being measured? Would a scanning speed that is one twentieth that of the spreading code be sufficient?

8. To speed up the measurements, what equipment could be used that will provide a greater IF bandwidth and yet would not sacrifice the accuracy of the measurements?

9. How can the test procedures for both indoor and outdoor measurements be automated?

10. What test data should we ask the manufacturers to supply for equipment authorization purposes?

We will give consideration to the information, which is submitted, in setting up our internal measurement standards, which we will make available to the public in a technical note or report.

#### *How to File Comments*

33. In accordance with the procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before September 14, 1984 and reply comments on or before October 12, 1984. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, providing that such information, or a writing indicating the nature and source of such information, is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

34. In accordance with the provisions of § 1.419 of the Commission's Rules, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a copy of their comments should file an original and 10 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All comments should be clearly marked General Docket No. 81.413, and will be available for public inspection during regular business hours in the Commission's Public Reference Room at

the licensed facilities are in California. Although the need to broadcast call signs has been waived by the Commission in this instance, the identifying call signs associated with these facilities are: KM2XPS, KM2XPV, KM2XPW, KM2XPX AND KM2XPY.



its headquarters at 1919 M St., NW., Washington, D.C. All written comments should be sent to: Secretary, Federal Communications Commission, Washington, D.C., 20554. For general information on how to file comments, please contact the FCC Consumer Assistance and Small Business Division at (202) 623-7000. For further information on this proceeding, contact Dr. Joseph McNulty at (301) 725-1585 or Dr. Michael Marcus at (202) 623-7040.

#### *Initial Regulatory Flexibility Analysis*

35. *Reason for Action.* The Commission believes that its rules and policies should be reviewed in the context of current social, technological and financial environments in which licensees and applicants operate, so that service to the public may be facilitated while the least regulatory cost is imposed. It is in this light that it is considering modification of its Part 15 and Part 90 rules.

36. *The objectives.* The Commission proposes to accommodate spread spectrum systems by reducing regulation to the maximum extent feasible. The commission believes that such action will lead to a more rapid development of spread spectrum technology in the civilian sector.

37. *Legal basis.* Action proposed herein is taken pursuant to Sections 4(i) and 303 of the Communications Act of 1934, as amended.

38. *Description, potential impact and number of small entities affected.* We do not believe that this NPRM will have a detrimental impact upon small entities. Indeed, insofar as our action contemplates spectrum reuse, it is likely that it will benefit both small and large entities which seek to enter the new markets that this action will create. Also, since the action is deregulatory in nature and no new, restrictive regulations are being proposed, it should provide expanded business opportunities for all vendors and users of communications equipment, both small and large. Beyond this, we are unable to quantify the potential effects of this action on small entities. Comments are requested on this point by interested parties.

39. *Recording, record keeping and other compliance requirements.* The proposed modifications of Part 15 of the Rules would require only record generation by the manufacturer sufficient to meet type acceptance standards for the equipment. Modifications of the Part 90 rules require only a simple onetime notification of the area coordinator of the Police Radio Service of the district in which the license and equipment are to be used.

40. *Federal rules which overlap, duplicate or conflict with this rule.* The proposed rules were coordinated with the National Telecommunications and Information Administration. Their replies on this issue will be carefully considered to ensure no conflict will be encountered with Federal rules.

41. *Any significant alternatives minimizing impact on small entities and consistent with the stated objective.* None.

#### *Other Procedural Matters*

42. *Ex Parte Considerations:* For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that ex parte contacts are permitted, from the time the Commission adopts a notice of proposed rulemaking, until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting, or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an ex parte presentation is any written or oral communication (other than formal written comments/pleading and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person, who submits a written ex parte presentation, must present a copy of that presentation to the Commission's Secretary for inclusion in the public file. Any person, who makes an oral ex parte presentation addressing matters not fully covered in any previously-filed written comments for the proceeding, must present a written summary of that presentation to the Commission's Secretary for inclusion in the public file on the day that the presentation is made. A copy of the summary must also be presented to the Commission official who receives the oral presentation. The written presentation and summary, described above, must state the docket number of the proceeding to which they relate. For further information, see § 1.1231 of the Commission's Rules [47 CFR 1.1231]. A summary of the Commission's procedures governing ex parte presentations in informal rule making proceedings is available from the FCC Consumer Assistance and Small Business Division, Federal Communications Commission, Washington, D.C., 20554.

43. *The Commission's action in this proceeding:* Accordingly, the Commission adopts this Notice of Proposed Rulemaking (NPRM) under the authority contained in Section 4(i) and

303 of the Communication Act of 1934, as amended.  
Federal Communications Commission.  
William J. Tricarico,  
Secretary.

#### **Appendix A—List of Parties Supplying Comments and Reply Comments to the Notice of Inquiry**

The following parties supplied Comments to the Notice of Inquiry:  
Association of Maximum Service Telecasters, (MST)  
American Petroleum Institute,  
American Telephone and Telegraph Company, (ATT)  
Communications Satellite Corporation, (COMSAT)  
Cryptext Corporation  
General Electric, (GE)  
GTE  
Hewlett-Packard, (HP)  
M/A-COM  
Motorola  
National Association of Broadcasters, (NAB)  
National Association of Business and Educational Radio, Inc., (NABER)  
RCA  
Telecommunications Engineering, Inc., (TEI)  
Special Industrial Radio Service Association, (SIRSA)  
U.S. Dept. of Transportation, Maritime Administration  
The following parties supplied Reply Comments to the Notice of Inquiry:  
American Broadcasting Companies, Inc., (ABC)  
American Telephone and Telegraph Company, (ATT)  
Wesley G. Bush  
Lawrence F. Chesto  
Communications Theory Committee of the IEEE Communications Society  
Del Norte Technology, Inc.  
Equatorial Communications Company (Equatorial)  
General Electric, (GE)  
Hewlett-Packard, (HP)  
IEEE Committee on Communications and Information Policy  
Lucasfilm, Ltd.  
U.S. Dept. of Commerce, National Telecommunications and Information Administration, (NTIA)

#### **Appendix B—Proposed Changes for FCC Rules and Regulations Part 15 and Part 90 Changes**

##### **PART 15—[AMENDED]**

##### **§ 15.4 [Amended]**

1. Section 15.4, General Definitions, is amended by adding paragraphs (w), (x), (y), (z), (aa) and (bb) as follows:

(w) Spread Spectrum Systems. A spread spectrum system is an information bearing communications system in which: (1) information is conveyed by modulation of a carrier by some conventional means, (2) the bandwidth is deliberately widened by



means of a spreading function over that which would be needed to transmit the information alone. (In some spread spectrum systems, a portion of the information being conveyed by the system may be contained in the spreading function.)

(x) Direct Sequence Systems. A direct sequence system is a spread spectrum system in which the incoming information is usually digitized, if it is not already in a binary format, and modulo 2 added to a higher speed code sequence. The combined information and code are then used to modulate a RF carrier. Since the high speed code sequence dominates the modulating function, it is the direct cause of the wide spreading of the transmitted signal.

(y) Frequency Hopping Systems. A frequency hopping system is a spread spectrum system in which the carrier is modulated with the coded information in a conventional manner causing a conventional spreading of the RF energy about the carrier frequency. However, the frequency of the carrier is not fixed but changes at fixed intervals under the direction of a pseudorandom coded sequence. The wide RF bandwidth needed by such a system is not required by a spreading of the RF energy about the carrier but rather to accommodate the range of frequencies to which the carrier frequency can hop.

(z) Time Hopping Systems. A time hopping system is a spread spectrum system in which the period and duty cycle of a pulsed RF carrier are varied in a pseudorandom manner under the control of a coded sequence. Time hopping is often used effectively with frequency hopping to form a hybrid time-division, multiple-access (TDMA) spread spectrum system.

(aa) Pulsed FM Systems. A pulsed FM system is a spread spectrum system in which a RF carrier is modulated with a fixed period and fixed duty cycle sequence. At the beginning of each transmitted pulse, the carrier frequency is frequency modulated causing an additional spreading of the carrier. The pattern of the frequency modulation will depend upon the spreading function which is chosen. In some systems the spreading function is a linear FM chirp sweep, sweeping either up or down in frequency.

(bb) Hybrid Spread Spectrum Systems. Hybrid spread spectrum systems are those which use combinations of two or more types of direct sequence, frequency hopping, time hopping and pulsed FM modulation in order to achieve their wide occupied bandwidths.

2. New § 15.126 is added to read as follows:

**§ 15.126 Operation of spread spectrum systems above 70 MHz.**

Low power spread spectrum communication devices may be operated above 70 MHz subject to the following conditions:

(a) Low power spread spectrum communications systems are limited to operation on frequencies above 70 MHz. With the exception of the frequency bands listed in paragraph (c) of this section, the emission of RF energy on any frequency shall not exceed the field strengths in the following table:

Frequency (MHz)	Field strength at 3 m (uv/m)	
	Frequency hopping time hopping pulsed FM systems	Direct sequence systems
70 to 130.....	500	33
130 to 174.....	<sup>1</sup> 500-1500	33
174 to 250.....	1500	33
250 to 470.....	<sup>1</sup> 1500-5000	33
470 and above.....	<sup>2</sup> 5000	33

<sup>1</sup>Linear interpolation.

<sup>2</sup>These power limits apply on all frequencies above 470 MHz except in the 902-928 MHz, 2400-2483.5 MHz and 5725-5875 MHz frequency bands, where adequate power to perform the particular communications task will be allowed, providing that the device causes no harmful interference to other authorized users of these bands, and does not produce spurious or harmonic emissions outside the bands which are larger than the values listed in this Table. Power, in excess of that which is necessary for satisfactory operation, is not allowed.

Note.—Spread spectrum systems using the 902-928 MHz, 2400-2500 MHz and 5725-5875 MHz bands should be cautioned that they are sharing these bands on a secondary basis with systems, supporting critical government requirements, that have been allocated the usage of these bands on a primary basis. Many of these systems are airborne radiolocation systems that emit a high EIRP which can cause harmful interference to other users. For further information about these systems, write to:

Director, Office of Plans and Policy, U.S. Department of Commerce, National Telecommunications and Information Administration, Room 4096, Washington, D.C. 20230.

Also, future investigations of the effect of spread spectrum interference to Government operations in the 902-928 MHz band may necessitate that the general limit on radiated power, as specified in the proposed rules, not be relaxed in this band and that the general limit apply.

(b) Hybrid spread spectrum systems, which use direct sequence modulation in combination with other types of modulation, are restricted to the emission limits given in paragraph (a) of this section for direct sequence systems.

(c) Emission of RF energy shall not fall in any of the bands listed below:

MHz	GHz
73 to 75.4.....	10.6 to 10.7.
108 to 118.....	15.35 to 15.4.
121.4 to 121.6.....	19.3 to 19.4.
156.7 to 156.9.....	23.6 to 24.0.
240 to 285.....	31.3 to 31.8.
328.6 to 335.4.....	51.4 to 54.25.
404 to 406.2.....	59.2 to 59.0.
608 to 614.....	64 to 65.
960 to 1215.....	86 to 92.
1400 to 1427.....	100 to 102.
1535 to 1670.....	105 to 116.
2690 to 2700.....	164 to 168.
4200 to 4400.....	182 to 185.
4990 to 5250.....	217 to 231.

Note.—A radiation level below 5 microvolts per meter at 3 meters will be considered to meet this requirement. For type acceptance of spread spectrum equipment whose emissions overlay these frequency bands, it must be demonstrated, by either measurements or analysis, that this emission limit is met.

(d) For frequency hopping systems, at least 30 hopping frequencies, separated by at least 20 kHz, shall be used, and the time of occupancy on any frequency shall not be greater than 1 second. For time hopping and pulsed FM spread spectrum devices, the duty cycle shall be less than 3.3%.

(e) Frequency hopping, time hopping and pulsed FM spread spectrum systems that operate on frequencies which fall within the television bands, shall either (1) be designed so that they do not have a total time occupancy on any single television channel that is greater than one second out of every 30 seconds or (2) be provided with a switch or switches, that will enable the equipment to be operated on channels which are unused in that area. A television channel will be considered as used in an area, if the spread spectrum transmitter under consideration will produce a field, within the grade A contour of the television station using that channel, which is greater than 10 microvolts per meter. For type acceptance of frequency hopping, time hopping and pulsed by FM spread spectrum transmitters, it must be demonstrated, by either measurements or analysis, that these conditions are met.

(f) The antenna of the spread spectrum device shall be permanently mounted on the enclosure containing the device. A microphone, keyboard, data entering or signal entering unit may be external to the device, providing that it is permanently connected to the enclosure with a cable not longer than 1.5 meters. If a power cable is used, it must not be longer than 3 meters and be permanently attached to the device. If the device is operated outdoors, it must not be mounted at a height greater than 10 meters above the ground. If it is operated indoors, it must be operated at



a height which is not greater than 10 meters above the lowest level where a receiving unit is located.

(g) If the device is to be operated from public utility lines, the RF energy fed back into the power lines shall not exceed 250 microvolts at any frequency between 450 kHz and 30 MHz.

## PART 90—[AMENDED]

### § 90.7 [Amended]

3. Section 90.7, Definitions, is amended by adding the following definitions in the alphabetical order.

**Direct Sequence Systems.** A direct sequence system is a spread spectrum system in which the incoming information is usually digitized, if it is not already in a digital format, and modulo 2 added to a higher speed code sequence. The combined information and code are then used to modulate a RF carrier. Since the high speed code sequence dominates the modulating function, it is the direct cause of the wide spreading of the transmitted signal.

**Frequency Hopping Systems.** A frequency hopping system is a spread spectrum system in which the carrier is modulated with the code information in a conventional manner causing a conventional spreading of the RF energy about the carrier frequency. However, the frequency of the carrier is not fixed but changes at fixed intervals under the direction of a pseudorandom coded sequence. The wide RF bandwidth needed by such a system is not required by a spreading of the RF energy about the carrier but rather to accommodate the range of frequencies to which the carrier frequency can hop.

**Spread Spectrum Systems.** A spread spectrum system is an information bearing communications system in which: (1) Information is conveyed by modulation of a carrier by some conventional means, (2) the bandwidth is deliberately widened by a spreading function over that which would be needed to transmit the information alone. (In some spread spectrum systems, a portion of the information being conveyed by the system is contained in the spreading function.)

### § 90.19 [Amended]

4. Section 90.19 (g)(3), Police Radio Service, is revised as follows:

(3) A licensee may use, without special authorization from the Commission, any mobile service frequency between 40 and 952 MHz listed in paragraph (d) of this section for communications in connection with

physical surveillance, stakeouts, raids, and other such activities. Such use shall be on a secondary basis to operations of licensees regularly authorized on the assigned frequencies. The maximum power that may be used for such communications is 2 watts output. Other provisions of this part, including the requirements for station identification, shall apply. Spread spectrum transmitters may be operated on Public Safety frequencies between 37 and 952 MHz, providing that they are type accepted by the Commission under the provisions of §§ 2.803 and 90.203, and meet the following conditions:

(i) Frequency hopping transmitters can be operated, with a maximum output power of 2 watts, on any mobile service frequency between 40 and 952 MHz listed in paragraph (d) of this section. If their hop rate is greater than 10 hops per second and 10 or more hopping frequencies are used, their maximum output power may be increased to 15 watts.

(ii) Direct sequence spread spectrum transmitters may be operated in the 37.01–37.43, 39–40, 44.61–46.6, 154.6375–156.250 and 158.715–159.48 MHz bands with a maximum integrated output power of 10 mW per kHz.

(iii) Use of spread spectrum transmitters under this section of the Rules is subject to approval by the local area coordinator of the Police Radio Service of the district in which the license and equipment are to be used.

### § 90.207 [Amended]

5. Section 90.207, Types of emissions, is amended by revising paragraph (k) as follows:

(k) For stations in the Fire, Police and Power Radio Services utilizing digital voice modulation, in either the scrambled or unscrambled mode, F3Y emission will be authorized. Authorization to use F3Y emission is construed to include the use of F9Y emission subject to the provisions of § 90.233. P2D emission is allowed for stations using direct sequence spread spectrum transmitters in the Police Radio Service.

### § 90.209 [Amended]

6. Section 90.209, Bandwidth limitations, is amended by adding paragraph (h) as follows:

(h) Direct sequence spread spectrum transmitters which are operating in the 37.01–37.43, 39–40, 44.61–46.6, 154.6375–156.250 and 158.715–159.48 MHz bands will have any radiated emissions outside these bands attenuated by the following factors:

(1) On any frequency removed from the edge of the band by a displacement

up to 40 kHz, the attenuation will be at least 50 dB.

(2) On any frequency removed from the edge of the band by a displacement greater than 40 kHz, the attenuation will be at least 80 dB.

[FR Doc. 84-13814 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M

## 47 CFR Part 73

[MM Docket No. 84-459; RM-4628]

### Television Broadcast in Batavia, New York; Proposed Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This action propose to assign UHF Television Channel 51 to Batavia, New York, in response to a petition filed by William Fortunato. The proposal could provide a first UHF television service to that community.

**DATES:** Comments must be filed on or before July 9, 1984, and reply comments on or before July 24, 1984.

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

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

### List of Subjects in 47 CFR Part 73

Television broadcasting.

### Notice of Proposed Rule Making

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Batavia, New York) MM Docket No. 84-459, RM-4628.

Adopted: May 8, 1984.

Released: May 17, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by William Fortunato ("petitioner"), requesting the assignment of UHF Television Channel 51 to Batavia, New York, as that community's first UHF television broadcast service.<sup>1</sup> The petitioner has filed information in support of the proposal and indicated an interest in applying for the channel, if assigned.

2. Batavia (population 16,703),<sup>2</sup> county seat of Genesee County (population 59,

<sup>1</sup> Petitioner originally requested Channel 33. We have substituted Channel 51 for consideration in order to avoid a short spacing to the proposed assignment of Channel 33 to Barrie, Ontario, Canada.

<sup>2</sup> Population figures were extracted from the 1980 U.S. Census.



400), is located in western New York, approximately 50 kilometers (32 miles) east of Buffalo, New York.

3. Channel 51 can be assigned to Batavia in conformity with the minimum distance separation requirements of § 73.610 of the Commission's Rules provided there is a site restriction of 8.2 miles south to avoid short spacing to Channel 51 in Midland, Ontario, Canada, and Channel 66 in Cobourg, Ontario, Canada. Since Batavia is located within 400 kilometers (250 miles) of the common U.S.-Canadian border, the Commission must obtain Canadian concurrence in the proposal.

4. Since the proposed assignment could provide a first local television broadcast service to Batavia, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Batavia, N.Y.		51

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **Note:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 9, 1984, and reply comments on or before July 24, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Edward M. Johnson & Associates, Inc., One Regency Square, Suite 450, Knoxville, Tennessee 37915, (consultant to the petitioner)

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is

issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes and *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

## Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be

considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-13943 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M

## 47 CFR Part 73

[MM Docket No. 84-456; RM-4632]

### Television Broadcast Station in Crandon, Wisconsin; Proposed Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed Rule and Order to Show Cause.

**SUMMARY:** This action proposes to assign VHF Television Channel 4 to Crandon, Wisconsin, as that



community's first television assignment, in response to a petition filed by Forest County Television Company.

**DATES:** Comments must be filed on or before July 9, 1984, and reply comments on or before July 14, 1984.

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

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

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

Television broadcasting.

#### Notice of Proposed Rule Making and Order to Show Cause

In the Matter of Amendment of 73.606(b), Table of Assignments, Television Broadcast Stations (Crandon, Wisconsin) MM Docket No. 84-456, RM-4632.

Adopted: May 8, 1984.

Released: May 18, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Forest County Television Company ("petitioner"), requesting the assignment of VHF Television Channel 4 to Crandon, Wisconsin, as that community's first commercial television assignment. Petitioner has filed information in support of the proposal and indicated an interest in applying for the channel, if assigned.

2. Crandon (population 1,969),<sup>1</sup> seat of Forest County (population 9,044) is located in northern Wisconsin, approximately 290 kilometers (180 miles) northwest of Milwaukee, Wisconsin.

3. Since the proposed assignment of Channel 4 to Crandon, Wisconsin, is within 320 kilometers (200 miles) of the common U.S.-Canadian border, Canadian concurrence is required.

4. The proposed assignment of VHF Television Channel 4 to Crandon requires a site restriction of 6.7 miles south of the community to avoid short spacing to Channel 4, Station CHED-TV, Thunder Bay, Ontario, Canada. Also, in order to assign Channel 4 to Crandon, Wisconsin, Channel 4 assigned to Minneapolis-St. Paul, Minnesota, is required to change its offset from "zero" to "plus."

5. The permittee of Channel 4 at Crandon, Wisconsin, as a condition of the assignment of that channel to Crandon, will be required to reimburse the licensee of Channel 4 in Minneapolis, Minnesota, for reasonable expenses incurred as a result of the change in offset.

6. In view of the foregoing and the fact that the proposed assignment could

provide a first local television broadcast service to Crandon, Wisconsin, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Minneapolis-St. Paul, Minn.	*2-, 4, 5-, 9+, 11-, *17, 23+, 29+, and 45.	*2-, 4+, 5-, 9+, 11-, *17, 23+, 29+, and 45.
Crandon, Wis.		4.

7. Accordingly, it is ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Midwest Radio-Television, Inc. ("Midwest"), licensee of Station WCCO-TV, Minneapolis-St. Paul, Minnesota, shall show cause why its license should not be modified to specify operation on Channel 4+ as proposed herein instead of the present Channel 4.

8. Pursuant to Section 1.87 of the Commission's Rules, Midwest may, not later than July 9, 1984, request that a hearing to be held on the proposed modification. Pursuant to Section 1.87(f), if the right to request a hearing is waived, Midwest may, not later than July 9, 1984, file a written statement showing with particularity why its license should not be modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Midwest to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Midwest will be deemed to have consented to the modifications as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission if the above-mentioned channel modifications are ultimately found to be in the public interest.

9. It is further ordered, That the Secretary shall send a copy of this notice of proposed rule making and order to show cause by certified mail, return receipt requested, to Midwest Radio-Television, Inc., 50 South Ninth Street, Minneapolis, Minnesota 55402.

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **Note:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before July 9, 1984, and reply comments on or before July 24, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be filed on the petitioner, as follows: J. Geoffrey Bentley, Liberman, Sanchez & Bentley, 2000 "L" Street, NW., Suite 200, Washington, D.C. 20036, (counsel for the petitioner).

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 604 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

#### Appendix

1. Pursuant to authority found in Sections 4(i), 5(e)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

<sup>1</sup>Population figures were extracted from the 1980 U.S. Census.



2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or

other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-13940 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 83-84-464; RM-4667]

#### FM Broadcasts in Crestview and Fort Walton Beach, Florida; Proposed Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** Action taken herein proposes the assignment of FM Channel 257A to Crestview, Florida, and its deletion from Fort Walton Beach, Florida, at the request of Gulf Shores Broadcasting Company. The assignment could provide Crestview with its second FM station.

**DATES:** Comments must be filed on or before July 9, 1984, and reply comments on or before July 24, 1984.

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

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

#### SUPPLEMENTARY INFORMATION:

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

Radio broadcasting.

##### Proposed Rule Making

In the matter of amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations (Crestview and Fort Walton Beach, Florida); MM Docket No. 84-464, RM-4667.

Adopted: May 8, 1984.

Released: May 17, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by Gulf Shores Broadcasting Company ("petitioner"), seeking the assignment of FM Channel 257A to Crestview, Florida, as its second local FM allocation. Petitioner has stated its intention to apply for the channel, if assigned.

2. Channel 257A is currently assigned to Fort Walton Beach, Florida, and licensed to Vacationland Broadcasting Company ("Vacationland"), Station WFTW(FM). However, Vacationland has been granted a permit for Channel

243 at Fort Walton Beach, by an Initial Decision as the result of a comparative hearing (Docket No. 81-855, released October 7, 1983). That decision has been upheld by the Commission's Review Board. Contingent upon Vacationland vacating Channel 257A, petitioner has asked the Commission to reassign that channel to Crestview.

3. The Commission believes the public interest would be served by proposing a second local FM Service at Crestview. The channel can be assigned in compliance with the Commission's minimum distance separation and other technical requirements. In view of the grant of Vacationland's application for Channel 243, the requested channel (Channel 257A) is available for reassignment to Crestview.

4. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as concerns the communities listed below:

City	Channel No.	
	Present	Proposed
Crestview, Florida	285A	257A, 285A
Fort Walton Beach, Florida	243, 257A	243

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 9, 1984, and reply comments on or before July 24, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Jerry W. Milligan, Sr., President, Gulf Shores Broadcasting Company, P.O. Box 1010, Crestview, Florida 32536 (Petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public



should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes and *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 184, 303)

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

#### Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See

Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-13948 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 84-457; RM-4729]

#### FM Broadcast Station in Port St. Joe, Florida; Proposed Changes in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** Action taken herein, at the request of Edward F. Perry, Jr. and

William C. Blackmore, proposes the assignment of Channel 228A to Port St. Joe, Florida. The assignment could provide that community with a second FM service.

**DATES:** Comments must be filed on or before July 9, 1984, and reply comments on or before July 24, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

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

Radio broadcasting.

#### Proposed Rule making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Port St. Joe, Florida) MM Docket No. 84-457 RM-4729.

Adopted: May 8, 1984.

Released: May 17, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed on December 16, 1983, by Edward F. Perry, Jr. and William C. Blackmore ("petitioners") seeking the assignment of Channel 228A to Port St. Joe, Florida, as the community's second FM assignment. Petitioners have expressed an intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. By *Report and Order*, MM Docket No. 83-350, 48 FR 37414, published August 18, 1983, the Commission granted a request for modification of the license for Station WJST-FM from Channel 228A to Class C Channel 233, and for the deletion of Channel 228A from Port St. Joe, Florida. Therefore, the use of Channel 228A at Port St. Joe, should it be assigned, will be contingent upon Station WJST-FM commencing operation on Channel 233.

3. In view of the fact that the proposed assignment could provide a second FM service to Port St. Joe, Florida, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the following community:

City	Channel No.	
	Present	Proposed
Port St. Joe, Florida.....	233	228A, 233

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.



**Note.**—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 9, 1984, and reply comments on or before July 24, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, or their counsel or consultant, as follows: Edward F. Perry, Jr., Educational FM Associates, Box AA, Duxbury, Massachusetts 02331 (Petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Broadcast, (202) 634-6530. However members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

## Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule*

*Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the

Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleading, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-13941 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M

## 47 CFR Part 73

[MM Docket No. 84-458; RM-4732]

### FM Broadcast Station in Salina, Kansas; Proposed Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** Action taken herein, at the request of Smokey Hill Broadcasting Company, Inc., proposes the assignment of Channel 285A to Salina, Kansas. The assignment could provide that community with a third FM Service.

**DATES:** Comments must be filed on or before July 9, 1984, and reply comments on or before July 24, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

### Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Salina, Kansas); MM Docket No. 84-458, RM-4732.

Adopted: May 8, 1984.

Released: May 17, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed December 16, 1983, by Smokey Hill Broadcasting Co., Inc. ("petitioner") which requests the assignment of Channel 285A to Salina, Kansas, as the community's third FM assignment of Channel 285A to Salina, Kansas, as the community's third FM assignment. Petitioner submitted information in support of the proposal and expressed an intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.



2. In view of the fact that the proposed assignment could provide a third FM service to Salina, Kansas, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the following community:

City	Channel No.	
	Present	Proposed
Salina, Kansas	229, 260	229, 260, 285A

3. Interested parties may file comments on or before July 9, 1984, and reply comments on or before July 24, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Smoky Hill Broadcasting Company, c/o Gammon & Grange, 1925 K Street, NW., Suite 300, Washington, D.C. 20006 (Counsel to Petitioner).

4. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

5. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

#### Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceedings, and Public Notice to this effect will be given as long as they filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions

by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-13942 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 84-461; RM-4652]

#### FM Broadcast Station in Houghton, Michigan

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

**SUMMARY:** Action taken herein proposes the assignment of FM Channel 272A to Houghton, Michigan, as its third FM assignment, at the request of Norman C. Koski.

**DATE:** Comments must be filed on or before July 9, 1984, and reply comments on or before July 24, 1984.

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

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

Radio broadcasting.

#### Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Houghton, Michigan) MM Docket No. 84-461 RM-4652.

Adopted: May 8, 1984.

Released: May 17, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a petition for rule making filed by Norman C. Koski ("petitioner")



seeking the assignment of FM Channel 272A to Houghton, Michigan. The assignment could provide that community with its third FM service.<sup>1</sup> Petitioner has stated his intention to apply for the channel, if assigned.

2. Petitioner submitted population and economic data concerning Houghton in support of his request. However, in view of the action taken in *Revision of Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982), this information is no longer needed in a nonconflicting rule making proceeding.

3. The channel can be assigned in compliance with the Commission's minimum distance separation and other technical requirements. However, since Houghton is located within 320 kilometers (200 miles) of the U.S. Canadian border, the concurrence of the Canadian Government must be obtained before the channel can be assigned.

4. We believe the public interest would be served by seeking comments on the proposed assignment. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as concerns the community listed below:

City	Channel No.	
	Present	Proposed
Houghton, Michigan.....	249A	243, 249A, and 272

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 9, 1984, and reply comments on or before July 24, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Michael J. McCarthy, Nancy L. Wolf, Dow, Lohnes & Albertson, 1225 Connecticut Avenue, NW., Washington, D.C. 20036 (Counsel to petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that section 603*

*and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,  
Chief, Policy and Rules Division, Mass Media Bureau.

## Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.024(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the

consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished to the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-13945 Filed 5-23-84; 6:45 am]

BILLING CODE 6712-01-M

<sup>1</sup> Also pending is a request by Midwest Radio Consultants to assign Class C. Channel 242 to either Houghton or Hancock, Michigan (MM Docket No. 83-1022, 48 FR 45433, published October 15, 1983).



## 47 CFR Part 73

[MM Docket No. 84-463; RM-4650]

**FM Broadcast Station in Deer Lodge, Montana; Proposed Changes Made in Table of Assignments****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** Action taken herein proposes to assign FM Channel 244A to Deer Lodge, Montana, at the request of Deer Lodge Broadcasting, Inc. The assignment could provide Deer Lodge with its first local FM service.

**DATES:** Comments must be filed on or before July 9, 1984, and reply comments on or before July 24, 1984.

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

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

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

Radio broadcasting.

**Proposed Rule Making**

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Deer Lodge, Montana) MM Docket No. 84-463, RM-4650.

Adopted: May 8, 1984.

Released: May 17, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by Deer Lodge Broadcasting, Inc. ("petitioner") seeking the assignment of FM Channel 244A to Deer Lodge, Montana, as that community's first FM allotment.<sup>1</sup> Petitioner has stated its intention to apply for the channel, if assigned.

2. The channel can be assigned in conformance with the Commission's minimum distance separation and other technical requirements. However, since Deer Lodge is located within 320 kilometers (200 miles) of the U.S.-

Canadian border, the concurrence of the Canadian government is required.

3. In view of the fact that Deer Lodge could receive its first local FM service, the Commission believes it would be in the public interest to seek comments on the proposal to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, for the following community:

City	Channel No.	
	Present	Proposed
Deer Lodge, Montana.....		244A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

**Note.**—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 9, 1984, and reply comments on or before July 24, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Robert S. Stone, Esq., McCampbell & Young, 2021 Plaza Tower, P.O. Box 550, Knoxville, Tennessee 37901-0550 (Counsel to petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte*

presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

**Appendix**

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a

<sup>1</sup> Channel 244A was assigned to Deer Lodge by *Report and Order*, BC Docket 82-309, 47 FR 41381, published September 20, 1982, at the request of Deer Lodge Broadcasting, Inc. No other party expressed an interest in the channel. Subsequently, Deer Lodge Broadcasting informed the Commission that it intended to acquire an existing FM station at Anaconda, Montana, that had just been placed on the market and therefore was no longer interested in the Deer Lodge assignment. Due to the transmitter location, it could serve Deer Lodge as well as Anaconda. On March 15, 1983, the Commission granted Deer Lodge Broadcasting's petition for reconsideration and deleted the channel. However, it was not successful in its attempt to acquire the station due to transmitter site availability problems and therefore now seeks the reallocation of Channel 244A to Deer Lodge.



different channel than was requested for any of the communities involved.

**4. Comments and Reply Comments; Service.** Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

**5. Number of Copies.** In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

**6. Public Inspection of Filings.** All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-13947 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-07-M

## 47 CFR PART 73

[MM Docket No. 84-460; RM-4709]

### FM Broadcast Station in Lordsburg, New Mexico; Proposed Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes the substitution of Class C FM Channel 250 for Channel 249A at Lordsburg, New Mexico, in response to a petition filed by C. R. Crisler. The assignment could provide Lordsburg with its first Class C assignment.

**DATES:** Comments must be filed on or before July 9, 1984, and reply comments must be filed on or before July 24, 1984.

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

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

## List of Subjects in 47 CFR Part 73

Radio broadcasting.

### Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Lordsburg, New Mexico MM Docket No. 84-460, RM 4709).

Adopted: May 8, 1984.

Released: May 18, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by C. R. Crisler ("Petitioner"), seeking the substitution of Class C FM Channel 250 for Channel 249A at Lordsburg, New Mexico. Petitioner has an application for Channel 249A which it is willing to amend to specify operation on Channel 250.

2. Petitioner submitted information in support of the proposal, stating that the substitution of Class C Channel 250 would benefit the traveling public on Interstate 10, outlying ranches and mining settlements. The area depends a great deal on tourism and the additional public exposure the community would receive from a high-power FM facility would be significant.

3. We believe the petitioner's proposal warrants consideration. The Class C channel can be assigned in compliance with the minimum distance separation requirements, provided there is a site restriction of approximately 4.2 miles northeast of Lordsburg. The site restriction will prevent short spacing to a construction permit for Channel 249A, FM station KAVV, Benson, Arizona, and to a vacant Channel 251A at Naco, Sonora, Mexico.

4. Since Lordsburg, New Mexico is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican government.

5. In order to provide a wide coverage area FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as it pertains to the following community:

City	Channel No.	
	Present	Proposed
Lordsburg, New Mexico.....	249A	250

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

**Note.**—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before July 9, 1984, and reply comments on or before July 24, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: C. R. Crisler, Rt. 3, Box A615, Greenwood, Arkansas 72936.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rule*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

### Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to



which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-13944 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 84-462; RM4646]

#### FM Broadcast Stations in Christiansted, St. Croix, Virgin Islands; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 232A to Christiansted, St. Croix, Virgin Islands, at the request of Paul L. Crogan. The assignment could provide St. Croix with its fifth local FM service.

DATE: Comments must be filed on or before July 9, 1984, and reply comments on or before July 24, 1984.

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

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

#### SUPPLEMENTARY INFORMATION:

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

Radio broadcasting.

##### Proposed Rule Making

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Christiansted, St. Croix, Virgin Islands); MM Docket No. 84-462, RM-4646.

Adopted: May 8, 1984.

Released: May 17, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a petition for rule making filed by Paul L. Crogan ("petitioner") seeking the assignment of FM Channel 232A at Christiansted, St. Croix, Virgin Islands. Petitioner states that he or a corporation formed by him, will promptly apply for the channel, if assigned. The channel can be assigned in compliance with the Commission's minimum distance separation and other technical requirements.

2. In view of the fact that the proposal could provide Christiansted with its fifth local broadcast service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules,

with regard to the community listed below, as follows:

City	Channel No.	
	Present	Proposed
Christiansted, Virgin Islands	236, 258, 262, and 291	232A, 236, 259P, 262, and 291

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 9, 1984, and reply comments on or before July 24, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Paul L. Crogan, 1208 Simonton Street, Key West, Florida 33040.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, Published February 9, 1981.

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes and *ex parte* presentation and shall not be considered in the proceeding.



Federal Communications Commission.  
(Secs. 4, 303, 48 stat., as amended, 1066 1082;  
47 U.S.C. 154, 303)

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media  
Bureau.

## Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponents of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly.

Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file

comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-13940 Filed 5-23-84; 8:45 am]

BILLING CODE 6712-01-M



# Notices

Federal Register

Vol. 49, No. 102

Thursday, May 24, 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

### Forest Service

#### Mt. Baker-Snoqualmie and Wenatchee National Forests, Chelan, King, and Kittitas Counties, Washington State; Additions to the Alpine Lakes Wilderness

In accord with the provisions of Section 3 (d) and (e) of the "Alpine Lakes Area Management Act of 1976, Pub. L. 94-357, notice is hereby given of the following additions to the Alpine Lakes Wilderness.

All metes and bounds descriptions between the below stated angle points are as described in the legal description of the Alpine Lakes Wilderness and Intended Wilderness boundaries on file in the office of the Chief, USDA Forest Service in Washington, D.C.

#### T. 22 N., R. 14 E., W.M.

Section 4, That portion northwest of a line running between angle points 48-2 and 52.  
Section 5, That portion northeast of a line running between angle points 48-6 and 48-4.  
Section 6, That portion northeast of a line running between angle points 48-6 and 52.

#### T. 23 N., R. 14 E., W.M.

Section 3, That portion southwest of the crest of Goat Mountain Ridge.  
Section 4, That portion west and south of a line running between angle points 48 and 48-1.

Sections 5, 7, 8, 9, all.  
Section 10, That portion west of the crest of Goat Mountain Ridge.  
Section 15, That portion west of the crest of Goat Mountain Ridge.  
Sections 16 through 21, all.  
Section 22, That portion west and north of the crest of Goat Mountain Ridge.  
Section 27, That portion northwest of the crest of Goat Mountain Ridge.  
Section 28, That portion west of the crest of Goat Mountain Ridge.  
Section 27, That portion south of a line running between angle points 19-1 and 19-2.  
Section 28, That portion southwest of a line running between angle points 19-1 and 19-2.  
Sections 29, 31, 32, 33, all.

Section 34, That portion northwest of a line running between angle points 19-4 and 19-5.

Section 35, That portion northwest of a line running between angle points 19-3 and 19-5.

The above described Ingalls Creek Parcel contains in all 5,089 acres, more or less.

#### T. 23 N., R. 17 E., W.M.

Section 3, That portion west of a line running between angle points 16-4 and 18.

Sections 4 and 5, all.

#### T. 24 N., R. 17 E., W.M.

Section 33, That portion southeast of a line running between angle points 16-1 and 16-2.

Section 34, That portion west of a line running between angle points 16-3 and 16-5.

The above described Snow Creek Parcel contains in all 1,939 acres, more or less.

#### T. 24 N., R. 16 E., W.M.

Sections 16 through 21, all.  
Sections 28 through 32, all.  
Section 33, all except for Lot 1 (23.84 acres).  
Section 34, W 1/4, E 1/4 SE 1/4.

The above described Eightmile Parcel contains in all 8,135 acres, more or less.

#### T. 24 N., R. 16 E., W.M.

Section 1, That portion northeast of the crest of Icicle Ridge.

#### T. 24 N., R. 17 E., W.M.

Section 6, That portion northeast of the crest of Icicle Ridge.

#### T. 25 N., R. 16 E., W.M.

Section 1 through 25, all.  
Section 26, That portion north of the crest of Icicle Ridge.  
Section 27, That portion north of the crest of Icicle Ridge.

Section 28, That portion northwest of a line running between angle points 3-31 and 3-32.  
Sections 29 and 30, all.

Section 31, That portion north of a line running between angle points 6 and 3-34.

Section 32, That portion northwest of a line running between angle points 6 and 3-33.

Section 36, That portion northeast of the crest of Icicle Ridge.

#### T. 25 N., R. 17 E., W.M.

Section 6, That portion southwest of a line running between angle points 3-16 and 3-17.  
Section 7, All.

Section 18, That portion northwest of a line running between angle points 3-18 and 3-19.

Section 19, That portion southwest of a line running between angle points 3-20 and 3-22.

Section 20, That portion south of a line running between angle points 3-21 and 3-22.

Section 29, W 1/4.

Section 32, W 1/4.

#### T. 26 N., R. 16 E., W.M.

Section 17, W 1/4 SW 1/4

Sections 18, 19, 20, all.

Section 27, That portion south of the crest of McQue Ridge.

Section 28, That portion south of the crest of McQue Ridge.

Section 29, through 34, 36 all.

Section 29 through 32, all.

Section 33, That portion northwest of a line running between angle points 48-2 and 48-3.

The above described Waptus Parcel contains in all 12,729 acres, more or less.

#### T. 26 N., R. 13 E., W.M.

Section 24, That portion south and east of a line running between angle points 202-4 and 202-6.

Section 25, All, except for that portion within the existing Alpine Lakes Wilderness area.

Section 26, That portion east of a line running between angle points 202-1 and 202-4.

Section 35, That portion northeast of a line running between angle point 202-2 and the intersection of the wilderness boundary with the east section line.

Section 36, That portion north of the wilderness boundary running between angle points 202 and 203.

#### T. 22 N., R. 16 E., W.M.

Section 26, That portion west of a line running between angle points 202-5 and 203.

Section 35, That portion west of the wilderness boundary running between angle points 202 and 203.

The above described Tunnel Creek Parcel contains in all 1,131 acres, more or less.

#### T. 22 N., R. 16 E., W.M.

Section 1, That portion northeast of the wilderness boundary running between angle points 25 and 26.

#### T. 22 N., R. 17 E., W.M.

Section 6, That portion northeast of a line running between angle points 19-7 and 26.

#### T. 23 N., R. 17 E., W.M.

Section 21, That portion southwest of a line running between angle points 19 and 19-2.

Section 26, That portion south and west of a line running between angle points 19-1 and 19-4.

#### T. 26 N., R. 17 E., W.M.

Section 31, That portion southwest of a line running between angle points 3-16 and 3-17.

The above described Chiwaukum Parcel contains in all 32,533 acres, more or less.

The above described lands total, in aggregate, 61,556 acres, more or less. The lands in the Waptus and Tunnel Creek Parcels effectively became part of the Alpine Lakes Wilderness and the National Forest System on March 25, 1983. The lands in the Ingalls Creek, Snow Creek, Eightmile and Chiwaukum Parcels effectively became part of the Alpine Lakes Wilderness and the



National Forests System on July 26, 1983.

Maps of the Alpine Lakes Wilderness with the acreage additions are available from the Forest Supervisor, Mt. Baker-Snoqualmie National Forest, 1022 First Avenue, Seattle, Washington 98104.

For further information, contact David Odahl, Mt. Baker-Snoqualmie National Forest.

Dated: May 16, 1984.

Paul E. Buffam,

Acting Deputy Regional Forester.

[FR Doc. 84-13916 Filed 5-23-84; 8:45 am]

BILLING CODE 3410-11-M

## Soil Conservation Service

### Funding of No Significant Impact; Pattee Brook Watershed Project, Maine

**AGENCY:** Soil Conservation Service, Agriculture.

**ACTION:** Notice of finding of no significant impact.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Ron E. Hendricks, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine, 04473, telephone (207) 866-2132.

Notice: 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 Guidelines, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pattee Brook Watershed, Aroostook County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result to these findings, Mr. Ron E. Hendricks, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include accelerated technical assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Ron E. Hendricks. An environmental impact

appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the *Federal Register*.

Dated: May 18, 1984.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Executive Order R372 regarding State review of Federal and federally assisted programs and projects is applicable)

Ron E. Hendricks,

State Conservationist.

[FR Doc. 84-13961 Filed 5-23-84; 8:45 am]

BILLING CODE 3410-16-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-469-053]

#### Oleoresins of Paprika From Spain; Final Results of Administrative Review of Countervailing Duty Order

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Final Results of Administrative Review of Countervailing Duty Order.

**SUMMARY:** On March 13, 1984, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on oleoresins of paprika from Spain. The review covers the period July 1, 1981 through December 31, 1982.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

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

**FOR FURTHER INFORMATION CONTACT:** Victoria Marshall or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C.; telephone: (202) 377-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 13, 1984, the Department of Commerce ("the Department") published in the *Federal Register* (49 FR 9439) the preliminary results of its administrative review of the countervailing duty order on oleoresins

of paprika from Spain (44 FR 11214, February 28, 1979). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

#### Scope of the Review

Imports covered by the review are shipments of Spanish oleoresins of paprika. This merchandise is currently classifiable under item 450.2010 of the Tariff Schedules of the United States Annotated.

The review covers the period July 1, 1981 through December 31, 1982, and two programs: (1) A rebate upon exportation of indirect taxes under the Desgravacion Fiscal a la Exportacion ("DFE"); and (2) an operating capital loans program.

#### Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results. We determine the aggregate net subsidy to be 1.48 percent for the period July 1, 1981 through December 31, 1981, and 0.79 percent for 1982. The Department will instruct the Customs Service to assess countervailing duties of 1.48 percent of the f.o.b. invoice price on any shipments exported on or after July 1, 1981 and on or before December 31, 1981, and 0.79 percent of the f.o.b. invoice price on any shipments exported on or after January 1, 1982 and entered, or withdrawn from warehouse, for consumption on or before June 20, 1982.

On June 21, 1982, the International Trade Commission ("the ITC") notified the Department that the Spanish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there is material injury or threat of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties in the amount of the estimated duties required to be deposited on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, and through the date of the ITC's notification to the Department of its determination.

The Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided for in section 751(a)(1) of the Tariff Act, of 0.84 percent of the entered value on any shipment of



Spanish oleoresins of paprika entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751 (a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: May 18, 1984.

Alan F. Holmer,  
Deputy Assistant Secretary Import  
Administration.

[FR Doc. 84-13989 Filed 5-23-84; 8:45 am]  
BILLING CODE 3510-DS-M

#### Minority Business Development Agency

#### Minority Business Development Center Program; Applications Solicitation

**AGENCY:** Minority Business Development Agency, Commerce.  
**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its competitive Minority Business Development Center (MBDC) Program to operate a MBDC for a 12-month period, from October 1, 1984 to September 30, 1985 in the New Brunswick-Perth Amboy-Sayreville, New Jersey Standard Metropolitan Statistical Area (SMSA). The total cost for the MBDC will be \$187,000 which will consist of a maximum of \$168,300 Federal funds and a minimum of \$18,700 non-Federal funds (which can be a combination of cash, in-kind contribution and fees for service). The award number for this MBDC is 02-10-84008-01.

The funding instrument for the MBDC will be a cooperative agreement and is open to all individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients in areas related to the establishment and operation of

business. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from information and assistance to and about minority businesses are funneled.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 12-month period with a two-year noncompeting continuation option. MBDCs shall be required to contribute at least 25% of the total program costs through non-Federal funds during each of the two option years. The noncompeting continuation application kit will be sent to an MBDC (who is performing at a satisfactory level or better) approximately 120 days prior to the last day of the initial award period. The MBDC should fill out and mail the continuation application to their appropriate MBDA regional office. After receipt of the continuation application kit by MBDA, the MBDC's option will be reviewed and awarded each year at the direction of MBDA based on its needs availability of funds and the applicant's satisfactory performance.

**Closing date:** The closing date for applications is June 19, 1984. Applications must be postmarked on or before June 19, 1984.

**ADDRESS:** New York Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 26 Federal Plaza, Room 3720, New York, New York 10278 (212) 264-3262.

**FOR FURTHER INFORMATION CONTACT:** Gina Sanchez, Regional Director, New York Regional Office.

**SUPPLEMENTARY INFORMATION:** Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Gina Sanchez,  
Regional Director.

[FR Doc. 84-13924 Filed 5-23-84; 8:45 am]  
BILLING CODE 3510-21-M

#### Minority Business Development Center; Application Solicitation

**AGENCY:** Minority Business Development Agency; Commerce.

**ACTION:** Notice.

**SUMMARY:** the Minority Business Development Agency (MBDA) announces that it is soliciting applications under its competitive Minority Business Development Center (MBDC) Program to operate a MBDC for a 12-month period from October 1, 1984 to September 30, 1985 in the counties of Niagara and Erie in New York State (Buffalo Standard Metropolitan Statistical area (SMSA)). The total cost for the MBDC will be \$187,000 which will consist of a maximum of \$168,300 Federal funds and a minimum of \$18,700 non-Federal funds (which can be a combination of cash, in-kind contribution and fees for service). The award number for this MBDC is 02-10-84009-01.

The funding instrument for the MBDC will be a cooperative agreement and is open to all individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients in areas related to the establishment and operation of business. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from information and assistance to and about minority businesses are funneled.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated



cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 12-month period with a two-year noncompeting continuation option. MBDCs shall be required to contribute at least 25% of the total program costs through non-Federal funds during each of the two option years. The noncompeting continuation application kit will be sent to an MBDC (who is performing at a satisfactory level or better) approximately 120 days prior to the last day of the initial award period. The MBDC should fill out and mail the continuation application to their appropriate MBDA regional office. After receipt of the continuation application kit by MBDA, the MBDC's option will be reviewed and awarded each year at the direction of MBDA based on its needs, availability of funds and the applicant's satisfactory performance.

**Closing date:** The closing date for applications is June 22, 1984. Applications must be postmarked on or before June 22, 1984.

**ADDRESS:** New York Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 26 Federal Plaza, Room 3720, New York, New York 10278, (212) 264-3262.

**FOR FURTHER INFORMATION CONTACT:** Gina Sanchez, Regional Director, New York Regional Office.

**SUPPLEMENTARY INFORMATION:** Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))  
Gina Sanchez,  
Regional Director.

[FR Doc. 84-13932 Filed 5-23-84; 8:45 am]  
BILLING CODE 3510-21-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Amending the Visa for Certain Cotton, Wool and Man-Made Fiber Textile Products Exported From Brazil

May 21, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 1, 1984. For further information contact Diana

Bass, International Trade Specialist, (202) 377-4212.

### Background

On July 8, 1972 a letter dated June 29, 1972 was published in the **Federal Register** (37 FR 13498), which established an export visa requirement for cotton textiles and cotton textile products subject to the terms of the Bilateral Cotton Textile Agreement of March 31, 1982 between the Governments of the United States and the Federative Republic of Brazil. A further letter was published in the **Federal Register** on June 24, 1982 (47 FR 27401) which extended coverage of the export visa requirement to include man-made fiber textiles and textile products subject to the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, as amended.

The Government of the Federative Republic of Brazil has informed the Government of the United States that they are changing their visa stamp. The new stamp will be used for merchandise exported on and after June 1, 1984. Both the new and previously authorized visa stamps will be accepted for goods exported on and after June 1, 1984 and extending through August 31, 1984. Only the new export visa stamp will be accepted for entry of merchandise exported on and after September 1, 1984. A facsimile of the new stamp which includes individual lines for the number and date of the visa (instead of one line for both) is published as an enclosure to the letter to the Commissioner of Customs following this notice.

Walter C. Lenahan,  
Chairman, Committee for the Implementation of Textile Agreements.  
May 21, 1984.

### Committee for the Implementation of Textile Agreements

Commissioner of Customs,  
Department of the Treasury, Washington,  
D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of June 29, 1972, as amended, from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textiles and textile products, produced or manufactured in Brazil.

Effective on June 1, 1984, the enclosed visa stamp issued by the Government of Brazil will replace the stamp currently in use. Both the new and previously authorized stamps will be accepted for goods exported on and after June 1, 1984 and extending through August 31, 1984. Merchandise exported on and after September 1, 1984 must have the new visa in order to be entered into the United States for consumption or withdrawn

from warehouse for consumption. A facsimile of the new stamp is enclosed.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register**.

Sincerely,  
Walter C. Lenahan,  
Chairman, Committee for the Implementation of Textile Agreements.

Authorized Visa Stamp for Cotton, Wool and Man-Made Fiber Textiles and Textile Products Exported to the United States From Brazil



[FR Doc. 84-13992 Filed 5-23-84; 8:45 am]  
BILLING CODE 3510-DR-M

### Establishing Import Limits for Certain Cotton and Man-Made Fiber Textile Products Exported From the People's Republic of China

May 21, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 24, 1984. For further information contact Diana Bass, International Trade Specialist, (202) 377-4212.

### Background

On March 9, 1984, a notice was published in the **Federal Register** (49 FR 8987), which established import restraint limits for other woven fabrics of cotton, n.e.s. in TSUSA No. 320-92, 321-92, 322-92, 326-92, 327-92, and 328-92 in Category 320pt. and man-made fiber playsuits in Category 637, produced or manufactured in the People's Republic of China and exported during the ninety-day periods which began, respectively, on February 29 and February 24, 1984. The notice also stated that the Government of the People's Republic of China is obligated under the Bilateral



Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, if no mutually satisfactory solution is reached on levels for these categories during consultations, to limit its exports during the twelve-month periods following the ninety-day consultation periods to the following:

Category	12-mo. limit	Restraint period
320pt.	6,251,330 square yards.	May 29, 1984-May 28, 1985.
637	101,185 dozen.	May 24, 1984-May 23, 1985.

Consultations were held concerning these categories March 27-30, 1984, but no solution was reached on mutually satisfactory limits. The United States Government has decided, pending further consultations, to control imports of cotton and man-made fiber textile products in categories 320pt. and 637, exported during the specified twelve-month periods at the levels described above. The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in further consultations with the Government of the People's Republic of China, notice will be published in the *Federal Register*.

In the event the limits established for the ninety-day periods have been exceeded, such excess amounts, if allowed to enter, will be charged to the levels established for the twelve-month period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Walter C. Lenahan,  
Chairman, Committee for the Implementation of Textile Agreements.  
May 21, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,  
Department of the Treasury, Washington,  
D.C.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and the People's Republic of China and in accordance with the provisions in Executive Order 11651

of March 3, 1972, as amended, you are directed to prohibit, effective on May 24, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber products in categories 320pt. and 637, produced or manufactured in the People's Republic of China exported during the specified twelve-month periods, in excess of the following limits:

Category	12-month limit <sup>1</sup>	Restraint period
320pt.	6,251,330 square yards.	May 29, 1984-May 28, 1985.
637	101,185 dozen.	May 24, 1984-May 23, 1985.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after May 23, 1984 (Cat. 637) and May 28, 1984 (Cat. 320pt.).

Textile products in Categories 320pt. and 637, which have been exported to the United States during the ninety-day periods which began, respectively, on February 29 and February 24, 1984 and which are in excess of those 90-day limits, shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,  
Walter C. Lenahan,  
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-13990 Filed 5-23-84; 8:45 am]  
BILLING CODE 3510-DR-M

### Officials of the Republic of Maldives Authorized To Issue Export Visas

May 21, 1984.

On August 24, 1982, a notice was published in the *Federal Register* (47 FR 36879), which established an export visa requirement for certain cotton, wool and man-made fiber apparel in Categories 330-359, 431-459 and 630-659, produced

<sup>1</sup> In Category 320, only TSUS numbers 320-02, 321-02, 322-02, 326-02, 327-02, and 328-02.

or manufactured in Maldives. The visas must be signed by an official authorized by the Government of the Republic of Maldives.

The Government of the Republic of Maldives has notified the United States Government that Ibrahim Ahmed, Mohamed Manik and Mohamed Rasheed are no longer authorized to issue export visas. The list of officials who are currently so authorized is as follows:

Hassan Adam  
Ahmed Firaq  
Ali Ibrahim  
Raziyya Mohamed Kaleyfaan  
Mohamed Shareef  
Mohamed Zahir

**EFFECTIVE DATE:** June 1, 1984.

### FOR FURTHER INFORMATION CONTACT:

Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 202/377-4212.

Walter C. Lenahan,  
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-13991 Filed 5-23-84; 8:45 am]

BILLING CODE 3510-DR-M

### Announcing an Import Control Limit for Certain Cotton Textiles Produced or Manufactured in the Republic of Korea

May 21, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 25, 1984. For further information contact Ross Arnold, International Trade Specialist (202) 377-4212.

### Background

On March 1, 1984, the Government of the United States requested consultations with the Government of the Republic of Korea with respect to Category 300/301 (cotton yarn). This request was made on the basis of the agreement of December 1, 1982, as amended, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that, inasmuch as no solution has been agreed upon in consultations with the Government of the Republic of Korea, the Government of the United States is establishing an import restraint limit of 4,897,422 pounds for cotton



textiles in Category 300/301 exported during the twelve-month period which began on January 1, 1984, as provided under the terms of the bilateral agreement. Should a different solution be reached in consultations with the Government of the Republic of Korea, which are anticipated but are not yet scheduled, further notice will be published in the **Federal Register**.

A description of the textile categories in terms of T.S.U.S.A. numbers are published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

**SUPPLEMENTARY INFORMATION:** On December 16, 1983 a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (48 FR 55894), which established import restraint limits for certain specified cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1984. In the letter which follows this notice an additional level is being established for cotton yarn in Category 300/301 exported in 1984. The limit of 4,897,422 pounds has not been adjusted to account for any imports exported during 1984. Charges for Category 300/301 have amounted to 1,963,120 pounds during the January-March 1984 period, of which 276,000 pounds are chargeable to Category 300 and 1,687,120 pounds to Category 301.

Walter C. Lenahan,  
Chairman, Committee for the Implementation  
of Textile Agreements.  
May 21, 1984.

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,  
Department of the Treasury, Washington,  
D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 13, 1983 concerning cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported during 1984.

Effective on May 25, 1984, paragraph 1 of the directive of December 13, 1983 is hereby further amended to include a level of 4,897,422 pounds<sup>1</sup> for cotton textile products in Category 300/301, exported during 1984.

<sup>1</sup> The limit has not been adjusted to reflect any imports exported after December 31, 1983. Charges in Category 300/301 have amounted to 1,963,120 pounds of which 276,000 pounds should be charged to Category 300 and 1,687,120 pounds to Category 301.

Cotton textile products in Category 300/301 which have been exported to the United States before January 1, 1984 shall not be subject to this directive.

Cotton textile products in Category 300/301 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,  
Walter C. Lenahan,  
Chairman, Committee for the Implementation  
of Textile Agreements.

[FR Doc. 84-13983 Filed 5-23-84; 8:45 am]

**BILLING CODE 3510-DR-M**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Intent To Prepare Draft Environmental Impact Statement; Flood Damage in Texas

**AGENCY:** U.S. Army Corps of Engineers, Albuquerque District, DOD.

**ACTION:** Intent to prepare a draft environmental impact statement (DEIS).

**SUMMARY:** The Albuquerque District, Corps of Engineers intends to prepare a draft environmental impact statement (DEIS) on a proposal to reduce flood damages in the southeast area of El Paso, Texas.

1. *Alternatives Considered.* The objective of the current planning effort is to reduce property damage and disruption of community activities caused by flooding from arroyos and sheetflow in the southeast area of El Paso, Texas. Coincident objectives are the preservation and enhancement of biological, recreational, social, and aesthetic values. Alternative measures being evaluated consist of the authorized plan of 8.3-mile-long interception and conveyance channel along the eastern escarpment of the valley, combined with a system of detention dams and conveyance channels within the urbanized portion of El Paso; the enlargement of the city's system of channels and detention basins; the construction of new channels and detention basins and; a combination of these. Flood flows could be discharged into the Rio Grande.

The formulation and evaluation of these locations comprise General Design Memorandum studies and will

culminate in a recommendation that best satisfies the community's needs and desires.

2. *Public Involvement Process.* Coordination in being maintained with both public and private concern having jurisdiction or an interest in land and resources in the southeast area of El Paso. This includes the City of El Paso, local land developers, the Trans-Pecos Audubon Society, the International Boundary and Water Commission, the U.S. Bureau of Reclamation, and the local irrigation districts. Formal public involvement to date include a public meeting held in El Paso on 15 July 1981 and a workshop with local developers and interested government agencies, on 19 October 1982. Coordination will be expanded and intensified as plans became increasingly refined. Federal, state, and local input in the development of an EIS will be obtained by a combination of agency coordination, workshops, and, if necessary, public meetings. All interested parties will be invited to submit comments on the DEIS when it is circulated for field level review.

The planning effort is being coordinated with the U.S. Fish and Wildlife Service pursuant to the requirements of the Fish and Wildlife Coordination Act of 1972 (72 Stat. 563) (Pub. L. 85-624) and the Endangered Species Act of 1973, as amended (87 Stat. 884) (Pub. L. 93-205). Consultation with the Advisory Council on Historic Preservation and the Texas State Historic Preservation Officer will be initiated pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915) (Pub. L. 89-655), and the Preservation of Historic and Archeological Data (88 Stat. 174) (Pub. L. 93-291).

3. *Significant Issues to be Analyzed.* Significant issues to be analyzed in depth in the development of the DEIS include the effect of the recommended action on biological systems, proposed area plans and needs, recreational opportunities, cultural features, social welfare, aesthetic qualities, and community activities. Also, if necessary, the development of mitigative measures will be undertaken.

4. *Public Review.* The presently estimated date that the draft General Design Memorandum and the DEIS will be circulated for public review is March 1985.

5. *Further Information.* Questions regarding the study and DEIS may be directed to: Mr. Mark Sifuentes, USAED, Albuquerque, P.O. Box 1580, Albuquerque, NM 87103, Phone: Comm (505) 766-3577, FTS 474-3577.



Dated: May 16, 1984.

Julian E. Pylant,

Lieutenant Colonel, CE, Commanding.

[FR Doc. 84-13918 Filed 5-23-84; 8:45 am]

BILLING CODE 3710-KK-M

## Department of the Army

### Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday-Thursday, 12-14 June 1984.

Time of Meeting: 0800-1630 hours, 12 June (Closed); 0800-1700 hours, 13 June (Closed); 0830-1200 hours, 14 June (Closed).

Place: Fort Ord (12 June) and Fort Hunter-Liggett (13 and 14 June), both in California.

Agenda: The Army Science Board Weapons Systems Functional Subgroup will meet for classified briefings and discussions. The agenda items will expose this Subgroup to hardware and field demonstrations of Army weapon systems to keep it current with new technology. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Maria P. Winters,

Acting Administrative Officer.

[FR Doc. 84-13988 Filed 5-23-84; 8:45 am]

BILLING CODE 3710-08-M

## Department of the Navy

### Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of

the information proposal may be obtained.

### New

Vocational Technical School Students Military Interest Survey.

None.

The purpose of this survey is to collect information from vocational/technical school students in order to determine their career goals and to assess their interest in joining the military upon completion of these respective programs.

Individuals, 1500, 1500.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Dan Vitiello, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1C514, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from April M. McTaggart, Navy Personnel Research and Development Center, San Diego, California 92152, telephone 619 225-6911.

M. S. Healy,

OSD Federal Register Liaison Officer,  
Department of Defense.

May 21, 1984.

[FR Doc. 84-13987 Filed 5-23-84; 8:45 am]

BILLING CODE 3610-01-M

## DEPARTMENT OF EDUCATION

### Office of Postsecondary Education

#### Training Program for Special Programs Staff and Leadership Personnel; Application Transmittal

AGENCY: Department of Education.

ACTION: Application notice for transmittal of applications for new awards; and establishment of final funding priorities for fiscal year 1984.

Applications are invited for new awards under the Training Program for Special Programs Staff and Leadership Personnel.

Authority for this program is contained in sections 417A and 417F of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070d, 1070d-1d)

The Secretary is authorized to make grants under this program to institutions of higher education and other public and private nonprofit institutions and organizations.

The purpose of the grant awards is to improve the operation of the Special Programs for Students from Disadvantaged Backgrounds (Talent Search, Upward Bound, Special Services

for Disadvantaged Students, and Educational Opportunity Centers) by providing training for staff and leadership personnel employed in, or preparing for employment in, such programs and projects.

Effective Date: The priorities included in this notice take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

### Closing Date

Closing Date for Transmittal of Applications: An application for a training grant must be mailed or hand delivered by July 16, 1984.

Applications Delivered by Mail: An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.103 (Training Program for Special Programs Staff and Leadership Personnel), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a private mail receipt as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.



An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

**Available Funds:** It is anticipated that up to \$960,000 will be available for new awards under the Training Program For Special Programs Staff and Leadership Personnel in Fiscal Year 1984. It is estimated that these funds could provide for approximately eleven (11) training grant awards.

**Application Forms:** Application forms and program information packages are expected to be ready for mailing by May 30, 1984. Application packages may be obtained by contacting the Division of Student Services, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-2511.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary suggests that the narrative portion of the application not exceed thirty (30) pages in length. The Secretary further suggests that only the information required by the application form be submitted.

**Program Information:** The Secretary is accepting applications for one year of funding to support a variety of training projects that respond to the training needs and priorities of the Special Programs Staff and Leadership Personnel. An applicant may submit more than one application for funding under this program, and the Secretary strongly urges that separate applications be submitted for separate proposed training activities.

The applications for new awards will be evaluated competitively under the selection criteria for new awards, 34 CFR 642.31. In addition, applicants that have been funded within the previous three years to operate a training project for Special Programs Staff and Leadership Personnel will be evaluated on the basis of their prior experience under 34 CFR 642.32.

**Applicable Regulations:** Regulations applicable to this program are:

- (a) Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78; and
- (b) Regulations governing the Training Program for Special Programs Staff and

Leadership Personnel (34 CFR Part 642), and the final priorities included in this notice.

#### Funding Priorities

On December 16, 1983, the Secretary of Education published in the **Federal Register**, 48 FR 55900-55901, proposed funding priorities for training activities to be funded under the Training Program for Special Programs Staff and Leadership Personnel for Fiscal Year 1984. Under §§ 642.31(f) and 642.34 of the Training Program regulations, 34 CFR 642.31(f) and 642.34, the Secretary awards up to 8½ points to applicants that propose to carry out one or more of the priority activities.

Interested parties were given 30 days to submit comments, suggestions or recommendations regarding the proposed priorities. A total of eight comments were received. Favorable comments were received supporting priorities 4, 6, and 7. Other comments were received suggesting additional priorities. The Secretary decided to limit the priority activities to the proposed priorities because of the limited amount of funds available for training. The following is a summary of the comments received and the Secretary's response to those comments regarding priorities 1, 2, 3, and 5.

**Proposed Priority (1):** Regional workshops for new Special Programs project directors (less than two years in their current positions) to improve their skills in areas such as supervision, program administration, and compliance with Federal regulations in order to prevent mismanagement or marginal results.

**Comment:** One commenter indicated that an administrator transferring from one institution to another may not need training as a new project director; consequently, it was suggested that the definition of a "new" project director be omitted or stated in a way as to allow participation selection on an individual basis. The commenter also suggested that new directors receive program specific training in addition to the generalized topics proposed.

A second commenter felt that this priority could be addressed better if it were carried out on a national basis rather than through a regional arrangement.

**Response:** No change has been made in the definition of a new project director. The Secretary feels that development of sound supervisory and management skills are vital to the new project director in order to prevent mismanagement or marginal results. The training project grantee continues to have the flexibility to select those

training participants from the eligible pool who have the greatest need for training. Further, the Secretary agrees that new project directors should receive program specific information included within the topic areas proposed; however, the Secretary feels that regionally based training would be more cost-effective.

**Proposed Priority (2):** Regional workshops for experienced Special Programs project directors (two years or more in their current positions) on program evaluation including establishment of measurable outcome objectives.

**Comment:** Several commenters supported training in program evaluation; however, most of the commenters suggested expanding the list of topics for experienced project directors to include staff development, measuring cost effectiveness, fund raising strategies, institutionalization of projects and program marketing.

**Response:** No change has been made. Priority under this heading will only be given for training in program evaluation and establishment of measurable outcome objectives. Applicants requesting training project funds may include any of the topics cited above along with program evaluation if they are germane to projects in the local or regional areas being served.

**Proposed Priority (3):** Regional workshops which enhance the skills of Special Programs instructional staff to provide basic skills development.

**Comment:** One commenter suggested that training workshops designed to enhance basic skills instruction to be integrated with the priority proposed for the appropriate uses of standardized tests and student assessment procedures.

**Response:** No change has been made. An applicant has the flexibility to combine any of the priority activities. Applicants should bear in mind, however, that no application will be awarded more than the maximum eight and one-third (8½) points available under 34 CFR 642.31(f)(2)(iii), regardless of the number of priority activities included in an application.

**Proposed Priority (5):** Workshops to enhance the knowledge of Special Programs project directors, instructors, and counselors in cost-effective uses of computers and other advanced educational technology.

**Comment:** The majority of commenters expressed support for maintaining computer training as a priority. The commenters suggested that the following topics be included within the workshop:



- (1) Computer literacy;
- (2) Structuring a computerized data base that includes all Special Services student records;
- (3) Using the computer for tracking; and
- (4) Information and demonstrations of computer hardware and software programs which can assist Special Programs project directors to analyze, control, and evaluate their programs.

**Response:** No change has been made. The Secretary agrees that the topics above may be included in training on cost-effective uses of computers and other advanced educational technology.

After careful consideration of the comments received, the Secretary is adopting the following priorities as the final priorities that will be used to evaluate applications for new awards in Fiscal Year 1984.

#### Funding Priorities for Fiscal Year 1984

- (1) Regional workshops for new Special Programs project directors (less than two years in their current positions) to improve their skills in areas such as supervision, program administration, and compliance with Federal regulations in order to prevent mismanagement or marginal results.
- (2) Regional workshops for experienced Special Programs project directors (two years or more in their current positions) on program evaluation including establishment of measurable outcome objectives.
- (3) Regional workshops which enhance the skills of Special Programs instructional staff to provide basic skills development.
- (4) Regional workshops which provide Special Programs counselors/instructors with techniques and information on appropriate uses of standardized tests and student assessment procedures.
- (5) Workshops to enhance the knowledge of Special Programs project directors, instructors, and counselors in cost-effective uses of computers and other advanced educational technology.
- (6) Workshops to enhance the skills of project staff who provide services to the physically handicapped and learning disabled.
- (7) Workshops to enhance the skills of Special Programs staff to meet the unique needs of the adult learner in areas such as pre-enrollment counseling of undereducated, unemployed adults, student support needs, career counseling, and characteristics of the adult learner.

The Secretary will consider applications for a Training Program project on topics other than those given priority if the applicant addresses another significant training need in the

local area being served by the Special Programs. Obviously those proposals will not receive any priority points.

**For Further Information Contact:** John L. Hunt, Division of Student Services, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-2511. (20 U.S.C. 1070d, 1070d-1d)  
(Catalog of Federal Domestic Assistance Number: 84.103—Training Program for Special Programs Staff and Leadership Personnel)

Dated: May 18, 1984.

T. H. Bell,  
*Secretary of Education.*

[FR Doc. 84-13970 Filed 5-23-84; 8:45 am]

BILLING CODE 4000-01-M

#### Office of Special Education and Rehabilitative Services

##### Education of the Handicapped; Intent to Collect Information

**AGENCY:** Department of Education.

**ACTION:** Notice of Intent to Collect Data.

**SUMMARY:** Notice is given that the Secretary of Education intends to collect data under the Education of the Handicapped Act (EHA) in accordance with new or revised requirements imposed by Pub. L. 98-199, the Education of the Handicapped Act Amendments of 1983, enacted December 2, 1983. The Department is interested in minimizing paperwork burden to the extent possible.

**DATE:** Comments must be received on or before June 25, 1984.

**ADDRESSES:** Comments should be addressed to the Department of Education, Office of Special Education Programs, 400 Maryland Avenue, SW., Room 3090 Switzer Bldg., Washington, D.C. 20202, Attention: (insert name of agency contact person listed at the end of each section).

**FOR FURTHER INFORMATION CONTACT:** Mr. Herman Saettler, U.S. Department of Education, Office of Special Education Programs, 400 Maryland Avenue, SW., Room 3529 Switzer Bldg., Washington, D.C. 20202. Telephone: (202) 732-1094.

**SUPPLEMENTARY INFORMATION:** As a result of the enactment of the Education of the Handicapped Act Amendments of 1983, Pub. L. 98-199, a number of new or revised data gathering activities are required. These collection activities are described in section 618, 622, 623, and 634 of the EHA, as amended by Pub. L. 98-199. Since data gathering efforts under each of these sections will not necessarily affect the same individuals

or groups, each section will be discussed separately. In providing comments, please refer to the specific sections and items being commented upon.

#### Section 618—Evaluation

This collection activity will affect State educational agencies (SEAs), local educational agencies (LEAs), and other agencies receiving funds under Part B of the EHA.

Section 618 of the EHA (20 U.S.C. 1418) requires that the Secretary annually obtain data concerning programs and projects assisted under the Act. The purposes of data collection activities under this section are—

(a) To assess progress in the implementation of the EHA and the impact and effectiveness of State and local efforts to provide free appropriate public education to all handicapped children and youth; and

(b) To provide Congress, the Department, and other interested parties with information useful for policymaking, program management, and administration.

In some cases (items 1, 2, and 5 below), the requirements are simply modifications of previous requirements, while in others (items 3, 4, and 6), new data collection activities are required. In the past, item 1 (child count) has been due on February 1 each year, while the other information has been due on June 1 each year. It is anticipated these dates will remain the same. Because of the complexity of the data to be collected and the length of time needed for approval of data collection forms, the new and revised data will be collected beginning in fiscal year 1985. New and revised data for items 1-6 will then be reported for the first time in the Secretary's January 1986 annual report to Congress. 20 U.S.C. 1418(f).

Section 618 directs the Secretary to obtain the following data:

- (1) The number of handicapped children and youth in each State receiving a free appropriate public education (special education and related services) by disability category and age group (3-5, 6-11, 12-17, and 18-21).

**Comment:** In the past this information has been submitted by States using age groups 3-5, 6-17, and 18-21.

The Secretary specifically invites comments on an alternative method of reporting ages of handicapped children and youth served. This alternative method would involve the reporting of discrete ages (i.e., 3, 4, 5, 6, etc.) of children and youth served instead of the four age groups of children and youth served. Comments are solicited to determine if States view this alternative



reporting method as less burdensome or no more burdensome, and perhaps more beneficial, than the proposed age groupings.

(2) The number of handicapped children and youth in each State who are participating in regular educational programs, by disability category, and the number of handicapped children and youth in separate classes, separate schools or facilities, or public or private residential facilities, or who have been otherwise removed from the regular educational environment.

*Comment:* In the past information pertaining to the settings in which handicapped students received services was collected for four types of environments: regular class, separate class, special school, and other environment. Public and private residential participants often were included in the category of other environments and thus the information was not readily accessible.

(3) The number of handicapped children and youth exiting the educational system each year through program completion or otherwise, by disability category and age, and anticipated services for the next year.

*Comment:* this information has not previously been collected.

(4) The amount of Federal, state, and local funds expended in each State specifically for special education and related services.

*Comment:* This information has not previously been collected. Section 618(b)(4) of the Act provides that this data may be based on a sampling of data from State agencies including SEAs and LEAs.

(5) The number and type of personnel that are employed in the provision of special education and related services to handicapped children and youth, by disability category served, and the estimated number and type of additional personnel, by disability category, needed to adequately carry out the special education policy established by the Act.

*Comment:* This collection requirement remains essentially unchanged.

(6) A description of the special education and related services needed to fully implement the Act throughout each state, including estimates of the number of handicapped children and youth within each disability, by age group, in need of improved services and the type of programs and services in need of improvement.

*Comment:* This information has not previously been collected.

The Secretary invites comments on—  
(a) The nature of the data forms and information to be collected, particularly

where the specific categories of data to be collected are subject to interpretation (i.e., items 2, 3, 4, and 6);

(b) Costs and other burdens associated with obtaining this data;

(c) Timeliness associated with obtaining the information; and

(d) Other comments that may be useful in gathering, utilizing, or disseminating the information to Congress, the Department, and other interested parties.

*Contact Persons:* Dr. Marty Abramson. In making your comments, please refer to data elements by the paragraph numbers above.

#### Section 618—Special Studies

Two special studies are required under section 618(e), as amended. These are—

(1) A longitudinal study of the impact of special education on handicapped children and families.

*Comment:* The Secretary plans to support a one-year planning study for this activity. Once this planning phase is complete, a longitudinal investigation will be conducted to assess the educational, occupational, and independent living status of a sample of handicapped children. The planning phase should be completed by the fall of 1985, with the data collection beginning in the fall of 1986.

(2) A study of State and local expenditures for special education.

*Comment:* The Secretary plans to support a study to obtain data on the range of per pupil expenditures for special education and related services as required by section 618(e)(2) of the EHA. It is anticipated that data will be collected beginning in the summer of 1985 and that initial findings may be available by the spring of 1986.

*Contact Person:* Mr. Louis Danielson.

#### Section 622—Services for Deaf-Blind Children and Youth

This collection activity will affect public or nonprofit private agencies, institutions, or organizations receiving grants, contracts, or cooperative agreements under this program.

Section 622 of Part C of the EHA (20 U.S.C. 1422) authorizes the Secretary to make grants to, or enter into contracts or cooperative agreements with, various parties to assist SEAs with the provision of special education and related services to deaf-blind children and youth and to provide programs and services that facilitate the transition of these children and youth from educational to other services.

Programs receiving support under this section are required to report annually to the Secretary each of the following—

(1) The numbers of deaf-blind children and youth served by age, severity, and nature of deaf-blindness.

*Comment:* This information has not been previously collected. The Secretary particularly invites comments about subcategories within the categories of age, severity, and nature of deaf-blindness:

(a) *Age.* Comments should address whether data should be collected by single age category or parallel the age groups designated in section 618, with additional age groups for younger and older deaf-blind individuals (0-2, 3-5, 6-11, 12-17, 18-21, 22-25, 26 and older).

(b) *Severity.* Comments should address the type of data which best describes the severity of deaf-blindness. The Secretary is considering a matrix which would require grantees to provide the number of deaf-blind children in chronological age groups by functional age groups similar to the age groups designated in section 618. It is proposed that the child's adaptive behavior be considered when determining the number of years behind grade level. Adaptive behavior is assessed by a set of reputable behavior scales. The public is invited to comment on this matrix design and to propose alternatives to it.

(c) *Nature of deaf-blindness.* Comments should address the proposal that data on the nature of deaf-blindness be collected by requesting grantees to provide the number of children in each age group by the ten major causes of deaf-blindness: rubella, brain damage, diabetes, meningitis/encephalitis, Usher's syndrome, anoxia, cerebral maldevelopment, trauma, cerebral palsy, and other.

(2) The number of paraprofessionals, professionals, and family members served by each activity funded under section 622.

*Comment:* This data has not been previously collected. It is proposed that data be collected pertaining to each activity such as:

(a) The name of each activity.  
(b) The date of the activity.  
(c) The number of persons in each of the above populations served by the activity.

(3) The types of services provided.  
*Comment:* The Secretary is considering a list of the common services provided deaf-blind children and youth. Grantees will be required to enter the number of deaf-blind children and youth receiving these services. Similar forms will list services provided to parents, paraprofessionals, and professionals.

*Contact Person:* Mr. Michael Ward.



**Section 623—Early Education for Handicapped Children**

This collection activity will affect SEAs and other State and local agencies providing special education and related services to handicapped children from birth through five years of age.

Section 623 of Part C of the EHA (20 U.S.C. 1423) authorizes the Secretary to make grants to SEAs to assist in planning, developing, and implementing special education and related services to handicapped children from birth through five years of age.

The Secretary, in the annual report to Congress, must describe the status of these services to handicapped children from birth through five years of age, including those receiving services through Head Start, Developmental Disabilities Programs, Crippled Children's Services, Mental Health/Mental Retardation Agencies, and State child-development centers and private agencies under contract with local schools.

*Comment:* This data has not been previously collected. This reporting requirement will begin in 1985 and require the annual submission of data collection forms. It is anticipated that this information will become a part of the annual data report that States are required to submit on June 1 of each year.

The Secretary invites comments on—

- (a) Any anticipated difficulties associated with these data collection activities;
- (b) Possible solutions to these problems;
- (c) The nature of the specific information to be collected;
- (d) Timelines; and
- (e) Other comments that may be useful in gathering, utilizing, or disseminating the information to Congress, the Department, and other interested parties.

*Contact Person:* Dr. Marty Abramson.

**Section 634—Reports to the Secretary**

This collection activity will affect recipients of grants or contracts for the training of personnel for the education of the handicapped program and the recruitment and information program.

Sections 631–633 of Part D of the EHA (20 U.S.C. 1431–1433) authorize the Secretary to make grants to or enter into contracts with institutions of higher education, SEAs, and other appropriate nonprofit agencies to assist them in the preservice or inservice training of personnel and in providing information to parents. The EHA also authorizes the Secretary, under section 633, to enter into contracts with profit-making

organizations under that section only when necessary for materials or media access. Section 634 requires the recipient of a grant or contract, within 60 days following the end of each fiscal year, to report to the Secretary—

- (1) The number of individuals trained under the grant or contract, by category of training and level of training; and
- (2) The number of individuals trained under the grant or contract receiving degrees and certification, by category and level of training.

*Comment:* This data has not been previously collected. Since reports are due within 60 days following the end of each fiscal year recipients of awards under these programs will complete data reporting requirements by November 29 starting in 1985. However, that does not allow sufficient time to include information in the Secretary's January 1986 annual report to Congress. Therefore, the Secretary anticipates requesting projected data from recipients of fiscal year 1984 funds on July 1, 1985, so that the data may be included in the January 1986 report. Final data from fiscal year 1984 recipients would be due November 29, 1985, for inclusion in the January 1987 report. Each year thereafter data would be reported by recipients no later than November 29.

The Secretary invites comments on—

- (a) Difficulties associated with these data reporting activities;
- (b) Possible solutions to problems;
- (c) The specific nature of the information to be collected; and
- (d) Timelines.

*Contact Person:* Mr. Robert Gilmore.

**Invitation to Comment**

Interested persons are invited to submit comments and recommendations regarding this notice.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 3531, Switzer Building, 330 C Street, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in this notice.

Dated: May 21, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84-13973 Filed 5-23-84; 8:45 am]

BILLING CODE 4000-01-M

**DEPARTMENT OF ENERGY****Inventions Available for License**

The Department of Energy hereby announces a number of inventions available for license, in accordance with 35 U.S.C. 207–209, in order to achieve expeditious commercialization of results of federally funded research and development. For further information concerning licensing of the inventions, please contact Robert J. Marchick, Office of the Assistant General Counsel for Patents, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of specifications of the listed U.S. patent applications may be obtained, for a modest fee, from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22151.

Signed at Washington, D.C., on this 17th day of May 1984.

United States Department of Energy.

Theodore J. Garrish,

General Counsel.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, D.C. 20585

**PATENT APPLICATIONS**

Serial No.	Title of invention
390,730	Compensated Amorphous Silicon Solar Cell.
414,192	Method for Quantitative Determination and Separation of Trace Amounts of Chemical Elements in the Presence of Large Quantities of Other Elements Having the Same Atomic Mass.
414,193	Vortex-Augmented Cooling Tower-Windmill Combination.
414,543	High Voltage R. R. Feedthrough Bushing.
414,544	Process for Removal of Ammonia and Acid Gases from Contaminated Waters.
414,545	Method for Braze-Joining Spirally Wound Tubes to Inner Walls of Heat Exchanger Tubes.
414,745	Time of Flight Mass Spectrometer.
415,117	Encapsulated Fuel Unit and Method of Forming Same.
415,515	Apparatus and Method for Quantitative Determination of Materials Contained in Fluids.
415,616	Method and Apparatus for Measuring Reactivity of Fissile Material.
415,941	Wellbore Inertial Directional Surveying System.
415,946	High Pressure Liquid Chromatographic Gradient Mixer.
416,409	Free-Standing Polycrystalline Boron Phosphide Film and Method for Production Thereof.
418,150	High Voltage Supply for Neutron Tubes in Well Logging Applications.
419,740	Method and Apparatus for Operating an Improved Thermocline Storage Unit.



## PATENT APPLICATIONS—Continued

Serial No.	Title of invention
420,051	Modulated Control System for Improved Regulation in On/Off Mode Automatic Controllers.
420,052	Parasitic Corrosion Resistant Anode for Use in Metal/Air or Metal/O <sub>2</sub> Cells.
420,053	Rapidly Refuelable Fuel Cell.
420,054	Electroless Metal Plating of Plastics.
420,070	Sealing Coupling.
420,432	Pyrochemical Process for Extracting Plutonium from an Electrolyte Salt.
420,433	Permanent Magnet Multipole With Adjustable Strength.
420,510	Magnesium Phosphate Glass Cements with Ceramic-Type Properties.
422,511	Differential Radioactivity Monitor for Non-Invasive Detection of Ocular Melanoma.
422,512	Braking System.
422,515	Double Resonator Cantilever Accelerometer.
422,516	Perfluorocarbon Tracer Method for Air Infiltration Measurements.
422,519	Immobilization of Radiiodine in Synthetic Boracite.
422,795	Sliding-Gate for Use with Abrasive Materials.
422,796	Laterally Bendable Belt Conveyor.
424,111	Electrically Insulating and Sealing Frame.
424,112	Positive Electrode Current Collector for Liquid Metal Cells.
425,139	Rolling Cuff Flexible Bellows.
425,140	Bandpass X-Ray Diode and X-Ray Multiplier Detector.
425,141	Process for Recovering Niobium from Uranium-Niobium Alloys.
425,142	Liquid Blocking Check Valve.
425,144	Precision Manometer Gauge.
426,362	Gradient Zone Boundary Control in Salt Gradient Solar Ponds.
426,363	Stabilized Radio Frequency Quadrupole Method for Depositing a Uniform Layer of Particulate Material on the Surface of an Article Having Interconnected Porosity.
426,369	Carbon Particle Generator.
426,370	Solar Heat Receiver.
426,435	Inductive Gas Line for Pulsed Lasers.
426,446	Valve for Controlling Solids Flow.
426,447	Synfuel Production in Nuclear Reactors.
426,448	Micrographic Detection of Plastic Deformation in Nickel Base Alloys.
429,920	Acoustic Velocity Measurement in Materials Using a Regenerative Method.
429,921	Laser Cutting Nozzle.
429,922	Magnetic Switch for Reactor Control Rod.
429,923	Rim-Drive Cable-Aligned Heliostat Collector System.
429,924	Fabrication of Glass Microspheres with Conducting Surfaces.
430,105	Ultrasonic Impact Grinder System.
430,578	Pressure-Sensitive Optrode.
430,579	Thermally Actuated Thermionic Switch.
433,299	Method and Apparatus for Determining Fluid Mass Flowrates.
434,021	Ash Level Meter for a Fixed-Bed Gasifier.
435,157	Precision Absolute Value Amplifier for a Precision Voltmeter.
435,181	Radio Frequency Quadrupole Resonator for Linear Accelerator.
435,791	Articulated Limiter Blade for a Tokamak Fusion Reactor.
435,794	A Tunable Damper for an Acoustic Wave Guide.
435,795	Tritium Monitor with Improved Gamma-Ray Discrimination.
435,796	Coated Foams, Preparation, Uses and Articles.
436,557	Apparatus and Method for Generating Mechanical Waves.
436,558	Plasma Sweeper.
437,081	Low Pressure Ion Source.
437,082	Method for the Recovery of Uranium Values from Uranium Tetrafluoride.
437,400	Axially Staggered Seed-Blanket Reactor Fuel Module Construction.
437,404	Down Hole Periodic Seismic Generator.
437,782	System for Analyzing Coal Liquefaction Products.
437,783	Sonic Resonator Control and Method for Determining Component Concentration in Multiple Component Liquid.

## PATENT APPLICATIONS—Continued

Serial No.	Title of invention
437,784	Semiconductor Liquid Junction Solar Cell.

[FR Doc. 84-13882 Filed 5-23-84; 8:45 am.]

BILLING CODE 6450-01-M

## Intent To Grant Partially Exclusive Patent License

Notice is hereby given of an intent to grant to Coulston International Corporation of Albany, New York, a partially exclusive license to practice in the United States the invention described in U.S. Patent No. 4,442,018, entitled "Stabilized Aqueous Foam Systems and Concentrate and Method for Making Same." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will be partially exclusive, i.e., limited to the field of use of horticulture and pest control applications and subject to a license and other rights retained by the U.S. Government. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

- (i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or
- (ii) An application for a nonexclusive license to practice the invention in the United States in the field of use of horticulture or pest control, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously in the field of use of horticulture or pest control.

The Department will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Signed at Washington, D.C. on this 17th day of May 1984.

Theodore J. Garrish,  
General Counsel.

[FR Doc. 84-13785 Filed 5-23-84; 8:45 am.]

BILLING CODE 6450-01-M

## Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities.

Date and Time: June 11, 1984—8:30 a.m.—5:00 p.m. and June 12, 1984—8:00 a.m.—4:00 p.m.

Place: Department of Energy, Room 1E-245, 1000 Independence Avenue SW., Washington, D.C. 20585.

Contact: Howard Perry, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: 202/252-2281.

## Purpose of the Panel

To study and report to the Department of Energy on alternative approaches to managing the construction and operation of civilian radioactive waste facilities, pursuant to Section 303 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). The Panel's report will include a thorough and objective analysis of the advantages and disadvantages of each alternative approach, but will not address the specific siting of radioactive waste facilities.

## Tentative Agenda

## June 11, 1984

- DOE Waste Fund Management
- Discussion of Study Outline
- Preliminary Report Format
- Public Comment (10 minute rule)

## June 12, 1984

- Subcommittee Reports
- Workplan/Timetable
- Revised Study Outline
- Future Meetings
- Public Comment (10 minute rule)

## Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Howard Perry at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.



**Transcripts**

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on May 21, 1984.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84-13996 Filed 5-23-84; 8:45 am]

BILLING CODE 6450-01-M

**Office of Conservation and Renewable Energy****Availability of Manufactured Housing Energy Design Guides**

**AGENCY:** Office of Conservation and Renewable Energy, DOE.

**ACTION:** Notice of availability of guides for home manufacturers and retailers entitled, "Affordable Manufactured Housing Through Energy Conservation: A Guide To Designing and Constructing Energy Efficient Homes."

**SUMMARY:** The Office of Conservation and Renewable Energy of the Department of Energy announces that it has completed development of its manufactured housing design guides and that they will be available, through the Government Printing Office (GPO), after the 1st of August 1984. Copies may be obtained by writing or calling GPO.

**ADDRESSES:** Government Printing Office, North Capitol and H Street, NW., Washington, D.C. 20402 (202) 275-2091.

**FOR FURTHER INFORMATION CONTACT:** Architectural and Engineering Systems Branch, Department of Energy, Room GF-253, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-9837.

**SUPPLEMENTARY INFORMATION:** On May 9, 1983, the Department of Energy announced the availability of draft guides for home manufacturers and retailers entitled, "Affordable Manufactured Housing through Energy Conservation: A Guide to Designing and

Constructing Energy Efficient Homes". The guides incorporate energy savings calculation and construction techniques for manufacturers and retailers of new manufactured homes. They provide a simple, reliable way to determine the cost effectiveness of different energy conservation options without prescribing a specific level of investment for energy conservation. They allow the user to consider regional differences in climatic conditions, building materials and labor costs, energy prices, and energy types. The Notice of Inquiry, published in the Federal Register, was intended to solicit public comment on the draft guides. On September 16, 1983, the Department closed the comment period. Comments were received from 29 commenters.

When ordering the guides you will receive two booklets. One, titled "Affordable Manufactured Housing through Energy Conservation: A Guide to Designing and Constructing Energy Efficient Manufactured Homes", contains chapters on "Design and Construction" and "Selecting Energy Conservation Options". The second, titled "Using the Slide Rule and Modifiers" illustrates the use of the main energy analysis tool in the guides—the Slide Rule. There are two Slide Rules for manufactured housing; one for single-wide and one for double-wide homes. They each will come with tab sets for 44 different locations. Utilizing location modifiers, the user can apply the guides to over 1000 locations.

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

Pat Collins,

Acting Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 84-13881 Filed 5-23-84; 8:45 am]

BILLING CODE 6450-01-M

**Energy Information Administration****Changes to DOE Reporting and Recordkeeping Requirements**

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Notice of changes to the inventory of Department of Energy

reporting and recordkeeping requirements.

**SUMMARY:** The Energy Information Administration (EIA) of the Department of Energy (DOE) hereby gives notice to respondents and other interested parties of changes to the inventory of current energy information collections as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

The listing that follows this notice indicates changes made during the quarter from January 1, 1984, to March 31, 1984, to the inventory of current DOE information collections published in the Federal Register, 48 FR 55160 (Dec. 9, 1983). Changes made during the quarter from October 2, 1983, to January 1, 1984, were published in the Federal Register, 49 FR 6969 (Feb. 24, 1984). The listing includes new information collections approved by the Office of Management and Budget (OMB), collections extended, collections discontinued or allowed to expire, and changed to continuing information collections. For each new requirement, or requirement extended, the current DOE control of form number, the title, and the OMB control number and expiration date are listed by DOE sponsoring office. For the list of discontinued requirements, the discontinued date is shown instead of the expiration date. If applicable, the appropriate Code of Federal Regulations citation is also listed. Also, information collections not utilizing structured forms are designated by an asterisk (\*) placed to the right of the control or form number.

**FOR FURTHER INFORMATION CONTACT:**

Carolyn Sinclair, EI-73, Energy Information Administration, Mail Stop 1H-023, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2313.

Single, blank information copies of those collections utilizing structured forms may be obtained by contacting the National Energy Information Center, EI-22, Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585, (202) 252-8800.

Issued in Washington, D.C. May 18, 1984.

J. Erich Evered,

Administrator, Energy Information Administration.

**NEW DOE INFORMATION COLLECTIONS APPROVED BY OMB**

DOE No.	Title	OMB control No.	Expiration date	CFR citation
Energy Information Administration: EIA-854.....	Uranium Industry Financial Survey.....	19050154	03/31/87	
Federal Energy Regulatory Commission: FERC-542-PGA.....	Gas Pipeline Rates: Purchased Gas Adjustments (PGA) Filings.....	19020070	12/31/84	18 CFR 154.38.



## DOE INFORMATION COLLECTIONS EXTENDED

DOE No.	Title	OMB Control No.	Expiration date	CFR citation
Defense Programs:				
DP-467	Survey of Lifestyles, Food Habits and Agricultural Practices	19010254	06/30/84	
NV-713	Claim for Bodily Injury, Death, or Damage to or Loss of Property Under Section 167, Atomic Energy Act of 1954.	19010003	07/31/84	
Economic Regulatory Administration:				
ERA-424D	Tertiary Incentive Annual Report of Prepaid Expenses	19030069	06/30/84	10 CFR 212.78.
Energy Information Administration:				
EIA-182	Domestic Crude Oil First Purchase Report	19050143	06/30/84	
Energy Research:				
ER-785A	DOE Energy Graduate Traineeship Information Report	19010012	07/31/84	
ER-785B	Renewal of DOE Energy Graduate Traineeship	19010012	07/31/84	
ER-785C	Notice of Change in DOE Energy Graduate Traineeship	19010012	07/31/84	
ER-785D	DOE Energy Traineeship Termination Report	19010012	07/31/84	
Federal Energy Regulatory Commission:				
FERC-1-F	Annual Report of Public Utilities and Licensees (Class C and D)	19020029	12/31/84	18 CFR 141.2, 104.
FERC-2	Annual Report of Natural Gas Companies (Class A and B)	19020028	12/31/84	18 CFR 260.1, 201, 216, 262.502.
FERC-2A	Annual Report of Natural Gas Companies (Class C and D)	19020030	12/31/84	18 CFR 260.2, 204.
FERC-539 <sup>1</sup>	Gas Pipeline Certificate: Import/Export Related	19020062	07/31/84	18 CFR 153.
FERC-567 <sup>1</sup>	Annual Report of System Flow Diagrams	19020005	12/31/84	18 CFR 260.8.
FERC-574 <sup>1</sup>	Gas Pipeline Certificate: Hinshaw Exemption	19020116	02/28/84	18 CFR 152, 284.222.
General Counsel:				
GC-793	Contractor Reporting of Royalty Requirement	19010261	06/30/84	
International Affairs and Energy Emergencies:				
EP-51	Monthly Foreign Crude Oil Transaction Report	19010255	04/30/84	
Management and Administration:				
AD-R0177	National Survey of Compensation Paid Scientists and Engineers Engaged in Research and Development.	19010016	06/30/84	
EIA-188	Uniform Reporting System for Contractors	19010021	06/30/84	41 CFR 9-1, 9-4, 9-7, 9-9, 9-12, 9-15, 9-16, 9-50.
EIA-459	Uniform Reporting System for Federal Assistance—Grants & Cooperative Agreements.	19010127	06/30/84	
MA-843	DOE Management and Procurement Assistance Reporting and Record-keeping Requirements.	19010261	06/30/84	
MA-845R <sup>1</sup>	Foreign Ownership, Control, or Influence of Department of Energy Contractors.	19010264	06/30/84	Title 41, Chapter 9, Subpart 9-1.5203.
PR-437	Request for Priority Rating for Energy Programs	19010110	06/30/84	10 CFR 216.

## DOE INFORMATION COLLECTIONS DISCONTINUED OR ALLOWED TO EXPIRE

DOE No.	Title	OMB Control No.	Discontinued date	CFR citation
Bonneville Power Administration:				
BPA-787A	Pacific Northwest Residential Energy Consumption Survey—Household Questionnaire.	19040043	01/31/84	
BPA-787B	Pacific Northwest Residential Energy Consumption Survey—Electricity Usage Data.	19040043	01/31/84	
BPA-787C	Pacific Northwest Residential Energy Consumption Survey—Utility Gas Usage Data.	19040043	01/31/84	

## CHANGES IN CONTINUING DOE INFORMATION COLLECTIONS

DOE number as previously listed	Changes
EIA-23	Additional respondents.
EIA-28	Form changed.
EIA-64A	Additional respondents.
EIA-60	Designation changed to EIA-814.
FERC-1	Reclassification of respondents.
FERC-1-F	Reclassification of respondents.
FERC-2	Reclassification of respondents.
FERC-2A	Reclassification of respondents.
FERC-516	Form revision.
FERC-521 <sup>1</sup>	Change in filing requirements (FERC Docket No. RM 83-57-000).
FERC-532 <sup>1</sup>	Change in filing requirements.
FERC-542 <sup>1</sup>	Change in data collection (FERC Docket No.'s RM 83-66-000, RM 83-72-000).
FERC-567 <sup>1</sup>	Reclassification of respondents.

<sup>1</sup> Indicates that no structured form is utilized in the collection.

[FR Doc. 84-13995 Filed 5-23-84; 8:45 am]

BILLING CODE 6450-01-M



**Federal Energy Regulatory Commission****Algonquin Gas Transmission Co.,  
Texas Eastern Transmission Corp.,  
Transcontinental Gas Pipe Line Corp.,  
Availability of the Phase 1A Pipeline  
Project Environmental Assessment**[Docket Nos. CP82-119-007, CP82-446-003,  
CP84-146-001]

May 22, 1984.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC) has prepared an environmental assessment (EA) on the above-referenced dockets and has determined that construction and operation of the proposed Phase 1A facilities would not constitute a major Federal action significantly affecting the quality of the human environment. The proposed phase 1A facilities include 44.51 miles of 10-, 24-, 30-, and 36-inch diameter pipeline, one new 7,660 horsepower compressor station, compression additions of 3,830 horsepower at two compressor stations, a 4,000 horsepower addition at one compressor station, two new meter stations, and appurtenances. Alternatives are also considered in the EA.

The EA will be used in the regulatory decisionmaking process at the Commission and may be presented as evidentiary matter in formal hearings. Anyone desiring to file a motion to intervene with the FERC on the basis of the EA should do so in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 385.212 and 385.214. Anyone desiring to file a protest should do so in accordance with 18 CFR 385.211.

The EA has been placed in the public files of the Commission and is available for public inspection in the FERC's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426. Copies have been sent to the public, all parties to the proceeding, and Federal, state and local officials, and are available in limited quantities from FERC's Division of Public Information.

Any person who wishes to do so may file comments on the EA. Comments should be sent to the Office of the Secretary, FERC, 825 North Capitol Street, NE., Washington, D.C. 20426. Additional information about the project is available from Mr. Kenneth Frye, Project Manager, Environmental Evaluation Branch, Office of Pipeline

and Producer Regulation, telephone (202) 357-9039.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-13976 Filed 5-23-84; 8:45 am]

BILLING CODE 6717-01-M

**Gulf Oil Corp.; Application for  
Certificate of Public Convenience and  
Necessity**

[Docket No. C184-384-000]

May 18, 1984.

Take notice that on April 23, 1984, Gulf Oil Corporation (Gulf) of P.O. Box 2100, Houston, Texas 77252 filed in Docket No. C184-384-000 an application for a Certificate of Public Convenience and Necessity authorizing it to withdraw and utilize a portion of the residue gas available at the tailgate of the Venice Natural Gas Processing Plant (Venice Plant) in Plaquemines Parish, Louisiana, in a natural gas injection project in the West Bay Field, Offshore State Domain, Plaquemines Parish, Louisiana. The residue gas to be withdrawn and utilized by Gulf will be attributable to a commingled stream of gas which is being transported from the Federal Offshore Domain, State Offshore Domain, and State Onshore Domain in producer owned facilities from which interstate sales of gas are being made at the tailgate of the Venice Plant.

Gulf proposes to withdraw residue gas at the outlet of the Venice Plant at a rate which will average approximately 50,000 Mcf per day at 15.025 psia over a period of 44 months beginning July 1, 1984, to be utilized in a "Lean Gas Injection Project" in the 8A Sand, Reservoir A, Sand Unit (8A (RA) SU) in the West Bay Field, Onshore State Domain, Plaquemines Parish, Louisiana, for purposes of increasing oil production. The injection gas will be comprised of residue gas from the Venice Plant attributable to gas produced from the West Bay 8A (RA) SU and to gas purchased from a number of producers from the West Delta Block 79 Field, Offshore Federal Domain, Louisiana. Both the West Bay and the West Delta gas are processed at the Venice Plant. The residue gas to be used for injection will be taken from the Venice Plant to the injection site in existing lines. If the West Bay and West Delta gas is not sufficient to meet the needs of its injection program Gulf proposes to also use gas owned by it which is delivered to the Venice Plant. Gulf states that its secondary recovery project will not detract from its capability to meet the deliverability requirements of its

existing sales contracts at the Venice Plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 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. 84-13975 Filed 5-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-377-000]

**The Inland Gas Company, Inc.;  
Request Under Blanket Authorization**

May 18, 1984.

Take notice that on May 1, 1984, The Inland Gas Company, Inc. (Inland), 340—17th Street, Ashland, Kentucky 41101, filed in Docket No. CP84-377-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Inland proposes to abandon certain facilities under the authorization issued in Docket No. CP83-139-000 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, Inland proposes to abandon approximately 7.7 miles, in two segments, of 1-, 2-, 4-, 6- and 8-inch pipeline located in Carter County, Kentucky. Inland states that the segments of pipeline proposed for abandonment are no longer used or useful in Inland's operations. Inland states further that the proposed abandonment would not result in the loss of any gas supply or the termination of service to any existing customer. Inland asserts that no customers have been supplied from the pipeline segments proposed for abandonment since 1974.



Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-13976 Filed 5-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C160-418-000, et al.]

**Cities Service Oil and Gas Corp. et al.;  
Application to Amend Certificates to  
Establish Entitlement to Section 109  
Price.<sup>1</sup>**

May 18, 1984.

Take notice that each of the Applicants listed herein has either filed a petition to amend certificate pursuant to Section 7 of the Natural Gas Act or a notice of change in rate which is being treated as a petition to amend certificate to establish Applicant's right to collect the section 109 price consistent with the court order issued in *Tenneco Exploration Ltd. v. FERC*, 649 F.2d.376, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said

applications should on or before June 5, 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.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>3</sup>	Pressure base
C160-418-000, Apr. 24, 1984	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	Panhandle Eastern Pipe Line Company, Murdock Field, Texas County, Oklahoma.	(1)	
C178-759-002, Apr. 24, 1984	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Northern Natural Gas Company, West Cameron Block 608, Offshore Louisiana.	(1)	
C178-1191-001, Apr. 24, 1984	do	Columbia Gas Transmission Corporation, High Island Blocks 280 and 286, Offshore Texas.	(1)	
C180-62-001, Apr. 6, 1984	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Transco Gas Supply Company, East Cameron Area Block 97, Offshore Louisiana.	(1)	
C180-73-001, Apr. 9, 1984	do	Transcontinental Gas Pipe Line Corporation, South Timber Block 185, Offshore Louisiana.	(1)	
C181-62-001, Apr. 24, 1984	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, West Delta Block 73, Offshore Louisiana.	(1)	
C182-148-001, Feb. 8, 1984	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Transco Gas Supply Company, Mustang Island Block 757 Field, Offshore Texas.	(1)	
C182-115-001, Apr. 24, 1984	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, West Delta Block 100, Offshore Louisiana.	(1)	

<sup>1</sup> Applicant proposes to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order in *Tenneco Exploration, Ltd. v. FERC* 649 F.2d 376. Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 84-13977 Filed 5-23-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-380-000]

**Texas Eastern Transmission Corp.;  
Application**

May 18, 1984.

Take notice that on May 1, 1984, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP84-380-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the upgrading and operation of certain

existing compressor turbine engines on its transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Eastern states it would upgrade by overhauling and rebuilding ten of its mainline transmission gas turbine engines located at the Athens, Ohio; Owingsville, Kentucky; and St. Francisville, Louisiana, compressor stations. Texas Eastern states that these various engines, installed between 1955 and 1958, through long usage have lost thermal efficiency and rated horsepower

while various parts have exceeded manufacturers' recommended service life making maintenance costs excessive and necessitating more frequent down-time for inspections of eroded and warped turbine blades.

Texas Eastern asserts the proposed rebuilding program is the most cost effective means of establishing their reliability and safety of its system as it would increase engine efficiency and horsepower, reduce fuel usage, maintenance costs and down-time. Texas Eastern estimates the planned upgrading program would cost

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.



\$15,113,000. Texas Eastern states that the cost would be financed initially with funds on hand, borrowing under revolving credit arrangement or short-term financing.

Texas Eastern also requests authorization to capitalize the costs associated with the proposed program.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 8, 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 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 Texas Eastern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-13974 Filed 5-23-84; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[A-9-FRL 2589-7]

### Issuance of a PSD Permit to Tosco Corp.

AGENCY: Environmental Protection Agency (EPA), Region 9.

### ACTION: Notice.

**SUMMARY:** Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Tosco Corporation, Contra Costa County, California. EPA project number SFB 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, (415) 974-8016.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on December 9, 1983 the Environmental Protection Agency issued a PSD permit to the applicant named above granting approval to construct two General Electric Frame 6 turbines, with a total capacity of 80-megawatts, to be located at Tosco's Avon Refinery near Martinez, Contra Costa 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<sub>x</sub> at 75 lbs/hr/turbine and 45 ppm at 15% O<sub>2</sub>.

**Best Available Control Technology (BACT)** requirements include: the allowable emission rate and a steam-to-fuel ratio of 1.2 to 1.

Air Quality Impact modeling was required for NO<sub>x</sub>. Continuous monitoring is required and the source is subject to New Source Performance Standards.

**DATE:** The PSD permit is reviewable under section 397(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by July 23, 1984.

David P. Howekamp,

Director, Air Management Division, Region 9.

[FR Doc. 84-13954 Filed 5-23-84; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-2593-1]

### Water Quality Criteria; Request for Comments

AGENCY: Environmental Protection Agency.

**ACTION:** Notice of availability and a request for comments on bacteriological ambient water quality criteria document.

**SUMMARY:** Environmental Protection Agency (EPA) announces the availability for public comment of a draft bacteriological criteria document. This document provides guidance on ambient indicator bacterial densities which provide various levels of

protection from risks of gastro-intestinal disease from swimming in sewage polluted waters. When published in final form after the consideration of public comments, these criteria may form the basis for enforceable water quality standards. These criteria are published pursuant to section 304(a)(1) of the Clean Water Act.

**DATE:** Written comments should be submitted by July 23, 1984.

**ADDRESS:** Copies of the draft bacteriological criteria document may be obtained only by a written request to: Environmental Protection Agency, Criteria and Standards Division (WH-585), Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kent Ballentine, Environmental Protection Agency, Criteria Branch (WH-585), Washington, D.C. 20460, (202) 245-3030.

**SUPPLEMENTARY INFORMATION:** Section 304(a)(1) of the Clean Water Act (33 U.S.C. 1314(a)(1)) requires EPA to publish and periodically update ambient water quality criteria. These criteria are to reflect the latest scientific knowledge on the identifiable effects of pollutants on public health and welfare, aquatic life, and recreation.

EPA has periodically issued ambient water quality criteria, beginning in 1973 with publication of the "Blue Book" (Water Quality Criteria 1972). In 1976 the "Red Book" (Quality Criteria for Water) was published. On November 28, 1980 (45 FR 79318), EPA announced the publication of 64 individual ambient water quality criteria documents for pollutants listed as toxic under section 307(a)(1) of the Clean Water Act; a criterion for the 65th toxic pollutant, dioxin, was published on February 15, 1984 (49 FR 5831).

Today EPA is announcing the availability for public comment of a draft water quality criteria document which, upon final publication, will update and revise the bacteriological criteria previously published in the "Red Book."

EPA has recently published the results of two research projects which evaluated the relationships between swimming-associated illness and the ambient densities of indicator bacteria.<sup>1</sup>

<sup>1</sup> (a) Cabelli, V.J. 1981. Health Effects Criteria for Marine Recreational Waters. U.S. Environmental Protection Agency, EPA-600/1-80-031, Cincinnati, OH.

(b) Dufour, A.P. 1983. Health Effects Criteria for Fresh Recreational Waters. U.S. Environmental Protection Agency, Cincinnati, OH. In Press.



One of these studies was performed on marine water beaches and the other on fresh water beaches. As a result of these studies, EPA has concluded that the currently recommended indicator organism group, the fecal coliforms, is inadequate. The studies demonstrated that enterococcus has a far better correlation with swimming-associated illness in both marine and fresh waters than does fecal coliform; and that *E. coli*, a specific bacterial species included in the fecal coliform group, has a correlation in fresh waters equal to the enterococcus, but does not correlate as well in marine waters.

EPA therefore, is considering recommending these organisms for inclusion into State water quality standards as criteria for the protection of primary water contact recreation uses instead of fecal coliforms. The criteria document available from EPA has extracted the salient scientific material from the above cited research reports. The document also contains a section that describes a possible monitoring procedure and another section which relates the bacterial levels of enterococcus and *E. coli* to the current fecal coliform criterion.

The EPA criteria document contains equations (and graphs of those equations). These equations were derived by a linear regression of the swimming associated rate for gastrointestinal illness versus the logarithms of the enterococci densities and *E. coli* densities in fresh waters, and just the enterococci densities in marine waters. The criteria document indicates that by using the existing criterion of 200 fecal coliform bacteria per 100 ml, risk levels of 15 gastrointestinal illnesses per 1000 population in marine waters and 6 per 1000 population in fresh waters have been unknowingly accepted. EPA proposes that future risk levels be equal to those presently accepted for fresh waters, i.e., 6 gastrointestinal illness per 1000 swimmers. The proposed criteria recommendations are therefore as follows:

Freshwater—20 enterococci/100 ml, or  
77 *E. coli* 100/ml

Marine water—3 enterococci/100 ml

EPA encourages public comment on this issue. Alternative methods of criteria selection could recommend essentially a zero risk but such a recommended number might cause the closure of many beach areas. EPA could also recommend a range.

EPA encourages the public to carefully review and comment on this draft document. Comments and suggestions on the section on monitoring is especially encouraged.

Dated: May 17, 1984.

Jack E. Ravan,

Assistant Administrator for Water.

[FR Doc. 84-13953 Filed 5-23-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30080; PH-FRL 2577-1]

### Cyromazine; Proposed Determination Concerning Conditional Registration

#### Correction

In FR Doc. 84-11406 beginning on page 18172 in the issue of Friday, April 27, 1984, make the following corrections:

1. On page 18173, first column, second paragraph, first sentence, "On July 7, 1982" should have read "on June 7, 1982".
2. On page 18175, in the table, in the fifth entry under Chemical name, "Rabbon" should have read "Rabon".

BILLING CODE 1505-01-M

[OPTS-140049; FRL 2574-6]

### Midwest Research Institute; Transfer of Data to Contractor

#### Correction

In FR Doc. 84-11243 beginning on page 18036 in the issue for Thursday, April 26, 1984, make the following correction:

In the third column of page 18036, in the second complete paragraph, in the fourteenth line, "40 CFR 2.306(j)" should have read "40 CFR 2.306(j)".

BILLING CODE 1505-01-M

[FRL 2593-6]

### Science Advisory Board, Environmental Health Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a one-day meeting of the Environmental Health Committee of the Science Advisory Board will be held on June 7, 1984, in Conference Room 3906-3908, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, Southwest, Washington, D.C. The meeting will start at 9:15 a.m. on June 7, 1984, and adjourn not later than 4:30 p.m.

The principal purpose of the meeting will be to review and comment on the scientific adequacy of a draft health assessment document prepared by the Office of Health and Environmental Assessment of EPA's Office of Research and Development, as follows:

Health Assessment Document for  
Dichloromethane (Methylene Chloride)—  
External Review Draft December 1983.  
EPA-600/8-82-004B.

For information on how to obtain a copy of the draft document please contact: ORD Publications Office, Center for Environmental Research Information, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268. (513) 684-7582. Requestors should be sure to cite the EPA number assigned to the document.

The agenda will also include a discussion of suggested upcoming issues for Environmental Health Committee review, and brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend, participate, submit a paper, or wishing further information should contact the Executive Secretary, Environmental Health Committee, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. June 1, 1984. Please ask for Mrs. Patti Howard or Mr. Ernst Linde. The telephone number is (202) 382-2552.

Dated: May 21, 1984.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 84-14051 Filed 5-23-84; 8:45 am]

BILLING CODE 6560-50-M

### FEDERAL HOME LOAN BANK BOARD

#### Investors Savings Association, Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Investors Savings Association, Houston, Texas, on May 16, 1984.

Dated: May 21, 1984.

J. J. Finn,

Secretary.

[FR Doc. 84-13925 Filed 5-23-84; 8:45 am]

BILLING CODE 6720-01-M

### FEDERAL RESERVE SYSTEM

#### Chemical New York Corp., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation



Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that 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 12, 1984.

**A. Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

1. *Chemical New York Corporation*, New York, New York; to engage *de novo* through its subsidiary, Chemical Financial Services Corporation, Chicago, Illinois, in generating loans and other extensions of credit and servicing loans and other extensions of credit, including, but not limited to, making or acquiring loans to customers; acquiring revolving credit installment contracts from retail sellers and providing services related to the foregoing; making or acquiring loans and other extensions of credit to businesses including, but not limited to receivable, inventory and working capital financing; making or acquiring extensions of credit secured by personal property lease contracts; making extensions of credit to consumers and others by the use of credit cards and drafts drawn upon a credit facility; making available to its debtors credit related insurance directly related to

such activities to the extent permissible under applicable state insurance laws and regulations; providing data processing and data transmission services, data bases and facilities for the internal operations of CNYC, including Chemical Bank and all other CNYC subsidiaries; providing to others data processing and transmission services, facilities, data bases or access to such services, facilities or data bases by any technologically feasible means for financial, banking or economic data; and providing to others excess capacity and time sharing on data processing or transmission equipment of facilities.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Peoples Holding Company*, Winder, Georgia; to engage *de novo* through its subsidiary, TPB Leasing, Inc., Winder, Georgia, in leasing personal property or acting as agent, broker, or advisor in leasing such property; the issuance and sale at retail of money orders, savings bonds and travelers checks; the sale of credit life, credit accident and health insurance, and credit disability insurance directly related to an extension of credit by its subsidiary bank.

Board of Governors of the Federal Reserve System, May 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-13884 Filed 5-23-84; 8:45 am]

BILLING CODE 6210-01-M

#### **Elk Grove Investment Co., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the

question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

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 11, 1984.

**A. Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Elk Grove Investment Company*, Elk Grove Village, Illinois; *Financial Investments Corporation*, Chicago, Illinois; *Woodfield Investment Corporation*, Schaumburg, Illinois; *First Highland Corporation*, Highland Park, Illinois, and *North State Investment Corporation*, Chicago, Illinois; to engage indirectly through a *de novo* joint venture, *Interfinancial Funding Corporation*, Chicago, Illinois, in operating a commercial finance company, including but not limited to, making, acquiring or servicing loans or other extensions of credit, for the company's account or for the account of others; and factoring.

**B. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *BankAmerica Corporation*, San Francisco, California; to engage through one or more direct and indirect subsidiaries, existing or to be formed, in the activities of financing or servicing such as would be done by a consumer, sales finance, credit card, mortgage; commercial finance and factoring company; operating an industrial bank; Morris Plan bank or industrial loan company, including the issuance of investment certificates provided, however, that such institutions will not accept demand deposits; leasing personal property and acting as agent, broker, or advisor in leasing such property; providing data processing and data transmission services, facilities,



data bases, or access to such services, facilities or data bases by any technological means; offering credit-related life, accident and health, property and casualty insurance (such insurance activities to be limited by applicable law, including the Garn-St Germain Depository Institutions Act of 1982); underwriting as reinsurer such credit-related life and credit-related accident and health insurance; and the issuance and sale at retail of money orders and similar consumer type payment instruments having a face value of not more than \$1,000; the sale of United States savings bonds and the sale of travelers checks.

These activities will be conducted throughout the United States from existing or *de novo* offices (except that underwriting as reinsurer credit-related insurance will not be conducted in the States of Alaska, Hawaii and New York).

Board of Governors of the Federal Reserve Board, May 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-13885 Filed 5-23-84; 8:45 am]

BILLING CODE 6210-01-M

#### National City Corp., et al.; Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has 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)).

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 to the Reserve Bank indicated for that application 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.

Comments regarding this application must be received not later than June 13, 1984.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *National City Corporation*, Cleveland, Ohio; to merge with BancOhio Corporation, Columbus, Ohio, thereby indirectly acquiring BancOhio National Bank, Columbus, Ohio and Ohio State Bank, Columbus, Ohio. Applicant has also applied to engage in nonbanking activities through its indirect acquisition of the following companies: BancOhio Leasing Company (originating and servicing of equipment leases (Nationwide)); Franklinton Assurance Company (providing credit life insurance for Applicant's banking subsidiaries (Ohio only)); BancOhio Mortgage Company (originating and servicing residential mortgages to which Applicant's banking subsidiaries are a party (Ohio only)); W. Lyman Case and Company (mortgage loan production, mortgage loan servicing, and arranging equity financing pursuant to agreements with institutional investors (Florida and Ohio only)); and Midwest Econometrics, Inc. (providing economic data to users of its services).

2. *Wesbanco, Inc.*, Wheeling, West Virginia; to acquire 100 percent of the voting shares of New Martinsville Bank, New Martinsville, West Virginia.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Maplesville Bancorp*, Maplesville, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Maplesville, Maplesville, Alabama.

2. *Tallapoosa Capital Corporation*, Dadeville, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Dadeville, Dadeville, Alabama.

3. *Taylor Capital Corporation*, Camp Hill, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of The Camp Hill Bank, Camp Hill, Alabama.

C. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Royce Corporation*, Council Bluffs, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Manning Trust & Savings Bank, Manning, Iowa, and 89.15 percent of the voting shares of Walnut State Bank, Walnut, Iowa.

D. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *General Bank Corporation of Kentucky*, Horse Cave, Kentucky; to become a bank holding company by

acquiring 80 percent of the voting shares of Horse Cave State Bank, Horse Cave, Kentucky.

E. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Arvada Bankshares, Ltd.*, Denver Colorado; to become a bank holding company by acquiring at least 98 percent of the voting shares of First National Bank of Arvada, Arvada, Colorado.

F. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Allied Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of Allied Bank Keller, N.A., Keller, Texas, a *de novo* bank.

2. *RepublicBank Corporation*, Dallas, Texas; to acquire 14.8 percent of the voting shares of Seagoville State Bank, Seagoville, Texas.

3. *Southshares, Inc.*, Laredo, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of South Texas National Bank of Laredo, Laredo, Texas.

Board of Governors of the Federal Reserve Board, May 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-13886 Filed 5-23-84; 8:45 am]

BILLING CODE 6210-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

##### Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

**SUMMARY:** This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting: The following advisory committee meeting is announced:

##### General and Plastic Surgery Devices Panel

Date, time, and place: June 25, 2 P.M., Conference Room 418, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. A speaker phone will be provided in the conference room to allow public



participation in the meeting. Open public hearing, June 25, 2 p.m. to 2:15 p.m.; open committee discussion, 2:15 p.m. to 3 p.m.; Paul F. Tilton, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) (HFZ-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7238.

**General function of the committee.** This committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before June 18, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

**Open committee discussion.** The committee will discuss and place a final vote on a premarket approval application (PMA) for a polytetrafluoroethylene suture.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings. This guideline was published in the Federal Register of April 13, 1984 (49 FR 14723). These procedures are primarily intended to

expedite media access to FDA's public proceedings, including hearings before a public advisory committee conducted pursuant to Part 14 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the presentation of participants at a public hearing. Accordingly, all interested persons are directed to the guideline, as well as the Federal Register notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on public hearings.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: May 17, 1984.

William F. Randolph,  
Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 84-13691 Filed 5-23-84; 8:45 am]

BILLING CODE 4160-01-M

#### Request for Nominations for Voting Members on Public Advisory Committees or Panels

AGENCY: Food and Drug Administration.

#### ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on certain public advisory committees or panels in FDA's Center for Devices and Radiological Health. Nominations will be accepted for current vacancies and those that will or may occur during the next 12 months. FDA has a special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates.

**DATES:** Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 4 months before the date of scheduled vacancies for each year, as indicated in this notice.

**ADDRESS:** All nominations and curricula vitae should be submitted to Kay A. Levin (address below).

**FOR FURTHER INFORMATION CONTACT:** Kay A. Levin, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) (HFZ-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3516.

**SUPPLEMENTARY INFORMATION:** FDA requests nominations of voting members for vacancies listed below. If specific expertise is not indicated, individuals should have expertise relevant to the field of activity of the committee or panel.

1. Anesthesiology and Respiratory Therapy Devices Panel: one vacancy immediately; individuals with expertise in anesthesiology or pulmonary function or a certified registered nurse anesthetist.

2. Circulatory System Devices Panel: one vacancy immediately, two vacancies June 30, 1984; individuals with expertise in cardiac surgery and cardiology.

3. Clinical Chemistry and Clinical Toxicology Devices Panel: one vacancy February 28, 1985; individuals with expertise in clinical chemistry or clinical toxicology.

4. Dental Devices Panel: two vacancies immediately, two vacancies October 31, 1984; individuals with expertise in dental devices and materials.

5. Ear, Nose, and Throat Devices Panel: one vacancy immediately, two



vacancies October 31, 1984; otolaryngologist.

6. Gastroenterology-Urology Devices Panel: one vacancy immediately, one vacancy December 31, 1984; individuals with expertise in nephrology, therapeutic plasmapheresis, or biomedical engineering.

7. General and Plastic Surgery Devices Panel: two vacancies immediately, one vacancy August 31, 1984; practicing surgeon, dermatologist, immunologist, or pathologist with experience in clinical trials and/or academic research; practicing surgeon and/or dermatologist with extensive laser experience.

8. General Hospital and Personal Use Devices Panel: three vacancies immediately, two vacancies December 31, 1984; general surgeon, clinical nurse, internist, oncologist, pharmacologist, neonatologist and/or pediatrician, general practitioner.

9. Hematology and Pathology Devices Panel: three vacancies immediately, two vacancies February 28, 1985; individuals involved in the practice of medicine or clinical laboratory sciences familiar with clinical hematology and cell surface markers for thymus and bone marrow lymphocytes and expertise and/or experience with automated differential blood cell counters and blood cell sorters; or blood coagulation instrumentation; or human tumor stem cell assay.

10. Immunology Devices Panel: three vacancies immediately, two vacancies February 28, 1985; doctors of medicine or doctors of philosophy who have experience with immunology devices and/or clinical experience in cancer diagnosis and treatment.

11. Microbiology Devices Panel: three vacancies immediately, one vacancy February 28, 1985; infectious disease clinicians, individuals with expertise in antimicrobial susceptibility testing and devices.

12. Neurological Devices Panel: two vacancies immediately, two vacancies November 30, 1984; neurologist, preferably with experience in psychiatry and medical devices; biomedical engineer with experience with neurological devices.

13. Obstetrics-Gynecology Devices Panel: two vacancies immediately; individuals with expertise in obstetrics and/or gynecology.

14. Ophthalmic Devices Panel: three vacancies immediately, two vacancies October 31, 1984; ophthalmologist or optometrist.

15. Orthopedic and Rehabilitation Devices Panel: one vacancy immediately, one vacancy August 31, 1984; orthopedic surgeons with expertise

in joint structure and function, prosthetic ligament devices, or joint biomechanics and implants.

16. Radiologic Devices Panel: two vacancies immediately; individuals with expertise in diagnostic radiology, radiation therapy, hyperthermia, or nuclear magnetic resonance imaging.

17. Technical Electronic Product Radiation Safety Standards Committee: nine vacancies immediately; two from governmental agencies, including State and Federal governments; four from the affected industry; and three from the general public (however, see paragraph below on nomination procedure).

#### Medical Devices Panels

The functions of the medical devices panels are to (1) review and evaluate available data concerning the safety and effectiveness of medical devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

#### Technical Electronic Product Radiation Safety Standards Committee

The function of the committee is to provide advice and consultation on the technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation from such products, and may recommend electronic product radiation safety standards to the Commissioner for consideration.

#### Qualifications

Persons nominated for membership on the medical devices panels shall have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering,

biological and physical sciences, statistics, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the panel. Persons nominated for the Technical Electronic Product Radiation Safety Standards Committee shall be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety. The term of office for the panels and committee is approximately 4 years.

#### Nomination Procedure

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory panels or committee. Self nominations are also accepted. Nominations shall include a complete curriculum vitae of each nominee, current business address, and telephone number and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. To permit evaluation of possible sources of conflict of interest, FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts. Nominations for the Technical Electronic Product Radiation Safety Standards Committee are being requested now, however, appointments will not occur until there is a need for a meeting.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: May 17, 1984.

William F. Randolph,  
Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 84-13892 Filed 5-23-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84M-0131]

#### Diasonics, Inc., Premarket Approval of Diasonics NMR Imaging System

#### Correction

In FR Doc. 84-11043 beginning on page 17815 in the issue of Wednesday, April 25, 1984, make the following correction:

On page 17816, in the first column, under **SUPPLEMENTARY INFORMATION**, in



the seventh line, "products" should read "produces."

BILLING CODE 1505-01-M

[Docket No. 84M-0125]

### Technicare Corp.; Premarket Approval of Teslacon

#### Correction

In FR Doc. 84-11038 appearing on page 17819 in the issue of Wednesday, April 25, 1984, make the following correction:

In the middle column, under **SUPPLEMENTARY INFORMATION**, the date in the second line should read "January 28, 1983".

BILLING CODE 1505-01-M

[Docket No. 84M-0130]

### Intermedics, Inc.; Premarket Approval of COSMOS™ Model 283-01 Pulse Generator and RX 2000™ Model 522-06 Programmer With the Model 531-02 Program Module

#### Correction

In FR Doc. 84-11042 beginning on page 17816 in the issue of Wednesday, April 25, 1984, the heading should read as set forth above. (The word "COSMOS™" was incorrectly shown as "COMOS™".)

BILLING CODE 1505-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Under Secretary

[Docket No. N-84-1390]

### Advisory Committee on Contract Document Reform; Meeting

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Notice of meeting of the Advisory Committee on Contract Document Reform.

**SUMMARY:** The sixth meeting of the Advisory Committee on Contract Document Reform has been rescheduled from Thursday, May 31, 1984 to Thursday, June 28, 1984 at 9:30 a.m. in the Under Secretary's Conference Room (10106) at the Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

The purpose of the meeting is to discuss and analyze suggested amendments to contract document clauses.

This meeting is open to the public. Any interested persons may attend, appear before, or file statements with

the committee. Oral statements may be made at the meeting at the time and in the manner permitted by the committee.

**FOR FURTHER INFORMATION CONTACT:** Joseph Lupica, Special Assistant to the Secretary, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, Telephone: (202) 755-5713. [This is not a toll-free number.]

Dated: May 18, 1984.

Philip Abrams,

*Under Secretary, Department of Housing and Urban Development.*

[FR Doc. 84-13886 Filed 5-23-84; 8:45 am]

BILLING CODE 4210-32-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-36685 B]

### Oregon; Conveyance

Notice is hereby given that, pursuant to Section 203 and 209 of the Act of October 21, 1976 (90 Stat. 2743, 2750 and 2757; 43 U.S.C. 1701, 1713 and 1719), the following described public land in Gilliam County, was purchased by modified competitive sale and conveyed to the party shown:

Mr. Luren Maley, Box 143, Condon, OR 97823.

Willamette Meridian, Oregon

T. 2 S., R. 19 E.,  
Sec. 35, E½SE¼.

The purpose of this Notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. Maley.

Dated: May 18, 1984.

Harold A. Berends,

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 84-13912 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-33-M

[M 60766]

### Montana; Invitation Coal Exploration License Application

Members of the public are hereby invited to participate with Shell Mining Company in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Big Horn County, Montana:

T. 6 S., R. 38 E., P.M.M.  
Sec. 24 Lots 1,2,3, E½NE¼, NE¼SE¼.  
T. 6 S., R. 39 E., P.M.M.  
Sec. 1, lots 1,2,3,4, S½N½, S½.  
Sec. 2, lots 1,2,3,4, S½N½, S½;  
Sec. 3, lots 1,2,3,4, S½N½, S½;  
Sec. 4, lots 7,3,14;

Sec. 8, NE¼NE¼;  
Sec. 9, lots 1,2, E½NW¼, NE¼SW¼;  
Sec. 11, NE¼, N½SE¼, SE¼SE¼;  
Sec. 12, all;  
Sec. 13, all;  
Sec. 14, NE¼NE¼, SE¼N½, SW¼, NE¼SE¼;  
Sec. 18, lot 4, SE¼SW¼;  
Sec. 19, lots 1,2, E½NW¼, S½NE¼.  
T. 6 S., R. 40 E., P.M.M.  
Sec. 6; lots 4,5,6,7.  
4562.52 acres.

Any party electing to participate in this exploration program shall notify, in writing, both the State Director, Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107; and Shell Mining Company, P.O. Box 2906, Houston, Texas 77252. Such written notice must refer to serial number M 60766 and be received no later than 30 calendar days after publication of this Notice in the *Federal Register* or 10 calendar days after the last publication of the Notice in the *Hardin Herald*, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana. The exploration plan is available for public inspection at this address.

Dated: May 29, 1984.

George D. Mowat,

*Acting Chief, Branch of Solid Minerals.*

[FR Doc. 84-13909 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-DN-M

[A-19153]

### Public Lands Exchange; Mohave County, Arizona

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of Realty Action—Exchange, Public Lands in Mohave County, Arizona.

**SUMMARY:** The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 20 N., R. 15 W.,  
Sec. 3, lot 4, SW¼NW¼, and W½SW¼;  
Sec. 4, lots 1-4, inclusive, S½N½, and S½;  
Sec. 5, lot 2, S½NE¼, and SE¼;  
Sec. 8, all;  
Sec. 9, lots 2-8, inclusive;  
Sec. 18, lots 1-4, inclusive, E½W½, and E½.



T. 20 N., R. 16 W.,

Sec. 12, lot 2, NW¼NW¼, S½NW¼,  
E½SW¼, and SE¼.

Comprising 2871.18 acres, more or less.

In exchange for these lands, the United States will acquire the following described lands from George F. Getz, Jr.

Gila and Salt River Meridian, Arizona

T. 20 N., R. 15 W.,

Sec. 19, lots 1-4, inclusive, E½W½, and  
E½;

Sec. 31, lots 1-4, inclusive, E½W½, and  
E½.

T. 19 N., R. 15 W.,

Sec. 5, lots 1-4, inclusive, S½N½, and S½.  
Comprising 1875.88 acres, more or less.

The purpose of the exchange is to acquire the non-federal lands that contain critical elk and mule deer habitat, as well as exhibit outstanding recreational opportunities in the Hualapai Mountains southeast of Kingman, Arizona. The exchange is consistent with the Bureau's land use plans and the public interest will be well served.

The above lands will be subject to an appraisal to determine the value of the lands to be exchanged. The listed lands may change to reflect equal value following the completion of the appraisal.

Lands to be transferred from the United States will be subject to the following reservations:

1. A right-of-way for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 (26 Stat. 391; U.S.C. 945).

2. Subject to all valid existing rights.

3. Subject to such rights for telephone line right-of-way A-1627 as provided under authority of the Act of February 15, 1901.

4. A reservation for powerline right-of-way A-10757 as provided under the authority of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

5. Subject to such rights for roadway purposes as secured under the authority of RS 2477 for the Hualapai Mountain Road.

6. A reservation to the United States of all minerals together with the right to prospect for, mine and remove same under the applicable laws and regulations.

7. All minerals in lot 4, SW¼NW¼, and W½SW¼ section 3, T. 20 N., R. 15 W., are reserved to the Santa Fe Pacific Railroad Company.

Private lands to be acquired by the United States will be subject to the following reservations, terms and conditions:

1. All minerals in the subject are reserved to the Santa Fe Pacific Railroad Company as set forth in Book

65 of Deeds, page 105, and those nullifications recorded in Book 104 of Deeds, page 159 and Book 929 of Official Records, page 688, Mohave County, Arizona.

2. Such rights for a communication site lease and powerline easement in sec. 19, T. 20 N., R. 15 W.

3. Such rights for telephone, powerline, and road easements in section 19, T. 20 N., R. 15 W., and section 5, T. 19 N., R. 15 W.

Publication of this Notice will segregate the subject lands from all appropriations under the public land laws, including the mining laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent or two years from the date of this Notice, or upon publication of a Notice of Termination.

Detailed information concerning this exchange can be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401. For a period of forty-five (45) days from the date of this Notice, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action, and issue a final determination. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

Dated: May 21, 1984.

Deane H. Zeller,

Acting District Manager.

[FR Doc. 84-13903 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-32-M

#### Utah; Availability of Draft Book Cliffs Resource Management Plan/Environmental Impact Statement

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Availability of the Draft Environmental Impact Statement (DEIS) and notice of formal public hearing.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and sections 201 and 202 of the Federal Land Policy and Management Act of 1976, notice is hereby given that the Bureau of Land Management has prepared a Draft Book Cliffs Resource Management Plan/Environmental Impact Statement.

The objectives of the plan are to provide a framework to manage all resources on public lands in the Book Cliffs Resources Area. This

environmental impact statement (EIS) analyzes the consequences of implementing four separate alternatives: (1) Current Management, (2) Resource Protection, (3) Commodity Production, and (4) Balanced Use. The alternatives recommend levels of grazing for livestock, wildlife, and wild horses; identify woodland management areas; propose management of energy development; and recommend future recreation designations.

Based on the issues and concerns identified during the scoping process, the EIS impact analysis focuses on minerals and minerals development, forage, water and watershed, wildlife and wild horses, woodlands, recreation, and socioeconomics.

Counties which could be affected include: Duchesne, Grand and Uintah, Utah; and Garfield, Mesa, Moffat and Rio Blanco, Colorado.

**DATES:** Written comments on the DEIS should be submitted by September 6, 1984. A public hearing will be held to receive comments on the alternatives and potential impacts discussed in the DEIS. Written and oral comments will be accepted at the hearing. It will be held at 7:00 p.m. on July 17, 1984 in the Vernal District Office Conference Room, Bureau of Land Management, 170 South 500 East, Vernal, Utah.

All comments provided at the hearing as well as written comments concerning the adequacy of the DEIS received prior to September 6, 1984 will receive consideration in preparation of the final EIS.

**ADDRESS:** Written comments on the DEIS should be sent to the Vernal District Manager (RMP), Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078.

**FOR FURTHER INFORMATION CONTACT:** Curtis Tucker, Team Leader, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078, Phone: (801) 789-1362.

**SUPPLEMENTARY INFORMATION:** A limited number of copies of the DEIS are available upon request from Mr. Tucker at the above address, or from the Utah State Office: Bureau of Land Management, Utah State Office, University Club Building, Public Room (13th Floor), 136 East South Temple, Salt Lake City, UT 84111.

Dated: May 18, 1984.

Mason K. Hall,

Acting District Manager.

[FR Doc. 84-13899 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-DQ-M



**Availability; Draft Resource Management Plan/Environmental Impact Statement for Cedar, Beaver, Garfield, and Antimony Planning Units**

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

**ACTION:** Notice of Availability of Draft Resource Management Plan and Environmental Impact Statement (RMP/EIS) and Public Comment Period.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has prepared a Draft EIS on the Cedar, Beaver, Garfield, and Antimony RMP. Copies of the RMP/EIS are now being distributed for public review and comment.

**DATE:** Comments must be received by August 13, 1984.

**ADDRESS:** Comments should be sent to: Bureau of Land Management, Beaver River Resource Area, 444 South Main, Suite C3, Cedar City, Utah 84720.

**FOR FURTHER INFORMATION CONTACT:** Jay Carlson, Team Leader, at the address given above. Telephone (801) 586-2458.

**SUPPLEMENTARY INFORMATION:** Single copies of the Draft RMP/EIS may be obtained from the address listed previously, or from: Escalante Resource Area, Escalante, Utah 84726; Kanab Resource Area, P.O. Box 458, Kanab, Utah 84741; Cedar City District, P.O. Box 724, Cedar City, Utah 84720.

Public meetings to receive oral and/or written comments on the document will be held from 1 to 7 p.m. at the following locations:

June 26, 1984; Panguitch, Utah—Garfield County Courthouse

June 27, 1984; Beaver, Utah—Beaver County Courthouse

June 28, 1984; Cedar City, Utah—Cedar City District BLM Office, 1579 North Main

The BLM is particularly interested in comments which address one or more of the following: (1) Comments which point out errors in the analysis that has been performed, (2) comments which provide new information that would have a bearing on the analysis, (3) comments which provide a new alternative not considered, (4) comments requesting clarification, and (5) comments citing misinformation that may have been utilized and could affect the outcome of the analysis.

Members of the RMP/EIS team will be present during the entire time listed for the public meetings to accept comments and answer questions. Members of the

public are invited to come in at their convenience.

Dated: May 15, 1984.

Morgan S. Jensen,  
District Manager.

[FR Doc. 84-13910 Filed 5-23-84; 8:45 am]  
BILLING CODE 4310-DQ-M

**Roswell District Advisory Council; Meeting**

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

**ACTION:** Notice of Advisory Council Meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Advisory Council.

**DATE:** June 20, 1984, beginning at 10:00 a.m. A public comment period will be held at 2:00 p.m.

Location: Roswell Inn, Berrendo Room, 1815 N. Main St., Roswell, NM 88201.

**FOR FURTHER INFORMATION CONTACT:** Richard Bastin, Associate District Manager, or Guadalupe G. Martinez, Public Affairs Specialist, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201 (505) 622-7670.

**SUPPLEMENTARY INFORMATION:** The proposed agenda will include: (1) Carlsbad Resource Area Management Plan/Environmental Impact Statement, (2) Potash Enclave Map Status, (3) Cave Program, (4) Range Improvement Program Update, (5) Cooperative Management Agreements, (6) Off-Road Vehicle (ORV) Update, and (7) Public Comment Period.

The meeting is open to the public. Interested persons may make oral statements to the Council during the public comment period or may file written statements. Anyone wishing to make an oral statement should notify the District Manager by June 13, 1984. Summary minutes will be maintained in the District Office and will be available for public inspection during regular business hours within 30 days following the meeting. Copies will be available for the cost of duplication.

Earl R. Cunningham,  
District Manager, Roswell, New Mexico.

[FR Doc. 84-13905 Filed 5-23-84; 8:45 am]  
BILLING CODE 4310-84-M

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**California Desert District; Panamint Dunes Special Management Area**

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

**ACTION:** Implementation of Panamint Dunes Recreation Area Management Plan.

**SUMMARY:** The Panamint Dunes Special Management Area was designated to provide an existing demand for limited recreational use of the Panamint Dunes within Inyo County. This will be accomplished by strict control of the users through a permit system and a Memorandum of Understanding (MOU) with Inyo County. All public land north of Highway 190 will be closed to camping and motorized vehicle use, except where designated and signed. No motorized vehicle use or camping will be allowed unless the user obtains a permit issued from the Bureau of Land Management (BLM) Ridgecrest Resource Area Office, 112 E. Dolphin Street, Ridgecrest, California 93555. The Panamint Dunes Special Management Area covers approximately 500 acres of public land, including a vehicle parking area signed for camping use, which contains approximately 20 acres. The Recreation Area Management Plan was developed following the guidelines established for the area in the California Desert Conservation Area Plan, 1982 Plan Amendments, Record of Decision, signed May 17, 1983. The Results of the Record of Decision included public involvement.

**EFFECTIVE DATE:** June 16, 1984.

**ADDRESS:** Send inquiries to Area Manager, Ridgecrest Resource Area, 112 E. Dolphin Street, Ridgecrest, California 93555. The Panamint Dunes Recreation Area Management Plan and Memorandum of Understanding will be available at the above address from 7:30 a.m. to 4:00 p.m. on regular working days. For further information contact Mark Lawrence at the above address or (619) 375-7125.

**SUPPLEMENTARY INFORMATION:**

**Plan Actions**

The purpose of the guidelines in this management plan is to minimize conflicts between permitted off-road vehicle (ORV) use and sensitive natural resources. To prevent degradation of these natural resources, vehicle use will be prohibited except by permit and only in designated areas and on signed routes. One route of travel will be



designated as "open by permit only" as access to the Dunes. The overnight camping area will be used by permit only and will be designated on maps distributed with the permit. Special Recreation Use Permits will be issued following these guidelines:

1. Applicants can obtain a permit by walk-in, mail, or telephone at the Ridgecrest Resource Area Office, 112 East Dolphin Street, Ridgecrest, California 93555 or (619) 375-7125.

2. Number of permits issued will be limited to 20 vehicles per day.

3. Permits will be issued on a first come, first serve basis.

4. Only one permit will be issued to an individual or group for the same time period.

5. Permits will be issued for a period not to exceed five (5) days.

6. One permit can cover up to, but no more than, five (5) vehicles (4WD, ATC, motorcycle, etc.).

7. Permits will not be issued more than six (6) months in advance.

8. A fee of \$10.00 per permit will be charged.

9. Permittee must pack out all litter and garbage.

10. This permit does not authorize any commercial and/or competitive events.

Permits and maps showing the closed area, designated areas and routes, and camping location can be obtained from

the Ridgecrest Resource Area Office. Administrative access by vehicle into areas closed to vehicle access for BLM personnel, BLM contractors, licensees, and other federal, state and county employees is allowed when on official duty and only when approved by the authorized officer.

The authorities for the Management Plan are 43 CFR 8372, 8000.0-6, 8340, 8341, 8342, 8352, 8364, the Federal Land Policy and Management Act of 1976, and the Antiquities Act and Archaeological Resources Protection Act of 1979.

Any person who violates or fails to comply with these regulations as governed by 43 CFR 8340, 8352, 8364, and 8372 may be prosecuted pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than \$1,000.00 or imprisonment for not longer than 12 months or both.

Dated: May 17, 1984.

Gerald E. Hillier,

District Manager.

[FR Doc. 84-13900 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-84-M

### California; Realty Action Sale of Public Land in Monterey and San Benito Counties, California

The following described land has been examined and through the

development of land use planning decisions based on public input, environmental considerations, regulations and Bureau policies, it has been determined that the proposed sale of these parcels is consistent with the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1701, 1713). Parcels 2, 3, and 4 will be offered for sale July 31, 1984 at no less than the appraised fair market value. Parcel 1 will be offered at no less than the appraised fair market value, by direct sale to the single, surrounding landowner. Parcels 2 and 3 will be offered under modified competitive bidding procedures, assigning all adjacent landowners the right to meet the high bid. Parcel 4 will be offered under modified competitive bidding procedures, limiting bidding to only the adjacent landowners. The BLM solicits and will accept bids on parcels 2, 3, and 4; and may accept or reject any and all bids, or withdraw any land from sale at any time, if in the opinion of the Authorized Officer, consummation of the sale would not be in the best interest of the United States.

If any parcel remains unsold, it will be reoffered October 16, 1984, through competitive bidding procedures. If still unsold, it will be available over the counter on a first come, first serve basis until December 31, 1984.

Parcel No.	Serial No.	Description (all M.D.M.)	Acres	Fair market value	Sale procedure
1	CA 15606	T.14S., R. 5E., sec. 18, lots 1, 2, and 3 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ .	91.35	\$9,135.00	Direct sale.
2	CA 15607	T.14S., R. 5E., sec. 21, lot 12.	41.00	3,075.00	Modified competitive.
3	CA 15608	T.14S., R. 5E., sec. 30, lot 1, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .	86.54	7,355.90	Do.
4	CA 15609	T.14S., R. 4E., sec. 24, lot 1.	9.14	548.40	Do.

### Sale terms and conditions are as follows:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All bidders must be United States citizens. Corporations must be authorized to own real property in the State of California. Political subdivisions of the State and State instrumentalities must be authorized to hold property. Proof of meeting these requirements shall accompany bids.

3. Parcel 1 will be offered by direct sale as the parcel is surrounded completely by a single landowner, and is without access to the general public.

4. Parcels 2 and 3 conform with local planning but are without access to the general public. Therefore, a modified competitive bid procedure will be used, whereby all adjacent landowners will be assigned the right to meet the high

bid should other than an adjacent landowner submit the high bid.

5. Parcel 4 does not conform with local planning and is without access to the general public. Therefore, a modified competitive bid procedure will be used, limiting bidding to only the adjacent landowners.

Upon publication of this notice in the Federal Register as provided at 43 CFR 2440.4, the above lands will be segregated from appropriation under the mining laws, excluding the mineral leasing laws, for a period not to exceed two years, or until the lands are sold, whichever occurs first. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the Federal Register prior to the expiration of the two year period.

Parcels 2, 3 and 4 will be separately offered for sale by sealed bids. The

sealed bids will be opened at 10:00 a.m. on July 31, 1984 at the Hollister Resource Area Office, Bureau of Land Management, 402 Park Hill, P.O. Box 365, Hollister, California 95024-0365. Sealed bids shall be considered only if received at the above address prior to 10:00 a.m. on July 31, 1984. Each sealed bid shall be accompanied by certified check, postal money order, bank draft or cashier's check made payable to the Department of the Interior—BLM for not less than one-fifth of the bid. The sealed bid envelopes must be marked on the front lower left corner "Hollister Resource Area, July 31, 1984, Land Sale, Parcel Number —."

After opening all sealed bids, if two or more adjacent landowners offer the identical amount for high bid, then a subsequent round of oral bids will determine the high bid amongst the tied parties.



Upon opening all sealed bids for Parcels 2 and 3, if other than an adjacent landowner has submitted the high bid, adjacent landowners will have the right to meet the high bid. Refusal or failure to meet the high bid will constitute a waiver of such right. Should more than one adjacent landowner exercise his right to meet the high bid, a subsequent round of oral bids, amongst only the adjacent landowners exercising their rights, will determine the high bid. Upon opening all sealed bids for Parcels 2 and 3, if a non-adjacent landowner and one adjacent landowner have submitted identical amounts for the high bid, the adjacent landowner will be determined the successful bidder.

Oral bidding, if needed, will be conducted by the Authorized Officer immediately following the opening of the sealed bids. The Authorized Officer will state the oral bidding procedures at such time. The bidder submitting the highest qualifying bid shall submit payment of not less than one-fifth of the bid in cash or as specified above, immediately following the close of the sale.

The successful bidder, whether such bid is a sealed or oral bid, shall submit the remainder of the full purchase price within 30 days of the sale date. Failure to submit the balance of the full bid within the above specified time limit shall result in cancellation of the sale and the deposit shall be forfeited. The next high bid will then be honored.

It has been determined that the lands are without known mineral interests and a successful bid will constitute a simultaneous request for conveyance of the reserved mineral estate. As such, the successful high bidder will be required to deposit a \$50 nonreturnable filing fee for conveyance of the mineral estate in addition to the one-fifth of the bid as mentioned at the sale.

Detailed information concerning the sale, including the land report and environmental assessment report is available for review at the Hollister Resource Area Office, 402 Park Hill, P.O. 365, Hollister, California 95024-0365. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Bakersfield District Office, Bureau of Land Management, 800 Truxtun Avenue, Bakersfield, California 93301. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination.

Dated: May 16, 1984.

David E. Howell,  
Area Manager.

[FR Doc. 84-13907 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-40-M

[I-19961, I-19962 and I-19963]

### Realty Action; Public Land Sale in Ada County, Idaho

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

**ACTION:** Notice of Realty Action I-19961, I-19962 and I-19963, Modified Competitive Sale of Public Land in Ada County, Idaho.

**SUMMARY:** The following described land has been examined and, through land use planning and public input, has been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976. Fair market value will be available no less than 30 days prior to the sale date. Sealed bids only will be accepted.

**Boise Meridian, Idaho**

(I-19961)

T. 5 N., R. 1 W.  
Sec. 14, NW ¼ SW ¼  
Containing 40 acres.

(I-19962)

T. 5 N., R. 1 W.  
Sec. 14, SE ¼ SE ¼  
Containing 40 acres.

(I-19963)

T. 5 N., R. 1 W.  
Sec. 15, NW ¼  
Containing 160 acres.

The land, when patented, will be subject to the following reservations to the United States:

1. Ditches and canals.
2. Geothermal resources, oil and gas.
3. All valid, existing rights and reservations of record.

Sale of the lands will be subject to temporary continued use of existing grazing privileges.

The land is hereby segregated from all appropriation under the public land laws including the mining laws until sold or September 25, 1984.

The land is being offered for sale subject to a preference bidding designation to allow Spring Valley Livestock Co. to meet the highest bid of I-19961 and I-19962 and Highland Livestock and Land Co. to meet the highest bid of I-19963 based on historical use and adjacent land ownership. Refusal or failure to meet the highest bid within 30 days of this sale offering shall constitute a waiver of such

bidding provisions and the land will be offered to the highest bidder.

Sealed bids must be received in this office no later than August 27, 1984. Bids for less than the fair market value will not be accepted. A bid will constitute an application for conveyance of mineral interests of no known value. A \$50 nonreturnable filing fee for processing such conveyance, along with one-fifth of the full bid price, must accompany each bid. Any unsold parcel will be offered every Tuesday until sold or until September 25, 1984.

### Date and Address

The sale offering will be held on August 28, 1984, at 10:00 a.m. in the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

**FOR FURTHER INFORMATION CONTACT:** Detailed information concerning the sale terms and conditions, bidding procedures, and other details can be obtained by contracting Mike Berch at the above address, or by calling (208) 334-1582.

**SUPPLEMENTARY INFORMATION:** For a period of 45 days from the date of this notice, interested parties may submit comments to the Boise District Manager at the above address.

Dated: May 16, 1984.

J. David Brunner,  
Associate District Manager.

[FR Doc. 84-13907 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-GG-M

[N-39009 et al.]

### Nevada; Realty Action-Sale of Public Lands in White Pine County, Nevada

The following lands have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than fair market value:

Parcel	Serial No.	Legal Description Mt. Diablo Meridian, NV	Acreage
1	N-39009	T. 13 N., R. 67 E., sec. 26, W ½ NE ¼ NW ¼.	20.00
2	N-39010	T. 13 N., R. 67 E., sec. 27, SE ¼ NE ¼.	40.00
3	N-39011	T. 11 N., R. 67 E., sec. 1, lot 1.	39.98
4	N-39012	T. 11 N., R. 68 E., sec. 7, S ½ S ½ S ¼ of lot 4; sec. 18, lot 1.	44.99
5	N-39382	T. 11 N., R. 67 E., sec. 13, NW ¼ NE ¼, N ½ NW ¼, SW ¼ NW ¼.	160.00

All the parcels have been partially or entirely fenced and the land used



intermittently for agriculture or the pasturage of livestock by the adjoining landowners. Disposal of these lands to the adjoining landowners will resolve the unauthorized occupancy of the lands. The parcels are located approximately 40 miles southeast of Ely, Nevada.

The land is not needed for any resource program and is not suitable for management by the Bureau or another Federal department or agency. The sale is consistent with the Schell Resource Area Land Use Plan which received public review prior to its implementation. Disposal would best serve the public interest.

#### Parcels No. 1, 3, 4, and 5

These parcels will be first offered by direct non-competitive sale to the following designated adjoining landowners:

Parcel No.	Serial No.	Designated bidders
1	N-39009	Richard Swallow.
2	N-39010	Richard Swallow and Ursel Rhodes.
3	N-39011	John Bidart.
4	N-39012	John Bidart.
5	N-39382	John Bidart.

#### Parcel No. 2

This parcel will be first offered by a modified noncompetitive sale to the two adjoining landowners designated below:

##### Serial No. and designated bidders

N-39010—Richard Swallow and Ursel Rhodes

The two designated bidders will be notified of the minimum acceptable bid, sale date, and bidding procedures at least 20 days in advance of the sale. Only sealed bids will be accepted. The sealed bids must be equal to or greater than the appraised fair market value. A deposit of 20 percent of the bid price must accompany each sealed bid. Where identical high bids are submitted, the successful bidder will be determined by a subsequent round of sealed bidding between the high bidders. Payment may be made by cash, personal check, certified or cashier check, money order or any combination. The remainder of the full bid price shall be paid within 30 days of receipt of the purchaser declared notice. Failure to submit the remainder of the purchase price within the time allowed will result in cancellation of the sale and the bidder's deposit forfeited.

All of the successful purchasers will be given the opportunity to purchase the mineral estate (with the exception of the oil and gas resources which will be reserved to the United States) for a

\$50.00 non-refundable filing fee. The locatable and saleable mineral estate being offered have no known mineral value and are being offered for conveyance under the authority of section 209(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719(b)).

The patents when issued as the result of the sale will be subject to all valid existing rights and reservations of record and will contain a reservation to the United States for a right-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945), and for oil and gas under section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570.

The patent when issued for the following parcels will be subject to the terms and conditions of existing oil and gas leases:

Parcel serial No.	Lease No.
N-39011	N-14431
N-39009	N-11438
N-39010	N-11438
N-39012	N-14452
N-39382	N-14428

The prior oil and gas permittee or lessee has the right to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of the existing oil and gas lease affecting any sale parcel, and any authorized extension of such lease. Upon termination of said oil and gas lease, this reservation shall terminate.

Parcels 1 and 3 will further be subject to:

1. Those rights for highway purposes which have been granted to the State of Nevada, Department of Highways, its successors or assigns, by Permit No. Nev 045169 under the Act of November 9, 1921, 42 Stat. 212.

2. Those rights for powerline purposes which have been granted to Mt. Wheeler Power, Inc., its successors or assigns, by Permit No. N-4996, under the Act of March 4, 1911, 36 Stat. 1253, 43 U.S.C. 961.

Parcel 4 will further be subject to: An easement for White Pine County Road No. 733.

Any unsold parcels will be reoffered on the first Wednesday of each month beginning December 5, 1984, until they are sold or removed from sale. The reoffering will be by competitive sale bidding procedures required by 43 CFR 2711.3-1.

If the owner of improvements on a sale of parcel is not the successful purchaser he will be allowed 60 days from the date of patent issuance to remove it or it becomes the property of the purchaser of the parcel.

The loss of AUMs due to the land transfer will be less than 1 AUM per grazing allotment; therefore, there will be no reduction in any permittee privileges.

For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the Ely District Manager. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager this realty action will become a final determination of the Department of the Interior. Detailed information concerning the sale, including the land report and environmental assessment report is available for review at the Ely District Office, SR 5 Box 1, Ely, Nevada 89301.

Merrill L. DeSpain,  
District Manager.

[FR Doc. 84-13908 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-HC-M

#### New Mexico; Filing of Plat of Survey

May 21, 1984.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on May 18, 1984.

##### New Mexico Principal Meridian

A dependent resurvey of a portion of the east boundary of the San Clemente Grant, a portion of the west boundary of Tract C, a portion of the subdivisional lines, lots 14-19 in section 26, and the survey of lots 31 and 32 in section 26, Township 7 North, Range 2 East, New Mexico Principal Meridian, under Group 823 and accepted May 3, 1984.

This survey was requested by the Socorro Resource Area Office, New Mexico.

This plat will be placed in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of this plat may be obtained from that office upon payment of \$2.50 per sheet.

Gary S. Speight,  
Chief, Branch of Cadastral Survey.

[FR Doc. 84-13908 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-FB-M



**Proposed Continuation of Withdrawal, Utah****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice.

**SUMMARY:** The Department of Energy proposes that 3,010 acres of withdrawals for use of the United States Atomic Energy Commission continue for an additional ten (10) years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing.

**DATE:** Comments should be received by August 24, 1984.

**ADDRESS:** Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

**FOR FURTHER INFORMATION CONTACT:** Lillie Hikida, Utah State Office, (801) 524-3074.

**SUPPLEMENTARY INFORMATION:** The Department of Energy proposes that the existing land withdrawals made by Public Land Order No. 1011 of September 21, 1954, Public Land Order No. 983 of July 22, 1954, and Public Land Order No. 565 of February 25, 1949 be continued for a period of ten (10) years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Salt Lake Meridian, Utah

*Public Land Order No. 1011*

T. 28 S., R. 26 E.,  
Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$ .

*Public Land Order No. 983*

T. 36 S., R. 18 E.,  
Sec. 13, all;  
Sec. 23, all;  
Sec. 24, all;  
Sec. 25, N $\frac{1}{2}$ .

T. 36 S., R. 19 E.,  
Sec. 18, W $\frac{1}{2}$ ,  
Sec. 19, W $\frac{1}{2}$ .

*Public Land Order No. 565*

T. 37 S., R. 21 E.,  
Sec. 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
The areas described containing 3,010 acres in San Juan County.

The purpose of the withdrawals is to provide use of the land for the United States Atomic Energy Commission's domestic uranium program. The withdrawals segregate the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the Utah State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. Reports will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued and, if so, for how long. The final determinations on the continuations of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determinations are made.

J. K. Latimer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-13911 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-DQ-M

[CA-14620]

**California; Proposed Withdrawal and Opportunity for Public Meeting****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice.

**SUMMARY:** The Bureau of Reclamation proposes to withdraw 155 acres of public land for protection of the Big Maria 1 and 2 quarry sites. The land will remain open to mineral leasing.

**DATE:** Comments and request for a public meeting should be received by August 24, 1984.

**ADDRESS:** Comments and meeting requests should be sent to: Bureau of Land Management, California State Office, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

**FOR FURTHER INFORMATION CONTACT:** Maria M. Getsman, California State Office, 916-468-4431.

**SUPPLEMENTARY INFORMATION:** On May 14, 1984, a petition was approved allowing the Bureau of Reclamation, U.S. Department of the Interior, to file an application to withdraw the following described public land from settlement, sale, location, or entry under the general land laws, including the mining laws. Subject to valid existing rights:

**San Bernardino Meridian****Big Maria No. 1 Quarry Site**

A tract of land located within the southeast quarter (SE $\frac{1}{4}$ ) of the unsurveyed section 20 and the southwest quarter (SW $\frac{1}{4}$ ) of the unsurveyed section 21, T. 4 S., R. 23 E., and described as follows:

Commencing at section corner common to the unsurveyed sections 20, 21, 28, and 29, T. 4 S., R. 23 E., as defined on the Bureau of Land Management California Protection Diagram (Diagram No. 3—Zone VI), dated October 13, 1970, thence northerly along the section line between sections 20 and 21 for a distance of 330 feet to a point beginning, thence westerly (parallel to south line of section 20 and with all following courses being parallel or perpendicular thereto) 2,310 feet into section 20, thence northerly 1,320 feet, thence easterly 3,300 feet into section 21, thence southerly 990 feet, thence westerly 660 feet, thence southerly 330 feet, thence westerly 330 feet to the point of beginning and said tract containing 95 acres more or less.

**Big Maria No. 2 Quarry Site**

A tract of land located within the southwest quarter (SW $\frac{1}{4}$ ) of the unsurveyed section 20, T. 4 S., R. 23 E., and described as follows:

Commencing at the section corner common to the unsurveyed sections 19, 20, 29, and 30, T. 4 S., R. 23 E., as defined on the Bureau of Land Management California Protection Diagram (Diagram No. 3—Zone VI), dated October 13, 1970, thence along the section line between sections 19 and 20 for a distance of 660 feet, thence easterly (parallel to the south line of section 20 and with all following courses being parallel or perpendicular thereto) 330 feet to a point of beginning, thence northerly 1,980 feet, thence easterly 990 feet, thence southerly 660 feet, thence easterly 330 feet, thence southerly 660 feet, thence westerly 1,650 feet to the point of beginning and said tract containing 60 acres more or less.

The purpose of the proposed withdrawal is to reserve land needed by Reclamation for use as source of material needed for bankline stabilization of the lower Colorado River.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of



publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public meeting will be held, a notice of the time and place will be published in the *Federal Register* at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in Title 43 CFR Part 2300.

For a period of two years from the date of publication of this notice in the *Federal Register*, the land will be segregated as specified above unless the application is denied, cancelled or the withdrawal is approved prior to that date. During the two-year segregative period only temporary land uses which are compatible with the use of the land by Bureau of Reclamation should be permitted.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the land by the Bureau of Reclamation.

Marie M. Getsman,

Acting Chief, Lands and Locatable Minerals Section, Branch of Lands and Minerals Operations.

[FR Doc. 84-13904 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-84-M

#### Revocation of Known Geothermal Resource Area, Clifton KGRA, Greenlee County, Arizona

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

**ACTION:** Notice of Revocation of Clifton Known Geothermal Resource Area in Greenlee County, Arizona.

**SUMMARY:** Pursuant to the authority vested in the Secretary of the Interior by sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Secretarial Order 3087, and Bureau of Land Management Manual 1203, the following described lands are hereby revoked as the Clifton Known Geothermal Resource Area, effective May 7, 1984:

Arizona

Clifton Known Geothermal Resource Area

Gila and Salt River Meridian, Arizona

T. 4 S., R. 30 E.

Sec. 19: SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , S  $\frac{1}{2}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 20: SW  $\frac{1}{4}$ ;

Sec. 29: W  $\frac{1}{2}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$ ;

Sec. 30: N  $\frac{1}{2}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ .

The revoked area described contains 780 acres, more or less.

Dated: May 15, 1984.

D. Dean Bibbes,

Arizona State Director, Bureau of Land Management.

[FR Doc. 84-13903 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-32-M

#### Dickinson District Advisory Council; Meeting

**AGENCY:** Bureau of Land Management (BLM); Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The citizen advisory council for the Bureau of Land Management's Dickinson District will meet June 28, 1984, in the Dickinson, North Dakota. The agenda will be basically the same as announced for the council meeting scheduled for April 24, 1984, which was canceled. There will be three topics for the Council to consider: BLM land pattern adjustment through exchanges; BLM-Forest Service grazing fee study; and status of the federal coal program. In addition, the Council will be briefed on the BLM oil and gas conference to be held in Bismarck May 30-31; satellite wild horse adoption centers; the environmental impact statement covering grazing on BLM lands in North Dakota; status of the McKenzie-Williams and Southwest North Dakota management framework plans; and future land use planning efforts in the state.

The Council is chartered by the Secretary of the Interior to give citizen advice to the Dickinson District Manager regarding planning and management of public lands and resources.

The meeting is open to the public, and members of the public will be given the opportunity to make statements before the Council. Persons wishing to submit a written statement of the Council should send it to the Dickinson District Manager.

Location, Date, and Time: June 28, 1984, from 9:00 a.m. to approximately 4:00 p.m. Mountain Daylight Time; Community Room (Basement) of the Gate City Building, 204 Sims Street, Dickinson, North Dakota.

**FOR MORE INFORMATION CONTACT:** Mel Ingeroi, Public Affairs Specialist; P.O. Box 1229; Dickinson, North Dakota 58602; Telephone (701) 225-9148.

Reed L. Smith,

District Manager.

[FR Doc. 84-13915 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-84-M

#### Supplemental Rules and Limits on Use of the Stewart Valley Paleontological Area, Nevada

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

**ACTION:** Supplemental rules and limits on use of the Stewart Valley Paleontological Area, Nevada.

**SUMMARY:** The Bureau of Land Management (BLM) will require permits for recreational, educational, and scientific collection of fossils and petrified wood in the Stewart Valley Paleontological Area of Nevada. Hobby and field school collecting will be allowed only at designated sites.

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

**ADDRESS:** Carson City District Office, Bureau of Land Management, 1050 E. William Street, Suite 335, Carson City, Nevada 89701.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Owen, District Manager (702) 882-1631.

**SUPPLEMENTARY INFORMATION:** The BLM has determined that the Stewart Valley Paleontological Area contains highly significant fossil beds, which warrant special management, protection, and control measures. The area lies on federal land in Mineral County of Nevada, approximately 40 miles east of Hawthorne, between longitudes 117°54' and 118° and between latitudes 38°31' and 38°41'.

The following supplemental rules, established under authority of regulations contained in 43 CFR Parts 1601, 3620, 8360, and 8370, apply to this area:

1. Permits are required for any collection, excavation, and removal of fossil specimens for scientific research. Applications are made through the National Park Service (Manager, Federal Antiquities Program/National Landmarks, Interagency Resources-413, Department of the Interior, 18th and C Streets NW., Washington, DC 20240), under authority of the Antiquities Act of 1906, and referred to BLM. Scientific permits will be limited to institutionally approved research, museum, or educational projects that provide for detailed recordation, reporting, care of specimens, and availability of specimens to other scientists and museums.

2. Permits are required for any collection, excavation, and removal of fossil and petrified wood specimens for hobby, recreational, and field school purposes. Applications are made through the BLM Carson City District Office. Hobby and field school



collection will be allowed only at designated sites, where collection does not interfere with research projects or threaten rare fossils. No materials collected shall be used for sale.

Dated: May 16, 1984.

Thomas J. Owen,  
District Manager.

[FR Doc. 84-13913 Filed 5-23-84; 8:45 am]  
BILLING CODE 4310-HC-M

### Intent To Prepare a Planning Analysis for the State of Tennessee

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

**ACTION:** Planning Start for the State of Tennessee.

**SUMMARY:** Notice is hereby given that the Jackson District of the Eastern States Office is starting the preparation of a Planning Analysis for the Federal Mineral Ownership (FMO) under BLM jurisdiction in Tennessee. A planning analysis, hereafter referred to as the Plan, consists of an environmental assessment or an environmental impact statement, if necessary, plus any other data and analysis necessary to make an informed decision. The product is a document developed upon the analysis, display, and documentation requirements of the CEQ regulations. It is used to assess the impacts of the proposal and to provide a basis for a decision on the proposal. It will be prepared in accordance with Bureau of Land Management Planning Regulations (43 CFR Part 1600).

**Geographic Area of the Plan:** The Plan will consider FMO in the State of Tennessee. It encompasses approximately 1.8 million acres of FMO under Federal, state and private surface.

**Anticipated Issues:** The Plan will address several issues on which public comment would be beneficial. Issues that will be addressed in the Plan include but are not limited to the following: (1) The need to protect various wildlife and plant species (including endangered species); (2) the extent of and possible development of mineral deposits; (3) the need to protect valuable cultural resources; and (4) the need to protect Floodplains and Wetlands.

**Interdisciplinary Team:** The Plan will be developed by a Bureau of Land Management Interdisciplinary Team (IDT) located in Jackson, Mississippi. The team includes a geologist, hydrologist, realty specialist, geographer, environmental coordinator, soil scientist, natural resource specialist, archaeologist, and administrative personnel. Additional support will be

supplied by personnel of BLM's Eastern States Office.

**Planning Process:** The preparation of a Plan and the evaluation of its impacts includes the following steps:

(1) Identification of issues and action that gives Federal agencies and state and local governments an opportunity at the outset of the planning process to suggest concerns, needs and resource use, development and protection opportunities for consideration in the Plan.

(2) Development of planning criteria to guide the development of the Plan to ensure that it is tailored to the issues previously identified and to ensure that unnecessary data collection is avoided; to guide the analysis of the management situation; to assist in the design and formulation of alternatives; and to estimate the effects of alternatives.

(3) Inventory data and information collectin (including resources, environmental, social, economic and institutional data).

(4) Analysis of the management situation to determine the capability of public land resources to respond to: needs, concerns and opportunities identified through public participation and coordination with other publics; issues defined earlier in the planning process; and national and State Director guidance.

(5) Formulation of management alternatives for the resources in the planning area.

(6) Estimation of the effects of the alternatives.

(7) Selection of a preferred alternative, which is incorporated into the draft plan and draft environmental document (ED).

(8) Selection of a Plan which becomes the proposed Plan and is accompanied by a final ED.

(9) Monitoring and evaluation of the Plan.

**Public Participation:** The planning process is flexible and designed to accommodate the unique situations caused by the widely scattered nature of BLM's ownership pattern and the variety of affected publics. The plan generally follows a "grass roots" approach to public involvement, using localized, one-to-one contacts and extensive direct mailings, as well as continual coordination with local, state and other Federal agencies. In addition, news releases will accompany the publication of the draft plan and environmental document (30-day review and comment period) in August 1984; the publication of the proposed plan and final environmental document (which will trigger a 30-day opportunity for protest) in October 1984; and the final notice and comment (as necessary) on

any changes made as a result of action on a protest. This schedule is tentative, and may be changed as the planning process unfolds. Complete records of all public participation will be available for public review at all times throughout the development of the Plan.

**Address Comments and Requests To:** District Manager, Jackson District Office, Bureau of Land Management, P.O. Box 11348, Jackson, Mississippi 39213.

**Additional Information:** For information about BLM Planning in Tennessee—to review planning maps and narratives or other information or to offer data or assistance—Contact: Ed Roberson, Jackson District Office, (601) 960-4405.

Donald L. Libbey,  
District Manager.

[FR Doc. 84-13957 Filed 5-23-84; 8:45 am]  
BILLING CODE 4310-GJ-M

### Realty Action; Sale of Public Land in Monterey County, California

The following described land has been examined and through the development of land use planning decisions based on public input, environmental considerations, regulations and Bureau policies, it has been determined that the proposed sale of this parcel is consistent with the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1701, 1713). The parcel will be offered for sale August 28, 1984 at no less than the appraised fair market value. The parcel will be offered under modified competitive bidding procedures, limiting bidding to only the adjacent landowners. The BLM solicits and will accept bids on this parcel and may accept or reject any and all bids, or withdraw the land from sale at any time, if in the opinion of the Authorized Officer, consummation of the sale would not be in the best interest of the United States.

If the parcel remains unsold, it will be reoffered November 20, 1984, through competitive bidding procedures. If still unsold, it will be available over the counter on a first come, first serve basis until April 1, 1985.

Serial No.	Description	Acres	Fair market value	Sale procedure
CA 15610.....	M.D.M. .... T. 12S., R. 2E. Sec. 30, lot 1.	1.60	\$6,560	Modified competitive.



*Sale terms and conditions are as follows:*

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).
2. A reservation for an existing waterline right-of-way (CA 15779) will be incorporated into the patent.
3. All bidders must be United States citizens. Corporations must be authorized to own real property in the State of California. Political subdivisions of the State and State instrumentalities must be authorized to hold property. Proof of meeting these requirements shall accompany bids.
4. The parcel does not conform with local planning and is without access to the general public. Therefore, a modified competitive bid procedure will be used, limiting bidding to only the adjacent landowners.

Upon publication of this notice in the *Federal Register* as provided at 43 CFR 2440.4, the above land will be segregated from appropriation under the mining laws, excluding the mineral leasing laws, for a period not to exceed two years, or until the lands are sold, whichever occurs first. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the *Federal Register* prior to the expiration of the two year period.

The parcel will be offered for sale by sealed bids. The sealed bids will be opened at 10:00 a.m. on August 28, 1984 at the Hollister Resource Area Office, Bureau of Land Management, 402 Parkhill, P.O. Box 365, Hollister, California 95024-0365. Sealed bids shall be considered only if received at the above address prior to 10:00 a.m. on August 28, 1984. Each sealed bid shall be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to the Department of the Interior—BLM for not less than one-fifth of the bid. The sealed bid envelopes must be marked on the front lower left corner "Hollister Resource Area, August 28, 1984, Land Sale, Parcel CA 15610".

After opening all sealed bids, if two or more qualified bidders offer the identical amount for high bid, then a subsequent round of oral bids will determine the high bid amongst the tied parties.

Oral bidding, if needed will be conducted by the Authorized Officer immediately following the opening of the sealed bids. The Authorized Officer will state the oral bidding procedures at such time. The bidder submitting the highest qualifying oral bid shall submit payment of not less than one-fifth of the bid in cash or as specified above,

immediately following the close of the sale.

The successful bidder, whether such bid is a sealed or oral bid, shall submit the remainder of the full purchase price within 30 days of the sale date. Failure to submit the balance of the full bid within the above specified time limit shall result in cancellation of the sale and the deposit shall be forfeited. The next high bid will then be honored.

It has been determined that the land is without known mineral interest and a successful bid will constitute a simultaneous request for conveyance of the reserved mineral estate. As such, the successful high bidder will be required to deposit a \$50.00 nonreturnable filing fee for conveyance of the mineral estate in addition to the one-fifth of the bid as mentioned at the sale.

Detailed information concerning the sale, including the land report and environmental assessment report is available for review at the Hollister Resource Area Office, 402 Parkhill, P.O. Box 365, Hollister, California, 95024-0365. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Bakersfield District Office, Bureau of Land Management, Federal Building, Room 311, 800 Truxtun Ave., Bakersfield, California 93301. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination.

Dated: May 17, 1984.

David E. Howell,  
Area Manager.

[FR Doc. 84-13958 Filed 5-23-84; 8:45 am]  
BILLING CODE 4310-40-M

**Intent To Prepare a Planning Amendment for the Virgin River Planning Unit Management Framework Plan, Washington County, Utah**

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

**ACTION:** In accordance with 43 CFR 1610.2, and 40 CFR 1501.7, notice is hereby given that the Cedar City District Bureau of Land Management (BLM)—Utah, proposes to prepare a planning amendment to the Virgin River Management Framework Plan (MFP).

**SUMMARY:** The amendment is in response to the State of Utah's application for a State Quantity Grant Selection for 520 acres of public land in

T. 42 S., R. 14 W., Section 14, SLBM, Washington County, Utah.

The existing MFP designated lands in the area of this tract for retention in public ownership as part of a large block of public land with uniform ownership. The MFP was written in 1977 and since that time use has been consistent with the MFP.

A draft environmental assessment shows that resource conflicts which would result from this action, are minimal. The general issue related to disposal of this tract is the inconsistency with the MFP decision. This planning amendment, if formalized, will eliminate the inconsistency.

**DATES:** An open house to identify issues and receive comments will be held on June 20, 1984 from 1:00 to 5:00 p.m.

**ADDRESS:** The open house will be held at the BLM Dixie Resource Area Office, 50 East 100 South, Suite 202, St. George, Utah.

**SUPPLEMENTARY INFORMATION:** The disciplines to be represented and used in preparation of the planning amendment are: wildlife, range, minerals, threatened and endangered species, cultural resources, land use planning, and recreation.

The MFP and environmental assessment are available for review at the Dixie Resource Area Office, or at the Cedar City District Office, 1579 North Main, Cedar City, Utah.

Frank Rowley, Area Manager, may be contacted to the BLM Dixie Resource Area Office, P.O. Box 726, St. George, Utah 84770, or by calling (801) 673-4654 for further information regarding this amendment.

Dated: May 18, 1984.

Morgan S. Jensen,  
District Manager.

[FR Doc. 84-13958 Filed 5-23-84; 8:45 am]  
BILLING CODE 4310-DO-M

**National Park Service**

[Order No. 93, Amdt. No. 1]

**Delegation of Authority; Land Acquisition Officer, Appalachian National Scenic Trail**

Order No. 93, approved August 14, 1979, and published in the *Federal Register* of August 21, 1979 (44 FR 49023), set forth in Sections 1 and 2 certain authority to officers and employees. This amendment changes Sections 1 and 2 to read as follows:

Section 1. Chief, Appalachian Trail Land Acquisition Field Office. The Chief, Appalachian Trail Land Acquisition Field Office, is authorized to



execute the land acquisition program, including contracting for acquisition and disposal of lands and related properties, and acceptance of offers to sell to, or exchange with the United States, lands or interests in lands, and to execute all necessary agreements and conveyances incidental thereto; to accept deeds giving to the United States lands or interests in lands; to approve on behalf of the National Park Service offers of settlement in condemnation cases; to provide relocation assistance; and to approve claims for reimbursement under Pub. L. 91-646.

**Section 2. Chief, Acquisition Division.** The Chief, Acquisition Division, Appalachian Trail Land Acquisition Field Office, is authorized to execute the land acquisition program, including contracting for acquisition and disposal of lands and related properties, acceptance of offers to sell to, or exchange with the United States, lands or interests in lands when the amount involved does not exceed \$250,000, and to execute all necessary agreements and conveyances incidental thereto; to accept deeds giving to the United States lands or interests in lands; to provide relocation assistance; and to approve claims for reimbursement under Pub. L. 91-646 when the amount involved does not exceed \$5,000.

Russell E. Dickenson,  
*Director, National Park Service.*

[FR Doc. 84-14009 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-70-M

### Golden Gate National Recreation Area Advisory Commission; Hearings

Notice is hereby given in accordance with the Federal Advisory Committee Act that two hearings of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PST) on Wednesday, June 6, at the Pacifica City Council Chambers, 2212 Beach Boulevard, Pacifica, California; and at 7:30 p.m. (PST) on Wednesday, June 13, at the Hall of Justice and Records, 401 Marshall Street, Redwood City, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman  
Ms. Amy Meyer, Vice Chair

Mr. Ernest Ayala  
Mr. Richard Bartke  
Mr. Fred Blumberg  
Ms. Margot Patterson Doss  
Mr. Jerry Friedman  
Ms. Daphne Greene  
Mr. Peter Haas, Sr.  
Mr. Burr Heneman  
Mr. John Jacobs  
Mr. John Mitchell  
Ms. Jimmy Park Li  
Mr. Merritt Robinson  
Mr. John J. Spring  
Dr. Edgar Wayburn  
Mr. Joseph Williams

The purpose of these hearings is to gather public comment on future uses for Sweeney Ridge, a 1,065 acre parcel of land in San Mateo County recently acquired by the National Park Service as part of Golden Gate National Recreation Area. Information received at these hearings will be used as a basis for Park Service plans for the property.

The hearings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on these hearings or who wish to submit written statements may contact John H. Davis, General Superintendent of the Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123.

Minutes for the hearings will be available for public inspection by August 6, 1984 and August 13, 1984, respectively, in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: May 16, 1984.

W. Lowell White,  
*Acting Regional Director, Western Region.*

[FR Doc. 84-14003 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-70-M

### Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PST) on Wednesday, June 20, 1984, at the GGNRA Headquarters, Building 201, Fort Mason, San Francisco, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to

the National Park Service systems in Marin and San Francisco counties.

Members of the Commission are as follows:

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Ms. Amy Meyer, Vice Chair  
Mr. Ernest Ayala  
Mr. Richard Bartke  
Mr. Fred Blumberg  
Ms. Margot Patterson Doss  
Mr. Jerry Friedman  
Ms. Daphne Greene  
Mr. Peter Haas, Sr.  
Mr. Burr Heneman  
Mr. John Jacobs  
Mr. John Mitchell  
Ms. Jimmy Park Li  
Mr. Merritt Robinson  
Mr. John J. Spring  
Dr. Edgar Wayburn  
Mr. Joseph Williams

The purpose of this meeting is to gather public comment on future uses for Sweeney Ridge, a 1,065 acre parcel of land in San Mateo County recently acquired by the National Park Service as part of Golden Gate National Recreation Area. Information received at this meeting will be used as a basis for Park Service plans for the property.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact John H. Davis, General Superintendent of the Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123.

Minutes for the meeting will be available for public inspection by July 20, 1984, in the office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: May 16, 1984.

W. Lowell White,  
*Acting Regional Director, Western Region.*

[FR Doc. 84-14001 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-70-M

### Midwest Regional Advisory Committee; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the act of September 13, 1976, 90 Stat. 1247, that a meeting of the Midwest Regional Advisory Committee will be held on June 15, 1984, at 10 a.m. (CDT), at Lincoln Home National Historic Site, 526 South Seventh Street, Springfield, Illinois.



The Committee was established pursuant to Section 3 of the Act of August 18, 1970, 16 U.S.C. 1a-2, by the Secretary of the Interior to advise the Regional Director, Midwest Region, National Park Service, on programs, policies, and such other matters as may be referred to it by the Regional Director. It also functions to provide closer communication with the public on such matters.

The members of the Committee are as follows:

Mr. Harold W. Andersen, Omaha, Nebraska (Chairman)  
Mr. B. C. Hart, St. Paul, Minnesota  
Mr. William L. Lieber, Indianapolis, Indiana  
Ms. Sally B. Schanbacher, Springfield, Illinois  
Mr. Cherry Warren, Exeter, Missouri

The purpose of this meeting is to allow the Committee to continue to familiarize themselves with the purpose, policies, and programs of the Midwest Regional Office of the National Park Service and two sites within the area.

The meeting will be open to the public. Any member of the public may file with the Committee, prior to the meeting, a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting or who wish to submit written statements, may contact Charles H. Odegaard, Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone (402) 221-3431.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Dated: May 17, 1984.

Charles H. Odegaard,  
Regional Director, Midwest Region.

[FR Doc. 84-14002 Filed 5-23-84; 8:45 am]

BILLING CODE 4310-70-M

## INTERSTATE COMMERCE COMMISSION

[No. MC-C-10894]

### Air Couriers International, Inc.; Transportation of Transient Flight Crew Personnel; Petition for Declaratory Order

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of filing of petition for a declaratory order.

**SUMMARY:** Air Couriers International, Inc., seeks a declaratory order

determining whether the single State motor transportation of transient airline flight crew personnel between an airport and temporary hotel accommodations is interstate in nature and exempt from the Commission's jurisdiction pursuant to the provisions of 49 U.S.C. 10526(a)(8)(A).

**DATES:** Comments are on June 25, 1984.

**ADDRESSES:** Send an original and eight copies to: MC-C-10894, Room 2203, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Send one copy of comments to petitioner's representative: John M. Ballenger, 123 South Royal Street, Alexandria, VA 22314.

### FOR FURTHER INFORMATION CONTACT:

Richard R. Hartley, (202) 275-7004

or

Howell I. Sporn, (202) 275-7691.

### SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Dated: May 16, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,  
Secretary.

[FR Doc. 84-13931 Filed 5-23-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30369]

### Burlington Northern (Oregon-Washington), Inc.; Abandonment, Relocation and Trackage Rights Over Southern Pacific Transportation Company in Beaverton, Washington County, OR; Exemption

By agreement dated December 1, 1980, Burlington Northern (Oregon-Washington), Inc. (BNOW), successor to Oregon Electric Railway Company agreed with the City of Beaverton, OR, the State of Oregon, the Beaverton Urban Renewal Agency and Southern Pacific Transportation Company (SPTC) to relocate trackage running through Beaverton. The proposed relocation involves the abandonment of a section of its rail line extending from M.P. 27.13 to M.P. 28.06 in Beaverton, Washington County, OR; (2) the relocation onto a newly-constructed line and (3) the acquisition of trackage rights over an additional 1.9 miles of SPTC's track pursuant to an agreement of January 27,

1983. The only rail service provided on BNOW's trackage to be abandoned is a team track facility which will be duplicated on the relocated trackage.

By petition filed December 13, 1983 BNOW requested an exemption from the requirements of 49 U.S.C. 10901, 10903, and 11343 with regard to the various elements of the relocation. Consideration of the exemption request has been treated as a notice of exemption under 49 CFR 1180.2(d)(5), as explained in our separate decision of the same date. Essentially, the proposal is a joint project between BNOW and SPTC involving relocation of a line of railroad. The relocation will not interrupt existing service to shippers or communities. Thus the relocation is an exempt transaction pursuant to 49 CFR 1180.2(d)(5), subject to the environmental condition in the full decision.

Under 49 U.S.C. 10505(g)(2), the Commission may not exempt a transaction if it will relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. The BNOW employee affected by the trackage rights shall be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978)*, as modified by *Mendoceno Coast Ry., Inc.—Lease and Operate 360 I.C.C. 653*.

Dated: May 16, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,  
Secretary.

[FR Doc. 84-13930 Filed 5-23-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28640 (Sub-9)\*]

### Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Reorganization—Acquisition by Grand Trunk Corp.

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of directly related proceedings and acceptance of responsive applications.

**SUMMARY:** Exemption requests were filed by the Chicago and North Western Transportation Company (CNW) and Soo Line Railroad Company (Soo) that are directly-related to applications each has filed under section 5(b) of the Milwaukee Railroad Restructuring Act, 45 U.S.C. 904(b) (MRR), to acquire the core assets of the Chicago, Milwaukee,

\*Embraces Finance Docket No. 28640 (Sub-Nos. 9A-E, 9K-N, 9P-BB) and Nos. MC-F-15231 and MC-F-15231 (Sub-Nos. 1 and 2).



St. Paul and Pacific Railroad Company (MILW). (See Notice published March 29, 1984, at 49 FR 12333.) The Commission also accepts responsive applications for trackage rights and other relief filed by Soo; Grand Trunk Corporation (GTC) and its subsidiaries Grand Trunk Western Railroad Company (GTW) and Duluth, Winnipeg and Pacific Railway Company (DWP); Burlington Northern Railroad Company (BN); Consolidated Rail Corporation (Conrail); Iowa Railroad Company (IRRC); Escanaba and Lake Superior Railroad Company (E&LS); and Marienette, Tomahawk & Western Railroad Company (MTW).

**DATES:** Verified statements in opposition to responsive applications are due May 21, 1984.

**ADDRESSES:** An original and 20 copies of all pleadings referring to Finance Docket No. 28640 (Sub-No. 9) should be sent to: Office of the Secretary Case control Branch, Interstate Commerce Commission, Washington, DC 20423.

Copies should be served on all parties of record in Finance Docket No. 28640 (Sub-No. 9). A list of parties of record is available from the Secretary's Office at (202) 275-7999.

**FOR FURTHER INFORMATION CONTACT:**

Louis E. Gitomer (202) 275-7245  
or

Joseph C. Levin (202) 275-7936.

**SUPPLEMENTARY INFORMATION:** In Finance Docket No. 28640 (Sub-No. 9S),<sup>2</sup> CNW seeks exemption under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11301 for issuance of securities in conjunction with its MRR acquisition proposal in Finance Docket No. 28640 (Sub-No. 9Q).

Soo filed two exemption requests under 49 U.S.C. 10505 in connection with its MRR acquisition proposal in Finance Docket No. 28640 (Sub-No. 9N). In Finance Docket No. 28640 (Sub-No. 9T),<sup>3</sup> Soo seeks exemption from 49 U.S.C. 11343-4 to acquire control of its affiliated subsidiary, SLRCo, Inc. In Finance Docket No. 28640 (Sub-No. 9U),<sup>4</sup> Soo seeks exemption from the requirements of 49 U.S.C. 11301, and from the Commission's regulations regarding competitive bidding, in order to issue securities and assume obligations.

<sup>2</sup> The full title is Finance Docket No. 28640 (Sub-No. 9S), *Chicago and North Western Transportation Company—Exemption—Securities*.

<sup>3</sup> The full title is Finance Docket No. 28640 (Sub-No. 9T), *Soo Line Railroad Company—Exemption—Control of SLRCo, Inc.*

<sup>4</sup> The full title is Finance Docket No. 28640 (Sub-No. 9U), *Soo Line Railroad Company—Exemption—Securities and Assumption of Obligations*.

**Responsive Applications and Proposals**

**Soo:** In Finance Docket No. 28640 (Sub-No. 9V),<sup>5</sup> Soo, as a condition to the CNW acquisition proposal in Finance Docket No. 28640 (Sub-No. 9Q), seeks: (1) Trackage rights over the CNW "Spine Line" between Kansas City, MO and Northfield, MN in order to transport overhead traffic, to interchange with all connecting rail carriers, to obtain access to the Kansas City Southern Railway Company/MILW joint agency in Kansas City, to obtain access to the Iowa Transfer Railway Company trackage in Des Moines, IA, to transport traffic originating or terminating at points on the "Spine Line", to use yard facilities on the "Spine Line", and to route traffic to and from the lines sought to be acquired via the "Spine Line"; (2) purchase of MILW's line between Sheldon and Clinton, IA; (3) trackage rights between Clinton and Muscatine, IA, including the right to interchange traffic with all connecting rail carriers and the right to transport traffic originating or terminating at points between and including Clinton and Muscatine IA, and acquisition of 25 percent ownership of the Davenport, Rock Island and Northwestern Railway Company (DRI); (4) purchase of MILW's line between Austin and Jackson, MN; (5) trackage rights over CNW lines between Fond du Lac, WI and Ishpeming, MI, including the right to serve all CNW and MILW on-line industries from Appleton, WI north to and including Green Bay, and all industries at Marinette, WI and Menominee, MI; (6) trackage rights over MILW Lines between Junction City and Tomahawk, WI, with the right to serve all CNW and MILW on-line industries including the Weston Spur power plant; (7) trackage rights over MILW lines in the vicinity of Milwaukee, WI, including the right to serve all industries now served by MILW and/or CNW; and (8) use of terminal facilities at St. Paul, South St. Paul and Inver Grove Heights, MN, Milwaukee, WI and between Interstate 35-W and Shakopee, MN.

**GTC, GTW, and DWP:** In Finance Docket No. 28640 (Sub-No. 9W),<sup>6</sup> GTC, GTW, and DWP, as conditions to the Soo proposal in Finance Docket No. 28640 (Sub-No. 9N), seek: (1) Overhead trackage rights over MILW's line between Superior, WI and Chicago, IL; (2) overhead trackage rights over

<sup>5</sup> The full title is Finance Docket No. 28640 (Sub-No. 9V), *Soo Line Railroad Company—Responsive Applications*.

<sup>6</sup> The full title is Finance Docket No. 28640 (Sub-No. 9W), *Grand Trunk Corporation, Grand Trunk Western Railroad Company and Duluth, Winnipeg and Pacific Railway Company—Responsive Applications*.

MILW's line between Superior, WI and Kansas City, MO; (3) overhead trackage rights over MILW's line between Chicago, IL and Kansas City, MO; (4) the right to serve local industries at Minneapolis-St. Paul, MN, and Milwaukee, WI switching districts pursuant to agency agreements; and (5) the right to interchange traffic with all carriers at Minneapolis—St. Paul, MN, Milwaukee, WI and Kansas City, MO.

As conditions to CNW's proposal in Finance Docket No. 28640 (Sub-No. 9Q), GTC, GTW, and DWP seek: (1) Overhead trackage rights over MILW's line between Superior, WI and Chicago, IL; (2) overhead trackage rights over the CNW "Spine Line" between Superior, WI and Kansas City, MO; (3) overhead trackage rights over CNW's line between Chicago, IL and Kansas City, MO; (4) the right to serve local industries through agency agreement at Minneapolis-St. Paul, MN and Milwaukee, WI; (5) the right to serve local industries between Davenport and Muscatine, IA and industries located in Illinois on lines of DRI and MILW accessed by DRI's line from West Davenport; and (6) the right to interchange traffic with all carriers at Minneapolis-St. Paul, Quad Cities-Muscatine area, Milwaukee, and Kansas City.

**BN:** In Finance Docket No. 28640 (Sub-No. 9X),<sup>7</sup> BN seeks trackage rights over MILW lines: (1) Between LaCrosse and Weston, WI, with the sole purpose of delivering coal to the Wisconsin Public Service Company power plant at Weston, WI; (2) between LaCrosse and Columbia, WI, with the sole purpose of serving the Wisconsin Power and Light Company power plant at Columbia, WI; and (3) between Ottumwa and Fruitland, IA, with the sole purpose of serving the Iowa-Illinois Gas and Electric Company power plant at Fruitland, IA. The trackage rights are sought by BN as a condition to CNW's acquisition proposal in Finance Docket No. 28640 (Sub-No. 9Q).

**Conrail:** In Finance Docket No. 28640 (Sub-No. 9Y),<sup>8</sup> Conrail seeks overhead trackage rights over MILW's line between Elora and Terre Haute, IN, with the right to exit to and from Conrail's line at Bee Hunter, IN. Conrail's trackage rights are sought as a condition to CNW's acquisition proposal in Finance Docket No. 28640 (Sub-No. 9Q).

<sup>7</sup> The full title is Finance Docket No. 28640 (Sub-No. 9X), *Burlington Northern Railroad Company—Responsive Application*.

<sup>8</sup> The full title is Finance Docket No. 28640 (Sub-No. 9Y), *Conrail—Responsive Application*.



**GBW.** GBW incorporates its previously-filed responsive application in Finance Docket No. 28640 (Sub-No. 9L).<sup>9</sup> (See Notice published August 26, 1983, 48 Fed. Reg. 28911). As a condition to Soo's acquisition proposal in Finance Docket No. 28640 (Sub-No. 9P) and GTC's acquisition proposal in Finance Docket No. 28640 (Sub-No. 9Q), GBW seeks trackage rights over MILW's line between Menominee, MI and Chicago, IL and between Tomahawk and Nekoosa/Port Edwards, WI including the right to serve all intermediate points, terminal facilities, industrial and side tracks, and connecting subdivisions.

In addition, as a condition to CNW's acquisition proposal in Finance Docket No. 28640 (Sub-No. 9Q), GBW seeks trackage rights over MILW's line between Green Bay, WI and Chicago with rights to serve industries, stations and contiguous municipalities between Green Bay, and Milwaukee and the right to serve industries on CNW lines between Wisconsin Rapids and Nekoosa/Port Edwards, WI. Should Soo's responsive application for trackage rights between Fond du Lac, WI and Ishpeming, MI be granted, GBW also seeks trackage rights over CNW and MILW lines to serve industries in Green Bay to the same extent granted Soo.

**IRRC.** In Finance Docket No. 28640 (Sub-No. 9Z),<sup>10</sup> IRRC, as a condition to CNW's proposal in Finance Docket No. 28640 (Sub-No. 9Q), seeks: (1) Trackage rights on CNW's lines between Des Moines, IA and Minneapolis, MN, and between Des Moines, IA and Kansas City, MO, with access to all shippers; (2) trackage rights on MILW's line between Sheldon and Mason City, IA, with access to all shippers; (3) trackage rights on MILW's line between Davenport and Fruitland, IA, with access to all shippers; (4) operating control over the former Chicago, Rock Island and Pacific Railroad Company (RI) line between Davenport and Iowa City, IA if CNW acquires that line; and (5) reopening of CNW interchange at Grinnell, IA and reciprocal switching rights within two miles of Grinnell.

As a condition to the acquisition proposals of Soo in Finance Docket No. 28640 (Sub-No. 9N), GTC in Finance Docket No. 28640 (Sub-No. 9R) and the Alternate Plan of the Chicago Milwaukee Corporation in Finance Docket No. 28640 (Sub-No. 9M), IRRC

seeks: (1) trackage rights over and operating control of RI's line from Iowa City, IA to Rock Island, IL; (2) joint service rights for industries at Iowa City, IA; (3) joint switching rights for industries at Wilton, IA; and (4) trackage rights from Rock Island, IL to Fruitland, IA, with the right to service all industries.

Finally, as conditions to all acquisition proposals, IRRC seeks: (1) The right to have access to shippers in the Quad Cities area, including Davenport, IA, and Moline and East Moline, IL through reciprocal switching; (2) preservation of IRRC's interchange rights with all carriers at Rock Island, IL; and (3) preservation of current interchange rights with the Cedar Rapids and Iowa City Railway Company at Iowa City, IA.

**E&LS.** In Finance Docket No. 28640 (Sub-No. 9AA),<sup>11</sup> E&LS, as a condition to Soo's acquisition proposals in Finance Docket No. 28640 (Sub-No. 9N), seeks trackage rights over MILW's trackage in the Green Bay, WI area. As a condition to CNW's acquisition proposal in Finance Docket No. 28640 (Sub-No. 9Q), E&LS seeks trackage rights over CNW and MILW trackage in Green Bay, WI. As a condition to the proposals of Soo and CNW, E&LS seeks access to all industries at Groos, MI.<sup>12</sup>

**MTW.** In Finance Docket No. 28640 (Sub-No. 9BB),<sup>13</sup> MTW, as a condition to Soo's acquisition proposal in Finance Docket No. 28640 (Sub-No. 9N), seeks overhead trackage rights on MILW's line between Tomahawk and Wausau, WI, with use of terminal and interchange facilities at Tomahawk and Wausau.

#### Acceptance of Responsive proposals

The responsive applications of Soo, GTC (and subsidiaries GTW and DWP), BN, Conrail, GBW, E&LS and MTW are accepted pursuant to 49 CFR 1180.4(c)(7). Conrail and E&LS did not submit a market analysis with their responsive applications, and request a finding that the proposals are minor transactions. The proposals by Conrail and E&LS are designed to preserve service presently being performed, and are not extensions into new markets, and are thus minor transactions. Accordingly, a market analysis need not be filed.

<sup>9</sup> The full title is Finance Docket No. 28640 (Sub-No. 9AA), *Escanaba and Lake Superior Railroad Company—Responsive Applications*.

<sup>10</sup> E&LS's responsive application contains several contingent requests. For specific details of the proposal, See pages 4-7 of the application filed May 7, 1984.

<sup>11</sup> The full title is Finance Docket No. 28640 (Sub-No. 9BB) *Marquette, Tomahawk and Western Railroad Company—Responsive Application*.

IRRC's application will be conditionally accepted. IRRC proposes to acquire extensive trackage rights to prevent diversion of traffic. These proposals are not minor transactions, and a market analysis will be required. IRRC must complete its application by May 25, 1984.

#### Opposition Statements—Rebuttal

At the prehearing conference held April 26th, the Administrative Law Judge set the following schedule:

- May 21, 1984—Verified statements in opposition to responsive applications and requests for conditions are due.
- May 22, 1984—Requests for cross-examination of witnesses whose verified statements were submitted on May 21, are due.
- May 24, 1984—Cross-examination, if any, begins on verified statements filed May 21.
- May 30, 1984—Rebuttal statements are due.
- June 1, 1984—Requests for cross-examination of rebuttal witnesses are due.
- June 4, 1984—Cross-examination, if any, of rebuttal witnesses.

Parties have been advised of this schedule by letter from counsel.

This action will not significantly affect either the quality of the human environment or energy conservation.

#### It is ordered:

1. The responsive applications and proposals of Soo, GTC (and subsidiaries GTW and DWP), BN, Conrail, GBW, E&LS, and MTW, with supporting evidence, are accepted for consideration. The responsive application of IRRC is conditionally accepted; this application shall be completed by May 25, 1984.

2. Parties shall comply with the procedural schedule set by the Administrative Law Judge.

3. This decision is effective on the date of service.

Decided: May 18, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Chairman Taylor was absent and did not participate.

James H. Bayne,  
Secretary.

[FR Doc. 84-13928 Filed 5-23-84; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-No. 18)]

Intrastate Rail Rate Authority; Montana

AGENCY: Interstate Commerce Commission.

<sup>9</sup> This proceeding will now be titled Finance Docket No. 28640 (Sub-No. 9L), *Green Bay & Western Railroad Company—Responsive Applications*.

<sup>10</sup> The full title is Finance Docket No. 28640 (Sub-No. 9Z), *Iowa Railroad Company—Responsive Applications*.



**ACTION:** Notice of decision.

**SUMMARY:** The Commission is extending the provisional certification of Montana under 49 U.S.C. 11501(b) to regulate intrastate rail transportation, to permit it to modify its standards and procedures as required by the full decision.

**DATES:** Montana's provisional certification will expire on July 23, 1984, unless prior to that date Montana files the required standards and procedures.

**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 16, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,  
Secretary.

[FR Doc. 84-13929 Filed 5-23-84; 8:45 am]

BILLING CODE 7035-01-M

**[Ex Parte No. 388 (Sub-5) et al.]**

**Intrastate Rail Rate Authority; Georgia, et al.**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of decision.

**SUMMARY:** Ex Parte No. 388 (Sub-5), Intrastate Rail Rate Authority—Georgia; Ex Parte No. 388 (Sub-9), Intrastate Rail Rate Authority—Iowa; Ex Parte No. 388 (Sub-13), Intrastate Rail Rate Authority—Maryland; Ex Parte No. 388 (Sub-17), Intrastate Rail Rate Authority—Missouri; and Ex Parte No. 388 (Sub-22), Intrastate Rail Rate Authority—New Mexico. The Commission is extending the provisional certification of Georgia, Iowa, Maryland, Missouri, and New Mexico under 49 U.S.C. 11501(b) to regulate intrastate rail transportation, pending submission of revised standards and procedures as noted in the full decision.

**DATES:** Georgia, Iowa, Maryland, Missouri, and New Mexico must submit proper standards and procedures by July 23, 1984, or lose provisional certification.

**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 15, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Chairman Taylor commented.

James H. Bayne,  
Secretary.

[FR Doc. 84-13932 Filed 5-23-84; 8:45 am]

BILLING CODE 7035-01-M

**NATIONAL SCIENCE FOUNDATION****Permit Application Received Under the Antarctic Conservation Act of 1978**

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permit application received under Antarctic Conservation Act of 1978, Pub. L. 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by June 18, 1984. Permit applications may be inspected by interested parties at the Permit Office, address below.

**ADDRESS:** Comments should be addressed to Permit Office, Room 627, Divisions of Polar Programs, National Science Foundation, Washington, D.C. 20550.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Myers at the above address or (202) 357-7934.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was

published in the 21 July 1983 Federal Register, page 33372.

The application received is as follows:

**Applicant**

Sankar Chatterjee, The Museum, Texas Tech University, Lubbock, Texas 79409.

**Activity for Which Permit Requested**

Taking (for exhibit). The applicant requests permission to hold and display antarctic specimens in the Texas Tech University Museum. The specimens were collected by others (under previously approved Antarctic Conservation Act Permits). The species which will be properly taxidermied and put on display, include the following:

- 2 *Macronectes giganteus* (Southern Giant Fulmar)
- 2 *Fulmarus glacialis* (Southern Fulmar)
- 2 *Daption capensis* (Cape Pigeon)
- 2 *Pagodroma nivea* (Snow Petrel)
- 2 *Catharacta lonabergi* (Brown Skua)
- 1 *Leptonychotes weddelli* (Weddell Seal).

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs. Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 84-13917 Filed 5-23-84; 8:45 am]

BILLING CODE 7555-01-M

**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. STN 50-454 OL, STN 50-455 OL; ASLBP 79-411-04 OL]

**Commonwealth Edison Co. (Byron Nuclear Power Station, Units 1 and 2); Reopened Hearing and Prehearing Conference**

On January 13, 1984 the Atomic Safety and Licensing Board issued an initial decision denying the application by the Commonwealth Edison Company for an operating license for the Byron Nuclear Power Station located in Ogle County, Illinois. Subsequently, on appeal, the Atomic Safety and Licensing Appeal Board, on May 7, 1984, remanded the matter to the Licensing Board for a further hearing on the adequacy of the Applicant's quality assurance program for the Byron Station.

The parties to this proceeding and all interested persons are notified that the Atomic Safety and Licensing Board will conduct a public prehearing conference beginning at 2:00 p.m. Central Daylight Time on May 30, 1984 in the Main Courtroom, Room 260, of the Federal



Building, 211 South Court Street, Rockford, Illinois. The Conference is expected to continue on May 31. All parties or their counsel are directed to attend and to participate. The Board will consider arguments concerning the scope of an schedule for the reopened hearing, the issues to be heard, and any other necessary business. The reopened hearing will begin approximately 30 to 45 days following the prehearing conference.

Dated: Bethesda, Maryland May 22, 1984.

For the Atomic Safety and Licensing Board.

Ivan W. Smith,

Chairman, Administrative Law Judge.

[FR Doc. 84-14111 Filed 5-23-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-316]

**Indiana and Michigan Electric Co.; 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. DPR-74, issued to Indiana and Michigan Electric Company (the licensee), for operation of the Donald C. Cook Nuclear Plant, Unit No. 2 located in Berrien County, Michigan.

The request for amendment was initially noticed April 11, 1984 (49 FR 14458). This notice includes requested changes subsequent to the March 1, 1984 submittal. These proposed changes as requested by letter dated May 21, 1984, involve changes to the Technical Specifications on nuclear enthalpy rise hot channel factor ( $F^N_{\Delta H}$ ) and power level as a result of emergency core cooling system/loss of coolant accident analysis with up to 5% of the steam generator tubes plugged. The proposed change from the original request, due to the current state of the licensee's analysis, will include an  $F^N_{\Delta H}$  which is flow dependent at various power levels and is limited by both loss of coolant accident (LOCA) and departure from nucleate boiling (DNB) considerations. The specific change is to limit  $F^N_{\Delta H}$  due to LOCA concerns from power levels at 95 to 100%.

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 of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance for the application of these criteria by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870).

One example is (vi) a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. This change is like the example in that the proposed Technical Specification recognizes two limiting conditions, i.e., LOCA and DNB, on the nuclear enthalpy rise hot channel factor versus power; the previous limit was by DNB alone. This change is the result of a small refinement of a previously used calculational method and will assure that operation is limited within the bounds of the LOCA analysis.

Therefore, based on these considerations and the three criteria given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission has determined that failure to act in a timely way would result in extending the current shutdown for refueling. Therefore, the Commission has insufficient time to issue its usual 30-day notice of the proposed action for public comment.

If the proposed determination becomes final, an opportunity for a hearing will be published in the Federal Register at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the Federal Register and, if a hearing is granted, it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards

consideration. Comments on the proposed determination may be telephoned to Steven A. Varga, Chief, Operating Reactors Branch No. 1, by collect call to 301-492-8035 or submitted in writing to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch. All comments received by June 7, 1984 will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Maryland, this 22nd day of May 1984.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 84-14112 Filed 5-23-84; 8:45 am]

BILLING CODE 7590-01-M

**PACIFIC NORTHWEST ELECTRIC POWER & CONSERVATION PLANNING COUNCIL**

**Hydropower Assessment Steering Committee; Meeting Notice**

**AGENCY:** Hydropower Assessment Steering Committee of the Pacific Northwest Electrical Power and Conservation Planning Council (Northwest Power Planning Council).

**ACTION:** Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Role of river assessment task force.
- Cumulative impacts study work statement.
- Revised site ranking criteria.
- Ott data base update.
- Update on FERC activities.
- Work schedule.
- Other.
- Public comment.

Status: Open.

**SUMMARY:** The Northwest Power Planning Council hereby announces a forthcoming meeting of its Hydropower Assessment Steering Committee.

**DATE:** May 30, 1984, 9:00 a.m.

**ADDRESS:** The meeting will be held at the Council Hearing Room in Portland, Oregon.



**FOR FURTHER INFORMATION CONTACT:**

Peter Paquet, 503-222-5161.

Edward Sheets,  
Executive Director.

[FR Doc. 84-13914 Filed 5-23-84; 8:45 am]

BILLING CODE 0000-00-M

**RAILROAD RETIREMENT BOARD****Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program**

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1984, shall be at the rate of 20 cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning July 1, 1984, 25.0 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 75.0 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: May 16, 1984.

By authority of the Board.

Beatrice Ezerski,  
Secretary to the Board.

[FR Doc. 84-13919 Filed 5-23-84; 8:45 am]

BILLING CODE 7905-01-M

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 13948; 812-5770]

**Colorado Venture Capital Corp.; Filing of Application Pursuant to Section 61(a)(3)(B) of the Act for an Order Approving Stock Option Plan and the Issuance of Certain Stock Options Thereunder**

May 17, 1984.

Notice is hereby given that Colorado Venture Capital Corporation ("Applicant"), 885 Arapahoe Avenue, Boulder, Colorado, 80302, a business development company within the

meaning of the Investment Company Act of 1940 ("Act") which has elected to be treated as such, filed an application on February 14, 1984, and an amendment thereto on April 19, 1984, for an order, pursuant to section 61(a)(3)(B) of the Act approving a Non-Qualified Stock Option Plan and the automatic grant thereunder (a) on the date that is the later of the date of approval of such plan by Applicant's shareholders and the date of approval of such plan by order of the Commission (the "Plan Approval Date") of options to purchase shares of Applicant's common stock (1) to Charles S. Leavell, a director of Applicant who is neither an officer nor an employee of Applicant (a "non-employee director"), (2) to Dr. Michael L. Olson, a non-employee director of Applicant, (3) to Stanley R. Swanson, a non-employee director of Applicant, and (b) on or subsequent to the Plan Approval Date, as appropriate, to each non-employee director of Applicant who is elected or appointed to the Applicant's board of directors in the future. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the complete text of the provisions thereof which may be relevant to a consideration of the application.

Applicant states that its primary investment objective is to achieve long-term capital appreciation through investing in new and developing companies and in companies which are experiencing financial difficulties. According to the application, Applicant does not have an external "investment adviser" within the meaning of the Act; its investment decisions are made by its officers and directors; and it does not have a profit-sharing plan as described in Section 57(n) of the Act. Applicant further represents that it typically provides a substantial commitment of capital to its investees and furnishes them with significant managerial assistance, particularly in the early stages of development. Applicant asserts that its directors, in addition to overseeing the management of Applicant, devote substantial time and attention to matters relating to its investees, thus functioning more like the board of an operating company than the board of a traditional investment company. Accordingly, Applicant believes that the skill and experience of its management and directors are critical to its success.

Applicant states that in order to attract and retain qualified personnel, it proposes to provide its directors,

officers and employees with the opportunity to acquire equity securities of Applicant through a Non-Qualified Stock Option Plan and an Incentive Stock Option Plan (collectively, the "Stock Option Plans"). Applicant states that it has no warrants, options or rights to purchase its voting securities outstanding, other than those that will be granted to its directors, officers and employees pursuant to the Stock Option Plans.

According to the application, non-employee directors of Applicant will be eligible to receive grants of options only under the Non-Qualified Stock Option Plan, and such grants will be subject to the following limitations: (1) the grant of options will be limited to 50,000 shares of the Applicant's common stock to each non-employee director; (2) the exercise price of such options must be equal to the fair market value of Applicant's common stock on the date of grant, with fair market value defined as the average during the five preceding business days of the midpoint between the closing Bid and Asked prices for the Applicant's common stock traded on the over-the-counter market and as reported in the *Wall Street Journal*; provided, however, that if there is no established market for the common stock, the option price shall be the net asset value of the shares on the date of the grant; (3) the term of the options expires within ten years from the date of grant; (4) the options vest and thus become exercisable to the extent of 50% of the shares covered by the option on the first anniversary of the date of grant, and the balance of the shares covered by the option vest ratably and become exercisable over a twelve-month period commencing on the 13th month anniversary of the date of grant and on the next eleven monthly anniversary dates thereafter, and may be exercised thereafter any time prior to the tenth anniversary to the date of grant; (5) the options may not be assigned or transferred other than by will or the laws of descent and distribution; (6) if a non-employee director leaves Applicant for any reason other than death, the option will terminate in the manner described more fully in the application.

Applicant represents that the Non-Qualified Stock Option Plan and the stock options to be granted automatically to Mr. Leavell, Dr. Olson and Mr. Swanson and the stock options to be granted automatically to future non-employee directors of Applicant pursuant to such plan will meet all applicable requirements of the Act. Applicant further represents that shareholder approval of both Stock



Option Plans will be sought at the next annual meeting of shareholders to be held on May 25, 1984.

Applicant submits that the terms of the Non-Qualified Stock Option Plan and the stock options to be granted automatically to Mr. Leavell, Dr. Olson and Mr. Swanson on the Plan Approval Date and the options to purchase shares of its common stock to be granted automatically to each non-employee shares of its common stock to be granted automatically to each non-employee director who joins Applicant's board in the future are fair and reasonable and do not involve any overreaching of Applicant or its shareholders. The amount of voting securities of the Applicant that would result from the exercise of all options issued or to be issued under the Stock Option Plans will be 740,000 shares, or approximately 10.1% of the 7,323,250 shares of Applicant's Common Stock outstanding. If the three non-employee directors currently serving on Applicant's board of directors exercise all of their options, 150,000 shares, or approximately 2.0% of the Applicant's outstanding Common Stock, will have been issued under the Non-Qualified Stock Option Plan. Because of the relatively small amount of options which may be exercised at any one time, the exercise of the stock options pursuant to the Non-Qualified Stock Option Plan will not, it is asserted, have a substantial dilutive effect on the net asset value of the Common Stock of the Applicant. Applicant asserts that each of its non-employee directors will benefit from the options only if such director remains on Applicant's board of directors and only to the extent that Applicant's business succeeds, and the market value of its common stock increases and remains above the exercise price of the options. Applicant contends that the options to be granted to its non-employee directors provide significant incentives to its directors to remain on its board and to devote their best efforts to the success of its business. Applicant also represents that the options provide a means for its directors to increase their ownership interest in Applicant, thereby helping to ensure a closer identification of their interests with those of Applicant and its shareholders. Applicant also contends that incentives in the form of such stock options enable it to maintain continuity in its board membership and to attract and retain as directors the highly experienced, successful and dedicated business and professional people that are critical to its success as a business

development company and to the success of its investee companies.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 11, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary

[FR Doc. 84-13993 Filed 5-23-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13949; 812-5797]

**Comcast Cablevision of Philadelphia, Inc., et al., Application for an Order Pursuant to Section 3(b)(2) of the Act Declaring That Applicants Are Not Investment Companies, or, Alternatively, Pursuant to Section 6(c) of the Act Granting Exemption From All Provisions of the Act and Temporary Order Pursuant to Section 3(b)(2) of the Act**

May 17, 1984.

Notice is hereby given that Comcast Cablevision of Philadelphia, Inc. ("CCPI"), a Pennsylvania corporation, and Comcast Cablevision of Philadelphia, L.P. ("Partnership"), a Pennsylvania limited partnership, ("Applicants"), One Belmont Avenue, Bala Cynwyd, Pennsylvania, 19004, filed an application on March 19, 1984 and an amendment thereto on May 16, 1984, requesting an order, pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act"), declaring that they are primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities, and, alternatively, pursuant to section 6(c) of the Act granting them an exemption from all provisions of the Act. Applicants further request a temporary order under section 3(b)(2), or, alternatively, under section 6(c), exempting them from the Act pending a

final determination by the Commission of Applicants' requests, unless the Commission is able to make such determination within the 60 day temporary exemption given by section 3(b)(2). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act, for the text of provisions pertinent to the application.

According to the application, CCPI is the general partner of the Partnership. CCPI and the Partnership will be referred to as the "Company" where the context so indicates. The Partnership has applied for cable television franchises which may be awarded by the City of Philadelphia ("City") to construct, develop and operate cable television systems ("systems"). Applicants state that CCPI was formerly a wholly-owned subsidiary of Comcast Corporation ("Comcast"), a publicly held Pennsylvania corporation, but that subsequent to a public offering that closed on March 29, 1983, Comcast's ownership of CCPI was reduced to 80 percent. Applicants state that the public offering of CCPI's shares ("offered shares") was made because, as part of the franchise application process, the City expressed the desire that local investors have an equity interest in cable television systems in the City. Applicants state that the proceeds of the offering are intended to be used for the sole purpose for which the Company was formed: the construction, development and operation of cable television systems. Applicants further state that the Company does not engage and does not propose to engage in the business of investing, reinvesting, owning, holding or trading in securities.

Applicants state that, under the terms of the offering, transfers of the offered shares are not permitted prior to the date on which it is publicly announced that a franchise has been obtained by the Company ("release date"). Applicants further state that the certificates representing the offered shares are presently held in escrow by the Philadelphia National Bank, as depository. Applicants state that holders of the offered shares have been provided with non-transferable receipt certificates to evidence the purchase of and right to receive the share certificates.

According to the application, CCPI's total assets, as of December 31, 1983, amounts to \$12,461,000, of which \$7,661,000 consists of investments, excluding cash and government securities, and \$105,000 consists of



CCPI's equity interest in the Partnership. Applicants state that the joining of the Partnership in the application is not an admission that the Partnership is or will be subject to the Act, but is merely an acknowledgement of the affiliation between CCPI and the Partnership. Applicants state that CCPI's total assets include the proceeds of the public offering, which, together with \$2,450,000 in supplemental funds and accrued interest, also held in the escrow accounts to fund the repurchase obligation described below, are invested in government securities. Applicants note that the full amount of CCPI's assets (other than those invested in government securities) are in commercial paper. Applicants state that as a matter of policy, investments of the Company will be held to maturity, subject only to prudent and conservative investment and cash requirements. Applicants represent that no trading or speculation in securities is being carried on; rather, the investments are designed to preserve the value of the Company's assets based on movements in interest rates, and to generate the income necessary to meet the ongoing financial obligations of the Company. Applicants also represent that the time of the Company personnel expended on investment decisions for the Company is negligible, especially when compared to the efforts spent on the franchise application process and the planning of systems. Applicants state that the Company intends to commence applying its cash and liquid investments to the construction of systems as soon as practicable after the obtaining of a franchise, and Applicants represent that such application of funds would not be delayed by the Company based on investment and related interest rate considerations. Applicants state that the franchise agreement with the City would impose a timetable for construction on the company that would make prompt application of funds necessary.

Applicants assert that the inability of CCPI to become primarily engaged in its intended business or to liquidate is because of factors beyond its control—the unanticipated delay by the City in granting franchises for systems and the designation of a new bidding process. Applicants state that pursuant to an ordinance adopted by the City Council ("Council") in September 1982, the City invited prospective franchisees to submit, on or prior to December 22, 1982, proposals to construct and operate systems in four separate franchise areas. Applicants state that the supervision of franchises was placed in a division of the Department of Public

Property, which is under the jurisdiction of the Commissioner of that department. Applicants further state that the franchise award procedure contemplates that the franchises will be granted by the Commission and awarded by the Procurement Department, subject to approval of the awards by the Council. According to the application, the Commissioner and the Council independently evaluated the submitted proposals, engaging cable consultants and holding their own hearings for this purpose.

Applicants state that on August 25, 1983, the Council adopted a resolution recommending to the Commissioner the selection of three firms as franchisees for Areas II, III and IV, including a recommendation that the Company be selected as franchisee for Area IV; the Company had filed proposals for Areas III and IV. Applicants state that on September 13, 1983, the then mayor of the City announced that the Commissioner was selecting three firms as franchisees for Areas II, III and IV. Applicants further state that while the Company was the only one of those firms that was recommended by the Council, it was designated by the Commissioner for Area III rather than Area IV. According to the application, the Commissioner's selections were incorporated in three proposed ordinances forwarded to the Council for action.

Applicants state that the Council then referred the various proposed ordinances to relevant Council committees which proceeded to hold public hearings, and that the committees are reported to have recommended that the Council amend the ordinance to include the Council's prior expressed preferences, including the awarding of the franchise for Area IV to the Company. Applicants further state that no further action was taken by the Council on the proposals.

Applicants state that a new mayor was selected during the period of deliberations by Council committees, and that the new mayor and a new city council were sworn into office on January 2, 1984, and that a new Commissioner was appointed. Applicants further state that on January 25, 1984, the mayor announced that the City would seek new bids for the areas. In addition, Applicants state that on March 29, 1984, a new ordinance was approved by the Council and signed by the mayor, and that the new ordinance repeals the old one and renders all cable proposals submitted pursuant to the old one to be null and void. Applicants state that the new ordinance requests new

proposals to be submitted by July 2, 1984, and the Company is analyzing the new ordinance and request for proposals. Applicants state that the Company's current intention is to submit a proposal for one or both of Areas III and IV.

Applicants represents that at all times since the public offering of CCPI's shares, the Company has participated and continues to actively participate in the City franchise process in support of its application, including testifying at public hearings, conducting meetings with citizens' groups, and providing information to the Council, its committees and the City. Applicants undertake that either the Company will receive a franchise or franchises in the future, in which event it will invest its assets in furtherance of the construction, development and operation of the systems, or it will not obtain a franchise, in which event it will return the proceeds of the public offering to its public investors by repurchasing their shares at \$7 per share, together with interest at six percent per annum on the repurchased amount calculated from March 29, 1983. In addition, Applicant states that in the event no franchise is obtained prior to July 1, 1984, any requested owner of the offered shares will be entitled to require CCPI to repurchase all, but not less than all, of his or her shares at the price stated above, and that shareholders will be notified of this right on or before March 31, 1984. Applicant states that as a result of the repurchase obligation, holders of offered shares who are concerned about the delay and its impact on their assets can sell their shares back to CCPI until the release date if they so choose.

Applicants contends that the uncontrollable delay in obtaining a franchise, together with the action of the Company in seeking to obtain the franchise, the public representations of the Company, and the repurchase obligation, justify removing the Company from all provisions of the Act for more than the one year permitted by Rule 3a-2 under the Act. Applicants request, therefore, in light of the possibility of further delays in the process, that the Applicant be given until December 31, 1985, or until a reasonable period of time for commencement of construction after obtaining a franchise, whichever is shorter, to become engaged in its primary business or to liquidate.

It is ordered, pursuant to section 3(b)(2) of the Act, that Applicants are temporarily exempted from the provisions of the Act until such time as the Commission shall be order (1)



terminate such temporary, interim order after notice and opportunity for a hearing or (2) terminate such temporary, interim order by the issuance of a permanent order in this matter.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 11, 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 Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 84-13934 Filed 5-23-84; 9:45 am]  
BILLING CODE 8010-01-M

[Release No. 20970; SR-MSRB-84-7]

#### **Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change**

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, NW., Washington, D.C. 20036, on February 24, 1984, submitted copies of a proposed rule change (SR-MSRB-84-7) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to amend MSRB Rule G-12(e) to establish standards for good delivery between dealers of registered and book-entry municipal securities through the facilities of an entity not registered as a clearing agency.<sup>1</sup> Specifically, the proposed rule change would require the delivery in registered form of all securities for which registration is necessary if interest is to be exempt from federal income taxation, and would make the selling dealer responsible for completing the book-entry transfer of securities in book-entry form as part of the transaction settlement process.

<sup>1</sup> MSRB Rule G-12(e), which establishes certain standards for deliveries of securities between municipal securities brokers and dealers, does not apply to deliveries made through the facilities of a registered clearing agency.

Notice of the proposed rule change was given in Act Release No. 20820, published in the Federal Register (49 FR 14612, April 21, 1984). No comments on the proposed rule change were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,  
Secretary.

[FR Doc. 84-13936 Filed 5-23-84; 9:45 am]  
BILLING CODE 8010-01-M

[Release No. 13950; File No. 812-5662]

#### **Mutual Benefit Life Insurance Co., et al. Application for an Order of Exemption Pursuant to Section 6(c) of the Act From the Provisions of Sections 12(b), 17(f), and 27(c)(2) of the Act and Rules 12b-1 and 17f-2 Thereunder**

May 18, 1984.

Notice is hereby given that Mutual Benefit Life Insurance Company ("Mutual Benefit"), 520 Broad Street, Newark, New Jersey 07101, and Mutual Benefit Variable Contract Account—7 (registered under the Investment Company Act of 1940 ("Act") as an open-end management investment company and established by Mutual Benefit in connection with the proposed issuance of certain variable annuity contracts) (the "Account") (collectively, "Applicants") filed an application on September 28, 1983, and an amendment thereto on May 11, 1984, for an order pursuant to section 6(c) of the Act granting exemptions from the provisions of section 12(b), 17(f), and 27(c)(2) of the Act and Rules 12b-1 and 17f-2 thereunder to the extent necessary to permit transactions described in the application. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein in support of the requested relief pursuant to Section 6(c), which are summarized below, and are referred to the Act for a statement of the relevant provisions.

Applicants request an exemption from Section 27(c)(2) to make the following

deductions: (1) a one-time enrollment fee of up to \$15; (2) an administrative charge of \$10 plus \$.50 for each purchase payment and transfer made during the year; (3) a charge for expenses and expense risks equal on an annual basis to .37% of daily net assets (.35% for expenses and .02% for expense risks; this charge is guaranteed not to increase for a period of five years); and (4) an investment advisory fee.

With respect to (1), (2), and the expense charge of (3) above, Applicants represent that the deductions are designed not to produce a profit but only to cover actual expenses. With respect to the expense risk charge of (3) above, Applicants represent that the charge is reasonable in relation to the risks assumed and consistent with industry practice and Mutual Benefit represents that it will maintain a memorandum at its Home Office, available to the Commission, setting forth the basis for this representation. Applicants also acknowledge that profits derived from the expense risk charge may be used to pay for distribution expenses and, in this regard, Mutual Benefit represents that this arrangement has a reasonable likelihood of benefitting contract owners and that it will maintain a memorandum at its Home Office, available to the Commission, setting forth the basis for this representation. Regarding this latter point, Applicants also seek relief from Section 12(b) and Rule 12b-1 thereunder to the extent its distribution financing arrangement may implicate these provisions.

Applicants also request relief from Section 27(c)(2) to the extent necessary to permit certain assets of the Account to be held in uncertificated form.

Finally, Applicants request relief from Section 17(f) and Rule 17f-2 thereunder to the extent necessary to permit access to the securities and similar investments of the Account by persons authorized by Mutual Benefit and the New Jersey Department of Insurance as described in the application.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 11, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the



request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 84-13999 Filed 5-23-84; 8:45 am]

BILLING CODE 8010-01-M

#### Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 18, 1984.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Knight-Ridder Newspapers, Inc.

Common Stock, \$.02 1/2 Par Value  
(File No. 7-7445)

Wal-Mart Stores, Inc.

Common Stock, \$.10 Par Value (File  
No. 7-7446)

Condec Corporation (DE)

Common Stock, \$.10 Par Value (File  
No. 7-7447)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 11, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 84-13997 Filed 5-23-84; 8:45 am]

BILLING CODE 8010-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### Advisory Circular on Approval of Automobile Gasoline (Autogas) in Lieu of Aviation Gasoline (Avgas) in Small Airplanes With Reciprocating Engines

AGENCY: Federal Aviation  
Administration (FAA), DOT.

ACTION: Draft Advisory Circular (AC)  
Availability and Request for Comments.

SUMMARY: This proposed draft AC provides an acceptable method of approving autogas in lieu of avgas in small airplanes with reciprocating engines, as required by Section 23.1521(d).

DATE: Commenters must identify File AC 23.1521-1; Subject: Approval of Automobile Gasoline (Autogas) in Lieu of Aviation Gasoline (Avgas) in Small Airplanes With Reciprocating Engines, and comments must be received on or before July 9, 1984.

ADDRESS: Send all comments on the proposed draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Yotter, Aerospace Engineer, Regulations and Policy Office (ACE-100), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Commercial Telephone (816) 374-6941, or FTS 758-6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this proposed draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

#### Comments Invited

Interested parties are invited to submit comments on the proposed draft AC. The proposed draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE-110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal holidays.

#### Background

Section 23.1521(d) requires the minimum fuel grade be established so that it is not less than that required for operation of the engine. In recent years, some petroleum manufacturers have discontinued the production of Grade

80/87 aviation fuel, which is specified for several small airplane models. Therefore, several alternate fuels have been proposed for normally aspirated or supercharged, fuel-injected, low-compression engines that were approved for operation on Grade 80/87 octane fuel. Autogas is one possible alternate fuel. The proposed draft AC provides acceptable criteria for approving the use of autogas in small airplanes.

Issued in Kansas City, Missouri, on May 10, 1984.

Barry D. Clements,

Manager, Aircraft Certification Division.

[FR Doc. 84-13887 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-13-M

#### Helicopter Ditching Criteria

AGENCY: Federal Aviation  
Administration (FAA), DOT.

ACTION: Notice of public meeting and  
request for agenda items.

SUMMARY: This notice announces the date, location, and request for agenda items of a public meeting on helicopter ditching criteria.

DATE: The meeting will begin at 9:30 a.m. on June 26, 1984.

ADDRESS: The meeting will be held at Hobby Airport Hilton, 8181 Airport Blvd., Houston, Texas 77061, telephone number (713) 645-3000.

FOR FURTHER INFORMATION CONTACT: Ramon J. A. Gibson or Larry F. Plaster, Helicopter Policy and Procedures Staff, ASW-110, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877-2579.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide FAA with input from manufacturers, modifiers, crewmembers, and operators on proper float installation, float design, float deployment, egress, and other factors concerning helicopter ditching criteria. The information gathered will be used in establishing ditching criteria to be included in Advisory Circulars 29-2 and 27-XX for certification of inflatable floats on new and modified helicopters.

Please submit agenda items to Federal Aviation Administration, Southwest Region, Helicopter Policy and Procedures Staff, ASW-110, P.O. Box 1689, Fort Worth, Texas 76101, no later than June 20, 1984.



Issued in Fort Worth, Texas, on May 11, 1984.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 84-13894 Filed 5-23-84; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### 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.

#### Alcohol, Tobacco and Firearms

OMB Number: 1512-0131

Form Number: ATF F 4706 (5400.14)

Type of Review: Extension

Title: License

OMB Number: 1512-0352

Form Number: ATF REC 5170/1

Type of Review: Revision

Title: Importer Records and Reports (Alcoholic Beverages)

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: 1515-0012

Form Number: Customs Form 3189

Type of Review: Extension

Title: Lay Order (Application and Approval)

OMB Number: 1515-0037

Form Number: Customs Form 5931

Type of Review: Extension

Title: Discrepancy Report and Declaration

OMB Reviewer: Judy McIntosh, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: May 18, 1984.

Joseph A. Donahue,

Departmental Reports, Management Office.

[FR Doc. 84-13994 Filed 5-23-84; 8:45 am]

BILLING CODE 4810-25-M

## UNITED STATES INFORMATION AGENCY

### Culturally Significant Objects Imported Exhibition; Determination

#### Correction

In FR Doc. 84-13192 appearing on page 20776 in the issue of Wednesday, May 16, 1984, in the third line from the bottom of the paragraph, "national" should have appeared before "interest".

BILLING CODE 1505-01-M

## VETERANS ADMINISTRATION

### Scientific Review and Evaluation Board for Rehabilitation Research and Development; Meeting

In accordance with Pub. L. 92-463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitation Research and Development. This meeting will convene at the Vista International Hotel, 1400 "M" Street NW., Washington, DC 20005, July 12 and 13, 1984 beginning at 9 a.m. on Thursday and 9 a.m. on Friday. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and make recommendations to the Director, Rehabilitation Research and

Development Service regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the July 12th session for approximately one hour to discuss the general status of the program and the administrative details of the review process. During the closed session, the Board will be reviewing research and development applications. This review involves oral comments, discussion of site visits, staff and consultant critiques of research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Proprietary data from contractors and private firms will also be presented and this information should not be disclosed in public session. Premature disclosure of Board recommendations would be likely to significantly frustrate implementation of final proposed actions. Thus, the closing is in accordance with Section 552b, Subsections (c)(4), (c)(6), and (c)(9)(B), Title 5, United States Code and determination of the Administrator of Veterans Affairs under Section 10(d) of Pub. L. 92-463 as amended by Section 5(c) of Pub. L. 94-409.

Due to the limited seating capacity of the room those who plan to attend the open session should contact Dr. Larry P. Turner, Administrative Officer, Rehabilitation Research and Development Service, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420 (Phone: (202) 389-5177) at least 5 days before the meeting.

Dated: May 17, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 84-13963 Filed 5-23-84; 8:45 am]

BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 49, No. 102

Thursday, May 24, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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#### FEDERAL DEPOSIT INSURANCE CORPORATION

##### Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:42 p.m. on Friday, May 18, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Planters Trust & Savings Bank of Opelousas, Opelousas, Louisiana, which was closed by the Commissioner of Financial Institutions for the State of Louisiana on Friday, May 18, 1984; (2) accept the bid for the transaction submitted by First National Bank of St. Landry Parish, Opelousas, Louisiana; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction;

(B)(1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Bledsoe County Bank, Pikeville, Tennessee, which was closed by the Commissioner of Financial Institutions for the State of Tennessee on Friday, May 18, 1984; (2) accept the bid for the transaction submitted by Citizens Bank of Dunlap, Dunlap, Tennessee, and insured State nonmember bank; (3) approve the application of Citizens Bank of Dunlap, Dunlap, Tennessee, for consent to purchase certain assets of and to assume the liability to pay deposits made in Bledsoe County Bank, Pikeville, Tennessee, and for consent to establish the sole office of Bledsoe County Bank as a branch of Citizens Bank of Dunlap; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)),

as was necessary to facilitate the purchase and assumption transaction;

(C) Consider a resolution regarding the Office of Corporate Audits and Internal Investigations;

(D) Consider a recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to Section 13 of the Federal Deposit Insurance Act: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)); and

(E) Consider a recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,063-SR—West Coast Bank, Los Angeles (Encino), California

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael A. Mancusi, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was recessed at 4:49 p.m., and at 9:56 p.m. that same day the meeting was reconvened, by telephone conference call, at which time the Board of Directors:

(A)(1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Washington National Bank of Chicago, Chicago, Illinois, which was closed by the Senior Deputy Comptroller for National Operations, Office of the Comptroller of the Currency, on Friday, May 18, 1984; (2) accepted the bid for the transaction submitted by Banco Popular de Puerto Rico, San Juan (Hato Rey), Puerto Rico; (3) approved the applications of Banco Popular de Puerto Rico, San Juan (Hato Rey), Puerto Rico, for Federal deposit insurance of deposits received at and recorded for the

accounts of a Federally-licensed branch to be located in Chicago, Illinois, and for consent for the Chicago, Illinois branch to purchase certain assets of and assume the liability to pay deposits made in Washington National Bank of Chicago, Chicago, Illinois; and (4) provided such financial assistance pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(B)(1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Bank of Irvine, Irvine, California, which was closed by the Superintendent of Banks for the State of California on Friday, May 18, 1984; (2) accepted the bid for the transaction submitted by Security Pacific State Bank, Irvine, California, a newly-chartered State nonmember bank subsidiary of Security Pacific Corporation, Los Angeles, California; (3) approved the applications of Security Pacific State Bank, Irvine, California, for Federal deposit insurance, for consent to purchase certain assets of and to assume the liability to pay deposits made in Bank of Irvine, Irvine, California, and for consent to establish the five branches of Bank of Irvine as branches of Security Pacific State Bank; and (4) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In reconvening the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael A. Mancusi, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: May 21, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-14089 Filed 5-22-84 3:59 pm]

BILLING CODE 6714-01-M



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**FEDERAL DEPOSIT INSURANCE CORPORATION****Change in Subject Matter of Agency Meeting**

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, May 21, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of an application by Banco Espanol de Credito, S.A., Madrid, Spain, for Federal deposit insurance of deposits received at and recorded for the accounts of its United States branch located at 630 Fifth Avenue, 5th Floor, New York, New York.

By the same majority vote, the Board further determined that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: May 21, 1984.

Federal Deposit Insurance Corporation.

Boyle L. Robinson,  
Executive Secretary.

[FR Doc. 84-14087 Filed 5-22-84; 3:59 pm]

BILLING CODE 6714-01-M

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**FEDERAL DEPOSIT INSURANCE CORPORATION****Changes in Subject Matter of Agency Meeting**

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, May 21, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and Resolution re: Proposed amendments to the Corporation's rules and regulations in the form of new Part 325, to be entitled "Capital Maintenance", which would: (1) Define capital for insured banks and, on a consolidated basis, for holding companies with insured bank subsidiaries; (2) establish minimum standards for adequate capital for all insured banks and, on a consolidated basis, for all holding companies that have insured bank subsidiaries; and (3) establish standards to determine when an

insured bank is operating in an unsafe or unsound condition by reasons of the amount of its capital.

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of The Liberty Bank for Savings, Middletown, Connecticut, an insured mutual savings bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the East Hampton Branch of Jefferson Federal Savings and Loan Association, Meriden, Connecticut, a non-FDIC-insured institution, and for consent to establish that office as a branch of The Liberty Bank for Savings.

Application of Grenada Bank, Grenada, Mississippi, an insured State nonmember bank, for consent to merge, under its charter and title, with The First National Bank of Greenville, Greenville, Mississippi, and for consent to establish the six offices of The First National Bank of Greenville as branches of the resultant bank.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,057-NR—Penn Square Bank, National Association, Oklahoma City, Oklahoma

Memorandum re: Funding for Supplemental Architect-Engineer Services and Construction Costs for New York Regional Offices.

Memorandum re: Authority to Relocate the Atlanta Areas/Regional Offices.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: May 21, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[FR Doc. 84-14086 Filed 5-22-84; 3:59 pm]

BILLING CODE 6714-01-M

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**FEDERAL ELECTION COMMISSION**

**DATE AND TIME:** Wednesday, May 30, 1984, 10:00 a.m.

**PLACE:** 1325 K Street, NW., Washington, D.C.

**STATUS:** This meeting will be closed to the public.

**ITEMS TO BE DISCUSSED:** Compliance. Litigation. Audits. Personnel.

\* \* \* \* \*

**DATE AND TIME:** Thursday, May 31, 1984, 10:00 a.m.

**PLACE:** 1325 K Street, NW., Washington, D.C. (Fifth Floor)

**STATUS:** This meeting will be opened to the public.

**MATTERS TO BE CONSIDERED:**

Setting of dates of future meetings  
Correction and approval of minutes  
Eligibility for candidates to receive Presidential Primary Matching Funds  
Draft Advisory Opinion #1984-12, Michael A. Nemeroff, on behalf of the Board of Regents of The American College of Allergists, Inc.  
Finance Committee Report  
Routine administrative matters

**PERSON TO CONTACT FOR INFORMATION:**

Mr. Fred Eiland, Information Officer,  
202-523-4065.

Marjorie W. Emmons,  
Secretary of the Commission.

[FR Doc. 84-14065 Filed 5-22-84; 2:35 pm]

BILLING CODE 6715-01-M

5

**NATIONAL TRANSPORTATION SAFETY BOARD**

[NM-84-20]

**TIME AND DATE:** 9 a.m., Thursday, May 31, 1984.

**PLACE:** NTSB Board Room, 8th Floor, 800 Independence Ave., S.W., Washington, D.C. 20594

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. *Opinion and Order:* Administrator v. Alphin, Dkt. SE-4824; disposition of respondent's appeal.
2. *Opinion and Order:* Petition of Neuman, Dkt. SM-3161; disposition of the Administrator's appeal.
3. *Order:* Administrator v. Powell, Dkt. SE-5469; disposition of the Administrator's motion to amend Board Order.
4. *Opinion and Order:* Administrator v. Sadiq, Dkt. SE-5871; disposition of respondent's appeal.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Sharon Flemming, (202) 382-6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

[FR Doc. 84-14064 Filed 5-22-84; 2:24 pm]

BILLING CODE 7533-01-M

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**SECURITIES AND EXCHANGE COMMISSION**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 28, 1984, at 450 Fifth Street, NW., Washington, D.C.

Closed meetings will be held on Wednesday, May 30, 1984, at 10:00 a.m. and on Thursday, May 31, 1984, following the 10:00 a.m. open meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries



will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway and Cox voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, May 30, 1984, at 10:00 a.m., will be:

- Formal orders of investigation.
- Institution of administrative proceedings of an enforcement nature.
- Institution of injunctive action.
- Regulatory matter regarding financial institution.
- Chapter 11 proceeding.
- Opinion.

The subject matter of the closed meeting scheduled for Thursday, May 31, 1984, following the 10:00 a.m. open meeting, will be:

- Settlement of administrative proceeding of an enforcement nature.
- Institution of injunctive actions.
- Institution of administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, May 31, 1984, at 10:00 a.m., will be:

1. Consideration of whether to recommend that Congress enact legislation which would facilitate Commission investigations of securities transactions made in the U.S. markets from abroad. For further information, please contact Frederick Wade at (202) 272-2214.

2. Consideration of whether to adopt proposed amendments to Rule 19d-1 (17 CFR 240.19d-1) to permit self-regulatory organizations to submit to the Commission plans specifying the circumstances under which certain minor disciplinary infractions would not be reported to the Commission pursuant to the rule, or which would be reported in abbreviated form (Rel. 34-19969). For further information, please contact Judith Levy at (202) 272-7345.

3. Consideration of whether to solicit public comment on issues related to filings by the Americus Shareowner Services Corp. for securities to be issued by the Americus Trust. Units of each trust series, a new type of securities trading and investment product, will be issued in exchange for shares of a single industrial issuer, and may be divided by a unitholder into two separately tradable component parts: (1) Carrying the dividend and voting rights in the underlying common stock; and (2) the right to its capital appreciation over a specified price as of a specified future date.

The Commission has received letters from several corporations and individuals raising concerns about the Americus Trust concept relating to trading markets, shareholder communications, the Williams Act, and corporate governance. The Commission may solicit public comment to assist it in determining whether there are any legal, regulatory, or public policy concerns that warrant special consideration or action by the Commission regarding this new security product. For further information, please contact Joseph V. Del Raso at (202) 272-7320 or Michael Cavalier at (202) 272-2910.

4. Consideration of a proposal by the Chicago Board Options Exchange ("CBOE") to modify its rules governing market makers, among other things, to prescribe minimum requirements for the execution of trades in person. For further information, please contact Eneida Rosa at (202) 272-2913.

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: Steve Molinari at (202) 272-2487.

George A. Fitzsimmons,  
Secretary.

May 19, 1984.

[FR Doc. 84-14042 Filed 5-22-84; 11:55 am]

BILLING CODE 8010-01-M

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## SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENTS: (49 FR  
19767 May 9, 1984)

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW.,  
Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday,  
May 4, 1984.

CHANGE IN THE MEETING: Additional  
meeting.

An additional closed meeting was held on  
Tuesday, May 15, 1984, at 5:00 p.m., to  
consider the following item.

Institution of injunctive action.

Chairman Shad and Commissioners  
Treadway and Cox determined that  
Commission business required the above  
change and that no earlier notice thereof was  
possible.

At times changes in Commission  
priorities require alterations in the  
scheduling of meeting items. For further  
information and to ascertain what, if  
any, matters have been added, deleted  
or postponed, please contact: David  
Wescow at (202) 272-2092.

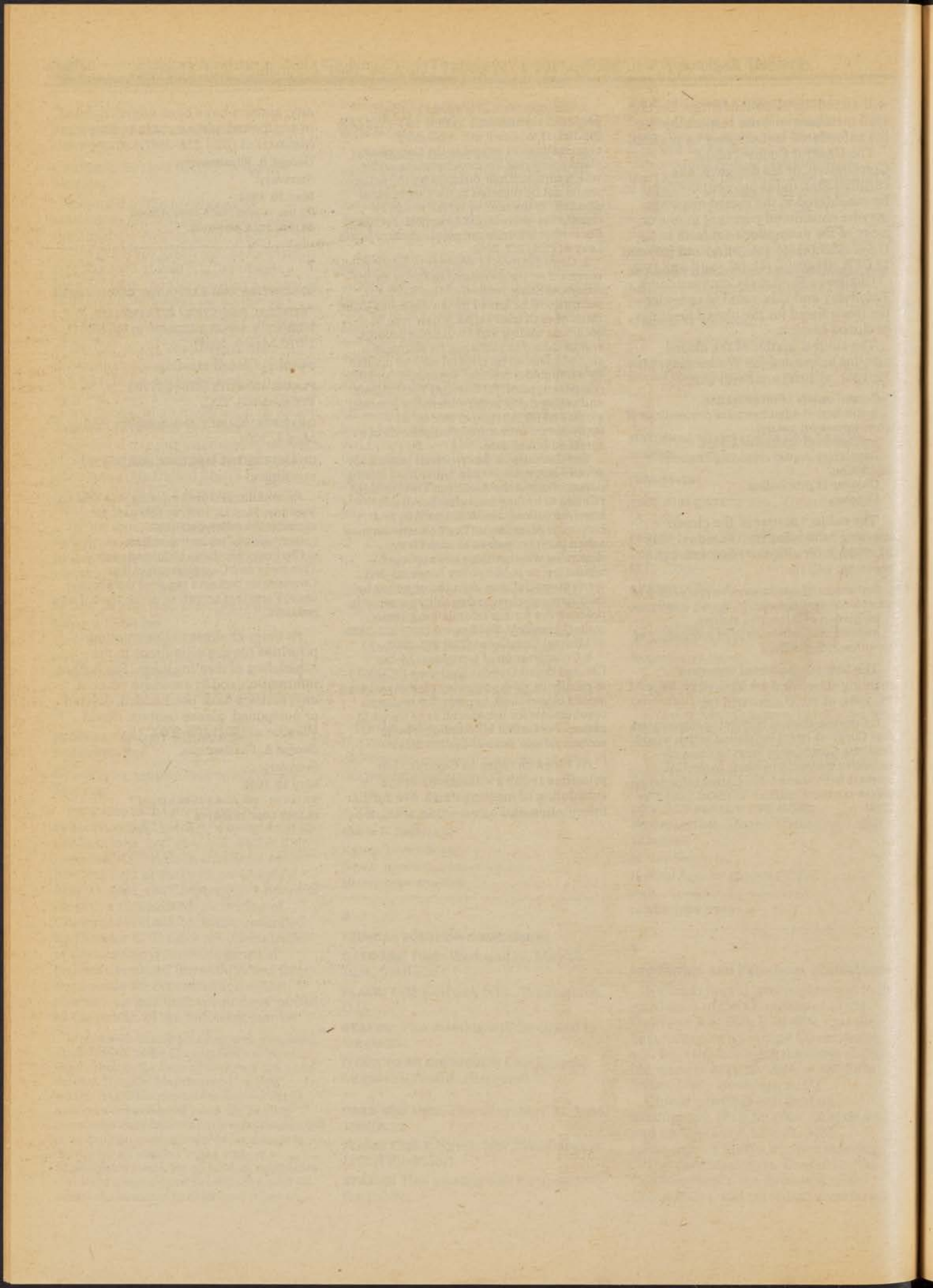
George A. Fitzsimmons,  
Secretary.

May 19, 1984.

[FR Doc. 84-14004 Filed 5-21-84; 4:40 pm]

BILLING CODE 8010-01-M







Environmental Protection Agency

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Thursday  
May 24, 1984

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**Part II**

**Environmental  
Protection Agency**

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**40 CFR Part 50**

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**Review of the National Ambient Air  
Quality Standards for Lead; Proposed  
Rule**



THURSDAY  
MAY 21, 1988

PART II

# Environmental Protection Agency

NO CRY 84-80

Review of the National Ambient Air  
Quality Standards for Lead, Revised

Final



**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 50****[AD-FRL 2442-1]****Review of the National Ambient Air  
Quality Standards for Lead; Proposed  
Rulemaking****AGENCY:** Environmental Protection  
Agency.**ACTION:** Advance notice of proposed  
rulemaking.

**SUMMARY:** The Environmental Protection Agency is initiating a review of the primary and secondary national ambient air quality standards (NAAQS) for lead. This action is required by provisions of the Clean Air Act (CAA) as amended.

**ADDRESS:** Docket No. A-83-22, which will contain material relevant to this standard review, is located in the Central Docket Section of the U.S. Environmental Protection Agency, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bruce Jordan, Strategies and Air Standards Division (MD-12), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-5655, FTS 629-5655.

**SUPPLEMENTARY INFORMATION:** On October 5, 1978 (43 FR 46246), the Environmental Protection Agency promulgated national ambient air quality standards for lead under section 109 of the Clean Air Act, 42 U.S.C. 7409.

The primary (health-based) and secondary (welfare-based) standards were set at a level of 1.5 micrograms lead per cubic meter of air ( $\mu\text{g Pb/m}^3$ ), averaged over a calendar quarter.

As indicated in previous Federal Register notice (47 FR 15643, 17665, 31751, 47668, 56551), EPA is now reviewing, updating, and revising the air quality criteria document for lead, pursuant to sections 108(c) and 109(d) of the Clean Air Act, 42 U.S.C. 7408(c) and 7409(d). Release of the first draft of the revised criteria document was announced September 26, 1983 in the Federal Register (48 FR 43724). The draft has undergone review by interested members of the public and the Clean Air Scientific Advisory Committee (CASAC) of EPA's Science Advisory Board. Comments submitted on the draft document and heard at the April 26-27, 1984 CASAC meeting (49 FR 13916) are now being analyzed by EPA's Environmental Assessment and Criteria Office (ECAO) for necessary revisions to the draft. EPA will provide notice through the Federal Register of the status and availability of other documents related to the review of the lead standards. The public will be provided opportunities to comment through public meetings and/or written comments.

Major issues under consideration in this standard review include:

1. Critical effect level—Recent studies suggest that relatively low-level exposure to lead may adversely affect cognitive development and neurobehavioral function in young children. The demonstration of such effects may require reevaluation of the rationale upon which the current primary standard is based to insure that the standard provides an adequate margin of safety to protect public health.

2. Multi-media considerations—The natural presence of lead in the environment combined with human activities in the refining and use of the metal have resulted in widespread exposure to lead from various media. As with the current primary standard, the relative contribution of atmospheric lead, both direct and indirect, to body burden will continue to be an important issue in the review of the NAAQS.

3. Air quality data—Lead air quality monitoring performed since the promulgation of the current standards reflects a significant downward trend in atmospheric lead that correlates closely with the reduction of lead in gasoline. The data have recently been criticized, however, as not being representative of actual human exposure. At issue will be the appropriate role for such data in the evaluation of exposure.

4. Risk assessment—The lead standards review may include the first formal application of the NAAQS risk assessment program, which has been under development for several years. A CASAC Subcommittee on Risk Assessment has been formed to advise EPA on the planning and conduct of the lead risk assessment. The first meeting of the Subcommittee was held September 14-15, 1983. The importance of the lead risk assessment as a factor in the review of the primary standard will depend in part on the results of the review by the CASAC and its subcommittee.

**List of Subjects in 40 CFR Part 50**

Carbon monoxide, Lead, Nitrogen dioxide, Ozone, Particulates matter, sulfur oxide.

Dated: May 18, 1984.

William D. Ruckelshaus,  
Administrator.

[FR Doc. 84-13955 Filed 5-23-84; 8:45 am]

BILLING CODE 6560-50-M



SYMPOSIUM ON THE  
ACUTE INFLUENZA

ACUTE INFLUENZA

By J. H. HAY

From the Department of Pathology, University of Chicago, Chicago, Ill.

(Received for publication, March 10, 1914.)

During the past few years the study of influenza has become one of the most important in the history of medicine.

The disease has been the cause of great suffering and death, and has been the subject of much research.

The purpose of this paper is to review the present state of our knowledge of the disease, and to discuss the problems which remain to be solved.

The first part of the paper will deal with the history of the disease, and the second part with its pathology.

The third part will deal with the clinical features of the disease, and the fourth part with its treatment.

The fifth part will deal with the prevention of the disease, and the sixth part with its prognosis.

The seventh part will deal with the future of the study of influenza, and the eighth part with its importance in the history of medicine.

The ninth part will deal with the conclusion of the paper, and the tenth part with the references.

The paper is divided into ten parts, and each part deals with a different aspect of the disease.



# Federal Register

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Thursday  
May 24, 1984

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## Part III

### International Development Cooperation Agency

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Agency for International Development

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22 CFR Part 210

Donation of Dairy Products To Assist  
Needy Persons Overseas (416 Program);  
Interim Rule of Requirements



# INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

## Agency for International Development

### 22 CFR Part 210

[A.I.D. Reg. 10]

#### Donation of Dairy Products To Assist Needy Persons Overseas (416 Program); Interim Rule of Requirements

**AGENCY:** Agency for International Development, IDCA.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule sets forth procedures for the dairy products overseas donation program to be administered by the Agency for International Development (AID), as agent for the Commodity Credit Corporation (CCC), under the authority of Section 416 of the Agricultural Act of 1949, as amended (Section 416). This program is now being conducted by CCC, an agency within the United States Department of Agriculture (USDA), pursuant to the regulations at 7 CFR Part 1497. Upon publication of this Interim Rule, those regulations will be terminated by CCC. The foreign donation of dairy products will assist needy persons overseas and reduce surplus stocks of dairy products in CCC inventory.

**DATES:** Effective Date: Interim rule effective May 24, 1984.

Comments on these Interim rules must be received on or before July 23, 1984.

**ADDRESS:** Comments should be submitted to: Ms. Jessie C. Vogler, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Agency for International Development, Washington, D.C. 20523. Telephone: (703) 235-9193.

**FOR FURTHER INFORMATION CONTACT:** Ms. Peggy A. Sheehan, Chief, Food Donations Division, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Agency for International Development, Washington, D.C. 20523. Telephone: (703) 235-9173.

**SUPPLEMENTARY INFORMATION:** This notice has been reviewed under A.I.D.'s required procedures. It has been determined that these program provisions will not result in any 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.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since A.I.D. 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.

Section 416 of the Agricultural Act of 1949 (Section 416) authorizes the donation of surplus dairy products, acquired through the Commodity Credit Corporation (CCC) price support operation, for food assistance overseas. CCC may pay, with respect to the commodities donated, certain costs including reprocessing, packaging, transporting, handling, and costs of overseas delivery. Section 416 provides that the foreign donation of commodities thereunder shall be in addition to assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480).

Regulations were issued by CCC on December 2, 1982 (47 FR 54285, 7 CFR Part 1497) setting forth procedures for the donation by CCC pursuant to Section 416 of dairy products to assist needy people overseas. As this program was being implemented, it was realized that the various responsibilities involved in its operation could best be met by the sharing of functions between the USDA and AID, which agency has for many years been handling foreign donation under Pub. L. 480 and other legislation. Accordingly, on August 9, 1983, a Memorandum of Understanding was entered into by CCC and AID which provided for the designation of AID as agent for CCC in performing certain services for CCC in connection with making dairy products available to needy people overseas under the authority of Section 416. The Memorandum sets forth the various responsibilities to be shared between AID and CCC. Under this rule, the Section 416 Foreign Donation Program Agreements with the cooperating sponsors will be signed by both AID and CCC.

This rule is being issued pursuant to the Memorandum of Understanding between CCC and AID which was entered into prior to the recent amendments to Section 416 made by the Agricultural Program Adjustment Act of 1984 (Pub. L. 98-258, approved April 10, 1984). In view of these amendments, changes in the Memorandum and the AID regulations are presently under study.

Regulation 10, which has been concurred in by CCC, sets forth general guidelines and procedures applicable to overseas donations of dairy products under Section 416. It is intended that

specific details regarding the donation of dairy products, such as commodity types, processing and transportation requirements, delivery schedule, recipients and apportionment of costs and responsibilities related to the donation, will be arranged with cooperating sponsors following submission of a program proposal by such sponsors. Cooperating sponsors, as defined in the regulations, are encouraged to contact the Chief, Title II Food Donation Division, Office of Food for Peace, (FVA/FFP/II), Agency for International Development for information and assistance in preparing proposals and thereby expedite consideration of the proposals. Telephone: (AC 703) 235-9173.

The Director, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance (FVA/D/FF), or his/her designee and the General Sales Manager, U.S.D.A., and Vice President, CCC, or his/her designee will be responsible for approving program agreement/proposals.

It has been determined that the provisions of 5 U.S.C. 553 do not apply to this rule since the subject matter of the rule involves foreign affairs functions of the United States and a matter relating to grants. Accordingly, the regulation will be made effective upon publication in the **Federal Register**. Nevertheless, comments are requested within 60 days after publication and the interim rule will be scheduled for review in order that a final document discussing any comments received and any desirable amendments may be published in the **Federal Register**.

#### List of Subjects in 22 CFR Part 210

Dairy products, Exports, Foreign aid.

22 CFR Ch. II is amended by establishing a new Part 210 as A.I.D. Regulation 10 to read as follows:

#### PART 210—DONATION OF DAIRY PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (SECTION 416 FOREIGN DONATION PROGRAM)

- Sec.
- 210.1 General purpose and scope.
  - 210.2 Definitions.
  - 210.3 Eligibility requirements for nonprofit private humanitarian organizations.
  - 210.4 Cooperating sponsor agreements.
  - 210.5 Availability of commodities.
  - 210.6 Obligations of cooperating sponsor.
  - 210.7 Processing, repackaging and labeling of commodities.
  - 210.8 Arrangements for entry and handling in foreign country.
  - 210.9 Disposition of commodities unfit for authorized use.



- Sec.  
 210.10 Liability for loss and damage or improper distribution of commodity—claims and procedures.  
 210.11 Records and reporting requirements of cooperating sponsor.  
 210.12 Additional responsibilities of cooperating sponsor.  
 210.13 Termination of program.  
 210.14 Waiver and amendment authority.  
 210.15 OMB control number assigned pursuant to the Paperwork Reduction Act.

Appendix I—Dairy Product Foreign Donation Program Proposed Plan of Operation (Section 416).

Appendix II—Dairy Product Donation Agreement (Section 416).

**Authority:** Sec. 416 of the Agricultural Act of 1949, as amended, 7 U.S.C. 1431 (Section 416 Foreign Donation Program).

#### § 210.1 General purpose and scope.

(a) *Terms and conditions.* This Part 210 contains the regulations prescribing the terms and conditions governing the donation of dairy products for use outside the United States through foreign governments and public and nonprofit private humanitarian organizations such as U.S. nonprofit voluntary agencies or intergovernmental organizations (the World Food Program and United Nations Relief and Works Agency shall not be subject to these regulations except as may be specifically provided herein) pursuant to Section 416 of the Agricultural Act of 1949, as amended (Section 416).

(b) *Legislation.* The legislation implemented by the regulation (Section 416) provides that dairy products acquired by Commodity Credit Corporation (CCC) may be "donated through foreign governments and public and nonprofit private humanitarian organizations for assistance of needy persons outside the United States, and the Commodity Credit Corporation may pay, with respect to commodities so donated, reprocessing, packaging, transporting, handling, and other charges, including the cost of overseas delivery."

(c) These regulations are promulgated pursuant to the designation by CCC of the Agency for International Development (A.I.D.) as its agent to carry out certain responsibilities pertaining to the administration of the program to donate CCC dairy products outside the U.S. under the authority of Section 416.

#### § 210.2 Definitions.

"A.I.D." means the Agency for International Development or any successor agency, including, when applicable, each USAID. "USAID" means an office of A.I.D. located in a foreign country. "AID/W" means the

office of A.I.D. located in Washington, D.C.

"CCC" means the Commodity Credit Corporation, a corporate agency and instrumentality of the United States within the U.S. Department of Agriculture.

"Cooperating Sponsor" means a foreign government, or a public or nonprofit private humanitarian organization, including the American Red Cross, and humanitarian intergovernmental organizations that enters into an agreement with the U.S. Government for the use of Section 416 Foreign Donation Program commodities, and which is directly responsible under the agreement for administration and implementation of and reporting on the use of the commodities made available for the program. The Cooperating Sponsor, except a foreign government and intergovernmental organizations, must be organized under the laws of the U.S. and maintain an office in the U.S.

"Diplomatic Posts" means the offices of the Department of State located in foreign countries, and may include Embassies, Legations, and Consular offices.

"Duty Free" means exempt from all customs duties, tolls, taxes or governmental impositions levied on the act of importation.

"Humanitarian" means an organization that is carrying out or intends to carry out activities designed to provide assistance to needy people.

"Non-profit" means that the residue of income over operating expenses accruing in any activity, project, or program is used solely for the operation of such activity, project or program.

"Private" means a non-governmental organization that receives private funding.

"Recipients" means persons who are in need of food assistance because of their economic condition.

"USDA" means the U.S. Department of Agriculture.

#### § 210.3 Eligibility requirements for nonprofit private humanitarian organizations.

(a) All private and voluntary organizations registered with the Agency for International Development under A.I.D. Regulation 3, 22 CFR Part 203, are eligible to participate in the Section 416 Foreign Donation Program.

(b) All organizations that have received dairy products for overseas distribution outside the U.S. from the Commodity Credit Corporation under the authority of Section 416 prior to the issuance of these regulations are eligible to continue to participate in the Section 416 Foreign Donation Program.

(c) Organizations not eligible under (a) or (b) above may apply for registration by contacting the Registration Officer, Office of Private and Voluntary Cooperation (FVA/PVC), Bureau for Food for Peace and Voluntary Assistance, Agency for International Development (A.I.D.), Washington, D.C. 20523.

(d) In exceptional circumstances, one or more Conditions of Registration (AID Regulation 3, 22 CFR Part 203) may be waived by the Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance (FVA), of A.I.D., on the recommendation of the Office of Food for Peace following the registration review by the Office of Private and Voluntary Cooperation (FVA/PVC).

(e) Certain categories of organizations engaged exclusively in religious activities, and private foundations, which do not meet Condition No. 1 of A.I.D. Regulation 3 will not be registered but may, in exceptional circumstances, become participants in the Section 416 program. The Office of Food for Peace will conduct a review of such applications, and forward recommendations to the Assistant Administrator of the Bureau for Food for Peace and Voluntary Assistance (FVA) for a decision regarding participation.

(f) Organizations approved for participation in the Section 416 Foreign Donation Program or foreign governments must submit to A.I.D. a program plan of operation. For details see Appendix I—Sample Format of a Dairy Product Foreign Donation Proposed Plan of Operation (Section 416).

#### § 210.4 Cooperating Sponsor agreements.

(a) The Cooperating Sponsor shall enter into a written agreement with A.I.D. and CCC by signing a Section 416 Foreign Donation Program Agreement which shall incorporate by reference the terms and conditions set forth in this part.

(b) Appendix II of this Regulation is a Sample Format of the Section 416 Foreign Donation Program Agreement.

#### § 210.5 Availability of commodities.

(a) Commodities shall be available for distribution and use in accordance with the provisions of the Section 416 Foreign Donation Program Agreement and this part. Unless provided otherwise in the Section 416 Foreign Donation Program Agreement, the quality of dairy products donated by the CCC and the packaging description will be in accordance with dairy product specifications determined by CCC and such specifications shall be



made a part of the Section 416 Foreign Donation Program Agreement.

(b) Unless the Section 416 Foreign Donation Program Agreement provides otherwise, title to the dairy products shall pass to the Cooperating Sponsor at the time and place of delivery f.a.s. vessel at the U.S. ports.

(c)(1) The Commodity Credit Corporation (CCC) will pay reprocessing, packaging, transporting, handling, and other charges incurred in making commodities available to Cooperating Sponsors, as agreed upon in the Section 416 Foreign Donation Program Agreement.

(2) All costs and expenses incurred subsequent to the transfer of title to Cooperating Sponsors shall be borne by them except that CCC may pay or make reimbursement for transportation costs from U.S. ports to designated ports or points of entry abroad when specifically provided in the Section 416 Foreign Donation Program Agreement or upon the determination by CCC that it is in the best interest of the program to do so.

(d) Shipment of commodities and the payment of ocean freight shall be made in accordance with the following procedures:

(1)(i) When the Cooperating Sponsor agrees to pay ocean transportation costs and perform freight forwarding and booking functions, the Kansas City Commodity Office (KCCO) USDA will furnish the Cooperating Sponsor with a Notice of Commodity Availability (CCC-512) which will name the receiving country, quantity, and date at U.S. port. The Cooperating Sponsor will arrange ocean transportation and freight forwarding in compliance with the Cargo Preference Act of 1954, Public Law 664 which requires that at least 50 percent of the cargo tonnage under this agreement be carried on U.S.-flag vessels. Non-Vessel Operating Common Carriers (NVOCC) may not be employed to carry U.S.-flag shipments. Approval of ocean transportation arrangements shall be obtained from ASCS/KCCO/USDA, P.O. Box 205, Kansas City, Mo. 64141, Telephone: (913) 236-3057.

(ii) The Cooperating Sponsor will also complete the CCC-512 indicating name of steamship company, vessel name, vessel flag and estimated time of arrival at U.S. port, sign and return the completed form to KCCO/USDA, with a copy to P.L. 480 Operations Division, Foreign Agricultural Service, USDA. KCCO/USDA will then issue instructions to have the commodity shipped free alongside vessel to U.S. port for consignment to the Cooperating Sponsor as specified in the CCC-512. Unless provided for otherwise in Section 3 of the Section 416 Foreign Donation

Program Agreement, U.S. ports will be selected on the basis of the lowest cost to CCC except where mutually agreeable to both the Cooperating Sponsor and KCCO/USDA.

(2)(i) When CCC agrees to pay ocean transportation costs and the Cooperating Sponsor agrees to perform freight forwarding and booking functions, the KCCO/USDA will furnish the Cooperating Sponsor with a Notice of Commodity Availability (CCC-512) which will name the receiving country, quantity and date at U.S. port. The Cooperating Sponsor will arrange ocean transportation and freight forwarding in compliance with the Cargo Preference Act of 1954, which requires that at least 50 percent of the cargo tonnage under this agreement be carried on U.S.-flag vessels. Non-Vessel Operating Common Carriers (NVOCC) may not be employed to carry U.S.-flag shipments. Approval of ocean transportation arrangements shall be obtained from ASCS/KCCO/USDA, P.O. Box 205, K.C., Mo. 64141, Telephone: (913) 236-3057.

(ii) The Cooperating Sponsor will also complete the CCC-512 indicating ocean freight rate as stated in the Federal Maritime Commission (FMC) tariff (with tariff identification), name of steamship company, name of vessel, flag of vessel, and estimated time of arrival at U.S. port, sign, and return the completed form to KCCO/USDA, with a copy to P.L. 480 Operations Division, Foreign Agricultural Service, USDA. KCCO/USDA will then issue instructions to have the commodity shipped free alongside vessel to U.S. port for consignment to the Cooperating Sponsor as specified in the CCC-512. Unless provided for otherwise in Section 3 of the Section 416 Foreign Donation Program Agreement, U.S. ports will be selected on the basis of lowest landed cost to CCC, except where mutually agreeable to the Cooperating Sponsor and KCCO/USDA.

(iii) CCC will pay the Cooperating Sponsor or the ocean carrier, as may be agreed upon, for ocean transportation costs within 30 days of receipt of the following documentation: (A) one copy of completed CCC-512 (as indicated above); (B) three copies of freighted "on board" bill of lading signed by originating carrier; (C) two copies of booking note and/or contract covering ocean transportation of subject cargo; (D) request for payment, indicating amount due and certification that payment has been made to ocean carrier or request for direct payment to ocean carrier.

(3) When CCC agrees to pay ocean transportation costs and to perform freight forwarding and booking

functions, CCC will arrange to ship at least 50 percent of the cargo on U.S. flag vessels in accordance with the Cargo Preference Act of 1954.

#### § 210.6 Obligations of the cooperating sponsor.

(a) *Plan of Operation.* Each cooperating sponsor shall submit to the AID or Diplomatic Post a description of the programs it is sponsoring or proposes to sponsor. This description will, when approved, provide the basic information for preparation of the Section 416 Foreign Donation Program Agreements and will be incorporated into such an agreement by reference. Within the overall objectives of the approved program, elements of the program may be changed by written agreement of authorized representatives of the Cooperating Sponsor, AID, and CCC. In case of conflict between the Agreement and the approved plan of operation, the Agreement shall prevail. The plan of operation should clearly specify how a given Section 416 Foreign Donation Program is to be conducted. In addition to any other requirements of law or regulation, the plan will include the following information:

(1) A description of program goals and criteria for measuring progress toward reaching the goals.

(2) A geographic, economic, medical or other appropriate description of the recipient target group that is sufficient to readily determine recipient eligibility to receive Section 416 commodities and to assure that commodities provided under Section 416 will not displace or substitute for commercial sales in the recipient country.

(3) Statements as to what public recognition and container markings will be employed in the distribution of the commodities.

(4) A logistics plan that demonstrates the adequacy of port facilities, transportation facilities and storage/warehousing facilities to handle the flow of commodities to recipients without undue risk of spoilage or waste.

(5) Sufficient information concerning the plan of distribution and the target group of recipients so that a determination can be made as to whether the proposed food distribution would result in a substantial disincentive to domestic food production.

(6) Statements detailing the support of the Host Government of the country accruing the commodity or any other support for the proposed program.

(7) Kind and quantity of dairy products requested and delivery schedule.



(8) Explanation of the methods of educating recipients on the source of dairy products, program requirements, and preparation and use of dairy products, particularly steps to be taken to assure that there will be no unintended harmful effects from the distribution of the dairy products. Therefore, examples of educational materials for the field or guidelines should be presented which include food handling precautions to prevent contamination and spoilage such as refrigeration of cheese and butter products, immediate preparation of foods before eating, discarding of leftovers if no refrigeration is available, and information about proper use and preparation of NFDM in its dry and reconstituted form. Specifically in child feeding programs where NFDM is distributed in bulk directly to families, projects at a minimum should include education on (i) promotion of exclusive breastfeeding for 4-6 months and continuation of breastfeeding after solid foods are introduced, (ii) use of NFDM as a protein supplement, (iii) the importance of combining NFDM with energy rich foods, re oil, fats, porridges, stews, etc., and (iv) precautions to be taken to prevent contamination of foods prepared with NFDM, and (v) precautions to be taken when NFDM is reconstituted as a milk drink, when there is evidence that it may be used this way.

(9) Description of the method to be used to supervise and monitor the distribution of the dairy products to assure that they are distributed to the intended needy recipients.

(10) Provide information to show approval of foreign government to import the donated dairy products duty free.

*(b) Other Requirements.*

(1) The terms and conditions of the Section 416 Foreign Donation Program Agreement and of this part, except as otherwise specifically provided, are deemed to be accepted by the Cooperating Sponsor in submitting the program plan of operation.

(2) The Cooperating Sponsor agrees to use the dairy products only in accordance with the Section 416 Foreign Donation Program Agreement, and this regulation.

(3) The donation of the dairy products by CCC and the payment by CCC of any costs specified in Section 3 of the Section 416 Foreign Donation Program Agreement is made with the understanding that the Cooperating Sponsor will carry out its obligations as provided in the Agreement and this part. The Cooperating Sponsor shall be liable to CCC for any failure to export the

dairy products from the U.S., the reentry of any of the dairy products into the United States, or any use of the dairy products which is inconsistent with the Section 416 Foreign Donation Program Agreement. For any such failure, the Cooperating Sponsor shall reimburse CCC for all costs paid by CCC in making the dairy products available to the Cooperating Sponsor, including the acquisition cost to CCC at the time CCC acquired the dairy products under its dairy price support program. However, the Cooperating Sponsor shall not be liable to CCC with respect to any dairy products which, before or after export from the United States, are lost or damaged, destroyed or deteriorated to the extent that the dairy products cannot be used for the purposes described in the Section 416 Foreign Donation Program Agreement unless such loss or damage was due to the fault or negligence of the Cooperating Sponsor.

(4) Cooperating Sponsors shall distribute dairy products only to eligible recipients. Distribution, shall be made without regard to nationality, race, color, sex, or religious or political beliefs of recipients.

(5) Funds derived from voluntary contributions by recipients may be used for payment of program costs by Cooperating Sponsors. Contributions may not be required by a Cooperating Sponsor from a recipient as a condition for participation in a program. Funds accruing from contributions shall be used for payment of program costs such as transportation, storage, handling, insect and rodent control, rebagging of damaged or infested commodities and other program expenses specifically authorized by AID to carry out the program for which the commodities were furnished.

(6) Overseas donations of dairy products under Section 416 are intended as food aid. Dairy products may not be donated under circumstances resulting in more than incidental commercial sales of the products after they have been donated, nor may the commodities be sold in order to generate funds for any purpose.

(7) In the case of foreign government Cooperating Sponsors, data showing commercial and non-commercial imports of dairy products for the past five years by country of origin shall be provided. A Section 416 Foreign Donation Program Agreement with a foreign government may include a usual marketing requirement.

(8) In the case of landlocked countries, transportation in the intermediate country to a designated inland point of entry in the recipient country shall be

arranged by the Cooperating Sponsor unless otherwise provided in the Section 416 Foreign Donation Program Agreement.

(9) If a Cooperating Sponsor books cargo for ocean transportation and is unable to have a vessel at U.S. port of export for loading in accordance with the agreed shipping schedule and CCC thereby incurs additional expenses, the Cooperating Sponsor shall reimburse CCC for such expenses if CCC determines that the expenses were incurred as a result of the fault or negligence of the Cooperating Sponsor.

**§ 210.7 Processing and repackaging and labeling of commodities.**

(a) Cooperating Sponsors may arrange for processing dairy products into different end products and for packaging or repackaging dairy products prior to distribution. When commercial facilities are used for processing, packaging or repackaging, Cooperating Sponsors shall enter into written agreements for such services. Copies of the executed agreements shall be provided to the USAID or Diplomatic Post in the country of distribution. No part of the commodities delivered to the processing, packaging, or repackaging company shall be used to defray costs of processing packaging or repackaging.

(b) If prior to distribution the Cooperating Sponsor arranges for packaging or repackaging donated dairy products, the cartons, sacks, or other containers in which the dairy products are packed shall be plainly labeled in the language of the country in which the commodities are to be distributed with the following information:

(1) Name of Commodity.

(2) Furnished by the people of the United States of America.

(3) Not to be sold or exchanged. Emblems or other identification of cooperating sponsors may also be added.

**§ 210.8 Arrangements for entry and handling in foreign country.**

(a) Dairy products shall be admitted duty free and exempt from all taxes.

(b) Cooperating Sponsors shall make all necessary arrangements for receiving the dairy products and assume full responsibility for storage and maintenance of dairy products from time of delivery at port or point of entry abroad. The Cooperation Sponsor shall be responsible for the maintenance of commodities in such manner as to assure distribution of the dairy products in good condition to needy recipients.

(c) If the packages of dairy products are damaged prior to or during



discharge, and therefore, must be repackaged to ensure that the dairy products arrive at the distribution point in wholesome condition. CCC will only reimburse Cooperating Sponsors who are private nonprofit organizations for approved expenses incurred for such repackaging. No prior approval is required for costs equalling \$500 or less.

**§ 210.9 Disposition of commodities unfit for authorized use.**

Damaged commodities are to be disposed of in accordance with AID Regulation 11, § 211.8 (22 CFR Part 211). Such a disposition should be reported to the Chief, Claims and Collections Division, KCMO, P.O. Box 205, Kansas City, Missouri 64141.

**§ 210.10 Liability for loss and damage or improper distribution of commodity—claims and procedures.**

(a) Notwithstanding the transfer of title to the Cooperating Sponsor f.a.s. vessel, CCC shall have the right to file, pursue and retain the proceeds of collections from claims arising from ocean transportation cargo loss and damage, including loss and damage occurring between the time of transfer of title and loading aboard a vessel. CCC assumes general average contributions in all valid general average incidents which may arise from the movement of commodity to the destination port. CCC shall receive and retain all allowances in general average. The Cooperating Sponsor shall promptly notify CCC of any situation involving the loss, damage, or deterioration of the dairy product, and of any declaration of general average. Instructions shall be issued by and all loss documents should be forwarded to: Chief, Claims and Collections Division, Kansas City Management Office, P.O. Box 205, Kansas City, Missouri 64141. These instructions must be followed by the Cooperating Sponsor. The Cooperating Sponsor shall promptly furnish such office any assignment or rights which may be requested. Where the Cooperating Sponsor pays the ocean freight or a portion thereof, it shall be entitled to pro rata reimbursement received from only claims related to ocean freight charged.

(b) The Cooperating Sponsor shall promptly provide written notice to AID or the Diplomatic Post, of the circumstances pertaining to any loss, damage, or misuse of commodities occurring within the recipient country or intermediate country. Proceeds from any resultant claims actions shall be forwarded to AID for the account of CCC.

(c) Unless the instructions issued by CCC referred to in paragraph (a) of this section provide otherwise for certain designated Cooperating Sponsors, CCC, Claims and Collections Division, will arrange for the services of an independent cargo surveyor to survey the discharge of Section 416 commodities at the foreign discharge port.

(d) Cooperating Sponsors shall send copies of all reports and documents pertaining to the discharge of commodities to Chief, Claims and Collections Division, Kansas City Management Office, P.O. Box 205, Kansas City, Missouri 64141.

(e) CCC will reimburse Cooperating Sponsors for the costs incurred by them in obtaining the services of a independent surveyor to conduct examinations of the cargo and render their report.

(f) The handling of claims prior to loading of the dairy products on ocean vessels and claims against ocean carriers shall be handled according to procedures established by CCC. Claims arising after discharge shall be handled according to procedures established by AID for handling inland Pub. L. 480, Title II claims (AID Regulation 11, 22 CFR Part 211.9).

(g) When payment is made for commodities misused, lost or damaged, the value shall be determined on the basis of the General Agreement on Tariffs and Trade (GATT) minimum prices for dairy products in question, plus ocean freight charges and other costs incurred by the Government of the United States in making delivery to the Cooperating Sponsor. When the value is determined on a cost basis, the Cooperating Sponsor may add to the value any provable costs they have incurred prior to delivery by the ocean carrier. In preparing the claim statement, these costs shall be clearly segregated from costs incurred by the Government of the United States. With respect to claims other than ocean carrier loss and/or damage claims, the value of misused, lost or damaged commodities may be determined on some other justifiable basis, at the request of the Cooperating Sponsor and/or upon the approval of the USAID or Diplomatic Post, AID/W.

**§ 210.11 Records and reporting requirements of cooperating sponsor.**

(a) The Cooperating Sponsor shall maintain records and documents for a period of three years from the date of export of the dairy products in a manner which will accurately reflect all transactions pertaining to the receipt,

transportation, storage and distribution of the dairy products.

(b) The Cooperating sponsor shall cooperate with and give reasonable assistance to United States Government representatives to enable them at any reasonable time to examine any activities and transactions of the Cooperating Sponsor pertaining to the receipt processing, repackaging, distribution and use of the dairy products under this program.

(c) The Cooperating Sponsor shall submit a report semi-annually covering the receipt and distribution of dairy products made available by CCC under the Section 416 Foreign Donation Program Agreement. The first report should cover the first full six months following the date of the Section 416 Foreign Donation Program Agreement and reports thereafter should cover each subsequent six month period. A report is not required if dairy products are not received or distributed during any six month reporting period. This report must contain the following data:

- (1) Receipts of each type of commodity.
- (2) Quantity of each type of commodity distributed.
- (3) Inventory of each type of commodity at the end of the reporting period.
- (4) Numbers of recipients.
- (5) Beginning inventory of each type of commodity.
- (6) Quantity of each type of commodity on order or in transit.
- (7) Status of claims for commodity losses both resolved and unresolved.
- (8) Quantities of each type of commodity damaged or declared unfit.

**§ 210.12 Additional responsibilities of cooperating sponsor.**

(a) The Cooperating Sponsor shall, within thirty (30) days after export, furnish evidence of export of the dairy products. If export is by water or air, two copies of the onboard carrier bill of lading or consignee's receipt authenticated by a representative of the U.S. Customs Service shall be furnished. The evidence of export must show the kind and quantity of dairy products exported, the date of export and the destination country.

(b) The Cooperating Sponsor warrants that it has not employed any person to solicit or secure the Section 416 Foreign Donation Program Agreement upon any agreement for a commission, percentage, brokerage, or contingent fee and that no consideration or payment has been made or will be made. Breach of this warranty shall give the United States Government the right to annul the



## Section 416 Foreign Donation Program Agreement.

### § 210.13 Termination of program.

All or any part of the assistance provided under the Section 416 Foreign Donation Program, including commodities in transit, may be terminated by the United States Government at its discretion if the Cooperating Sponsor fails to comply with the provisions of the Section 416 Foreign Donation Program Agreement, or this part, or if it is determined by A.I.D. that the continuation of such assistance is no longer necessary.

### § 210.14 Waiver and amendment authority.

(a) A.I.D., with the concurrence of CCC, may waive, withdraw, or amend, at any time, any or all of the provisions of this part if such provision is not statutory and it is determined to be in the best interest of the U.S. Government to do so.

(b) The Section 416 Foreign Donation Program Agreement may be amended upon written agreement by AID, CCC, and the Cooperating Sponsor.

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

The information collection requirements in Part 210 have been approved by the Office of Management and Budget under control number 0412-0517.

## Appendix I—Dairy Product Foreign Donation Proposed Plan of Operation (Section 416)

*Agency for International Development, Bureau for Food for Peace and Voluntary Assistance, Office of Food for Peace, Title II Food Donation Division, Washington, D.C.*

### Dairy Product Foreign Donation Proposed Plan of Operation (Section 416)

Public and private nonprofit humanitarian organizations (applicant) must submit to the Agency for International Development, Bureau for Food for Peace and Voluntary Assistance, Office of Food for Peace, Title II Food Donation Division, Washington, D.C. 20523, a program plan giving the following information:

1. Name and address of applicant. The applicant must be organized under the laws of the United States and must maintain an office in the United States.
2. Country in which the dairy products will be used to assist needy people. (Submit a separate proposal for each country.)
3. Kind of dairy products requested. (The quality specifications and packing description of the dairy products will be the specifications and packing description shown in Attachment B, unless Commodity Credit Corporation (CCC) and the applicant agree to the reprocessing or repackaging of the dairy products.)
4. Quantity of dairy products requested stated in pounds. The quantity requested shall be limited to the amount to be shipped

from the U.S. during a twelve month period beginning with the first proposed shipment.

5. Delivery schedule. (Show amount of dairy products for each delivery period, i.e., January—40,000 pounds; March—40,000 pounds, etc.)

6. Intended use of the dairy products:

a. Describe each program (i.e., maternal child health, school feeding, other child feeding, etc.), the problem that the program addresses, and the program's proposed response to this problem.

b. Describe overall objectives and purpose of each program.

c. Will the program be countrywide or limited to certain provinces, states, cities, or other administrative or geographical areas?

d. Describe the distribution method to be used to make the dairy products available to needy recipients.

7. Describe participation in the program by any other organization or government agency of the foreign country.

8. Explain arrangements to be used to assure that the dairy products donated under Section 416 will (a) be in addition to the level of assistance programmed under the Agricultural Trade Development and Assistance Act of 1954 (Title II of Pub. L. 480), and (b) not displace dairy products normally purchased on the commercial market for use by the proposed recipients.

9. Describe records to be used to control distribution of the dairy products to provide accountability from the time title is transferred to the applicant until it reaches the eligible recipient.

10. Describe the port facilities in the country through which the dairy products will be received. Describe in such detail to show that adequate facilities are available to handle the dairy product.

11. Describe the transportation and storage system which will be used to move the dairy products from the receiving port to the point distribution is made to the recipient. State if applicant will retain control of dairy products during transportation and storage. If not, describe controls to assure delivery of the dairy products from time of unloading at port to the distribution point where products will be made available to the recipients.

12. Describe any reprocessing or repacking that will occur in the country, giving location and name of firm that will perform the reprocessing or packing.

13. Explain how costs of administration, storage, transportation, processing, repackaging, special labels, issuance of informative materials, etc. will be financed.

14. Explain methods of educating recipients on the source of the dairy products, program requirements, and preparation and use of the dairy products. Include plans for program publicity, including factors that may adversely affect publicity. Therefore, examples of educational materials for the field or guidelines should be presented which include food handling precautions to prevent contamination and spoilage such as refrigeration of cheese and butter products, immediate preparation of foods before eating, discarding of leftovers if no refrigeration is available, and information about proper use and preparation of NFDM in its dry and reconstituted form. Specifically in child

feeding programs where NFDM is distributed in bulk directly to families, projects at a minimum should include education on (a) promotion of exclusive breastfeeding for 4-6 months and continuation of breastfeeding after solid foods are introduced, (b) use of NFDM as a protein supplement, (c) the importance of combining NFDM with energy rich foods, re oil, fats, porridges, stews, etc., and (d) precautions to be taken to prevent contamination of foods prepared with NFDM and (e) precautions to be taken when NFDM is reconstituted as a milk drink, when there is evidence that it may be used this way.

15. Describe other contributions such as financial, human resources, other food commodities, etc., including the source, estimates of the amount and role the contributions will play in the program.

16. Describe method to be used to supervise and monitor distribution of the dairy products to assure that the intended use of dairy products is accomplished.

17. Provide information to show that the applicant has received approval from the government in the country to import the donated dairy products free from all custom duties, tolls, taxes, etc.

## Appendix II—Dairy Product Foreign Donation Program Agreement (Section 416) Country \_\_\_\_\_

### United States Government—Dairy Product Foreign Donation Program Agreement (Section 416)

In order to effect the distribution of dairy products for the assistance of needy persons outside the United States, the Agency for International Development (A.I.D.), the Commodity Credit Corporation (CCC), and the (Cooperating Sponsor) agree as follows:

1. CCC agrees to donate to the Cooperating Sponsor dairy products of the kind and amounts specified in Section 2 of this agreement pursuant to the authority of Section 416 of the Agricultural Act of 1949, as amended. CCC shall deliver such dairy products in accordance with the delivery schedule specified in Section 2.

2. Dairy products to be donated to the Cooperating Sponsor are as follows:

Commodity	Quantity pounds/metric tons	Delivery month to U.S. port <sup>1</sup>	Foreign port designation

<sup>1</sup> Point where title transfers if other than U.S. port.

**Note.**—Should the above schedule change, the Cooperating Sponsor will promptly inform and coordinate a revised delivery schedule by contacting the Agricultural Stabilization and Conservation Service, Kansas City Commodity Office, USDA, P.O. Box 205, Kansas City, Missouri, 64141, Telephone: (913) 236-3057.

3. The payments of all costs associated with the reprocessing, packaging, transporting, handling and other charges incurred in the distribution of the dairy products will be apportioned as follows:

A. CCC agrees to donate the dairy products without charge and to pay the following



costs: (These costs will be determined during the negotiation of program approval.)

B. The Cooperating Sponsor agrees to pay the following costs: (These costs are determined during the negotiation of program approval.)

4. The Cooperating Sponsor agrees to use the dairy products only in accordance with this Agreement and the approved program.

5. The term and conditions set forth in AID Regulation 10 and the approved Plan of Operation are incorporated into and made a part of this agreement.

#### Agency for International Development

By \_\_\_\_\_

Title: Assistant Administrator, Bureau of  
Food for Peace and Voluntary Assistance  
and/or as delegated.

Date: \_\_\_\_\_

#### Commodity Credit Corporation

By \_\_\_\_\_

Title: General Sales Manager, FAS and  
Vice President, Commodity Credit  
Corporation and/or as delegated

Date: \_\_\_\_\_

#### Request and Acceptance

The assistance described in this agreement is requested and the terms and conditions of this Agreement and of AID Regulation 10, except as otherwise specifically provided herein, are accepted.

#### Cooperating Sponsor

By \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Dated: April 17, 1984.

M. Peter McPherson,  
Administrator.

[FR Doc. 84-14005 Filed 5-23-84; 8:45 am]

BILLING CODE 6116-01-M



# United States Federal Register

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Thursday  
May 24, 1984

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## Part IV

### Office of Management and Budget

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Budget Deferral; Notice



**OFFICE OF MANAGEMENT AND  
BUDGET****Budget Deferral**

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one new deferral of budget authority for \$8,000,000.

The deferral affects the Department of the Interior.

The detail of the deferral is contained in the attached report.

Ronald Reagan.

The White House.

May 21, 1984.

BILLING CODE 3110-01-M



CONTENTS OF SPECIAL MESSAGE  
(in thousands of dollars)

<u>Deferral #</u>	<u>Item</u>	<u>Budget Authority</u>
	Department of the Interior	
	Bureau of Reclamation	
D84-61	Construction program.....	8,000

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SUMMARY OF SPECIAL MESSAGES  
FOR FY 1984  
(in thousands of dollars)

	<u>Rescissions</u>	<u>Deferrals</u>
Tenth special message:		
New items.....	---	8,000
Revisions to previous special messages.....	---	---
Effects of tenth special message.....	---	8,000
Amounts from previous special messages that are changed by this message (change noted above).....	---	---
Subtotal, rescissions and deferrals.....	---	8,000
Amounts from previous special messages that are not changed by this message.....	636,411	7,406,935
	=====	=====
Total amount proposed to date in all special messages.....	636,411	7,414,935



Deferral No: 84-61

**DEFERRAL OF BUDGET AUTHORITY**  
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority \$ 398,756,000 (P.L. 98-50:98-181)
Bureau Bureau of Reclamation	Other budgetary resources 66,115,368
Appropriation title & symbol	Total budgetary resources 464,871,368
Construction Program	Amount to be deferred:
14X0684	Part of year _____
	Entire year 8,000,000
OMB identification code: 14-0684-0-1-301	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input type="checkbox"/> No-year	<input type="checkbox"/> Other _____

Justification: This appropriation provides for construction of water resources development projects in the 17 contiguous western states.

Funds totaling \$8.0 million were deferred, but have subsequently been released. These funds were temporarily deferred because of future funding uncertainty resulting from Congressional action to date on the 1985 Energy/Water appropriations bill.

Estimated Program Effect: There will be no program effect from this short-term deferral.

Outlay Effect: None.



# Federal Register

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Thursday  
May 24, 1984

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## Part V

## Department of Labor

Employment Standards Administration,  
Wage and Hour Division

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29 CFR Part 530

Employment of Homeworkers in Certain  
Industries



## DEPARTMENT OF LABOR

## Wage and Hour Division, Employment Standards Administration

## 29 CFR Part 530

## Employment of Homeworkers in Certain Industries

**AGENCY:** Wage and Hour Division, ESA, Labor.

**ACTION:** Rescission of emergency rule temporarily suspending the ban on homework for certain employees in the knitted outerwear industry and reinstatement of restriction.

**SUMMARY:** On March 27, 1984, the Department of Labor issued an emergency rule temporarily suspending the restriction on homework for certain employees in the knitted outerwear industry for a period of 120 days (49 FR 11792).

Pursuant to an order entered by the United States District Court for the District of Columbia, the Department rescinds its emergency rule and reinstates the restriction on homework in the knitted outerwear industry.

**DATES:** This rule becomes effective May 24, 1984.

**FOR FURTHER INFORMATION CONTACT:** Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-8305. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** On March 27, 1984, the Department published an emergency rule temporarily rescinding the restriction on homework for certain employees in the knitted outerwear industry for a period of 120 days (49 FR 11792).

On May 8, 1984 the United States District Court for the District of Columbia ruled that the Department's emergency rule was invalid, and ordered that the Secretary forthwith rescind the emergency rule. *International Ladies Garment Workers' Union v. Donovan*, Civ. Act. 81-2606 (D.D.C. May 8, 1984).

The district court stayed enforcement of its order until May 15, 1984, to allow an appeal to the court of appeals. On May 8, 1984, the Department filed a notice of appeal to the United States Court of Appeals for the District of Columbia Circuit. The appeal is still pending. On May 15, 1984, the court of appeals denied an application for a stay pending decision of the appeal. The Chief Justice of the United States subsequently denied the Department's

application for a stay pending appeal on May 18, 1984.

## Conclusion

Pursuant to section 553(b)(B) of the Administrative Procedure Act, the Department finds that there is good cause for dispensing with notice and public comment concerning this final rule. The district court has ordered that the Department's emergency rule be rescinded "forthwith."

The Department also finds that there is good cause for waiving the 30-day delay in effectiveness under Section 553(d)(3) of the Administrative Procedure Act, for the reason set forth above regarding waiver of prior notice and opportunity for public comment. Therefore this rule shall become effective immediately.

## Classification

This rule is exempt from the requirements of Executive Order 12291 on Federal Regulation because the application of that Order would conflict with deadlines imposed by judicial order. Compliance with the order of the district court that the Department's emergency rule be rescinded forthwith renders it impracticable for the Department to follow the procedures of the Executive Order.

Because no notice of proposed rulemaking is required for the rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, Pub. L. No. 96-354, 91 Stat. 1164 (5 U.S.C. 601 *et seq.*) pertaining to regulatory flexibility analysis do not apply to this rule. See 5 U.S.C. 601(2).

## Paperwork Reduction Act

Because this rule does not require the collection or retention of information, it is not subject to section 3504(h) of the Paperwork Reduction Act, 44 U.S.C. 3504(h).

This document was prepared under the direction and control of William M. Otter, Administrator, Wage and Hour Division, U.S. Department of Labor.

## List of Subjects in 29 CFR Part 530

Employment, Investigations, Labor, Law enforcement, Minimum wages, Wages.

Accordingly, the following action is taken:

1. The Department's emergency rule temporarily suspending the prohibition of homework for certain employees in the knitted outerwear industry is rescinded.

2. The prohibition against homework in the knitted outerwear industry under 29 CFR 530.1(f) and 530.2, the text of which appeared in the July 1, 1981

edition of the *Code of Federal Regulations* and is contained in Appendix A to this document, is reinstated.

3. 29 CFR 530.1 (f) through (i), as they appear in the July 1, 1983 edition of the *Code of Federal Regulations*, are redesignated as 29 CFR 530.1 (g) through (j).

4. 29 CFR 530.2 is revised to read as follows:

## § 530.2 Restriction of homework.

No work in the industries defined in paragraphs (d) through (j) of § 530.1 shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.2 of this chapter.

(Sec. 11, 52 Stat. 1066 (29 U.S.C. 211), unless otherwise noted; Secretary's Order No. 16-75, 40 FR 55913, December 2, 1975; and Employment Standards Order No. 78-1, 43 FR 51469, November 3, 1978)

Signed at Washington, D.C. this 22nd day of May 1984.

William M. Otter,  
Administrator.

## Appendix A

The text of 29 CFR 530.1(f) and 29 CFR 530.2 which appeared in the July 1, 1981 edition of the *Code of Federal Regulations*, as reinstated on May 24, 1984, reads as follows:

## § 530.1 Definitions

\* \* \* \* \*

(f) The knitted outerwear industry is defined as follows: The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; and the manufacture of bathing suits from any purchased fabric: *Provided*, That the manufacturing, dyeing or other finishing of the following shall not be included:

(1) Knitted fabric, as distinguished from garment sections or garments, for sale as such.

(2) Filled suitings, coatings, topcoatings, and overcoatings.

(3) Garments or garment accessories made from purchased fabric, except bathing suits.

(4) Gloves or mittens.

(5) Hosiery.



(6) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(7) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(8) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer. *Provided*, That this exception shall not be construed to exclude from the knitted outerwear industry and the

manufacturing, dyeing, or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

\* \* \* \* \*

**§ 530.2 Restriction of homework.**

No work in the industries defined in paragraphs (d) through (j) of § 530.1 shall be done in or about a home, apartment, tenement, or room in a

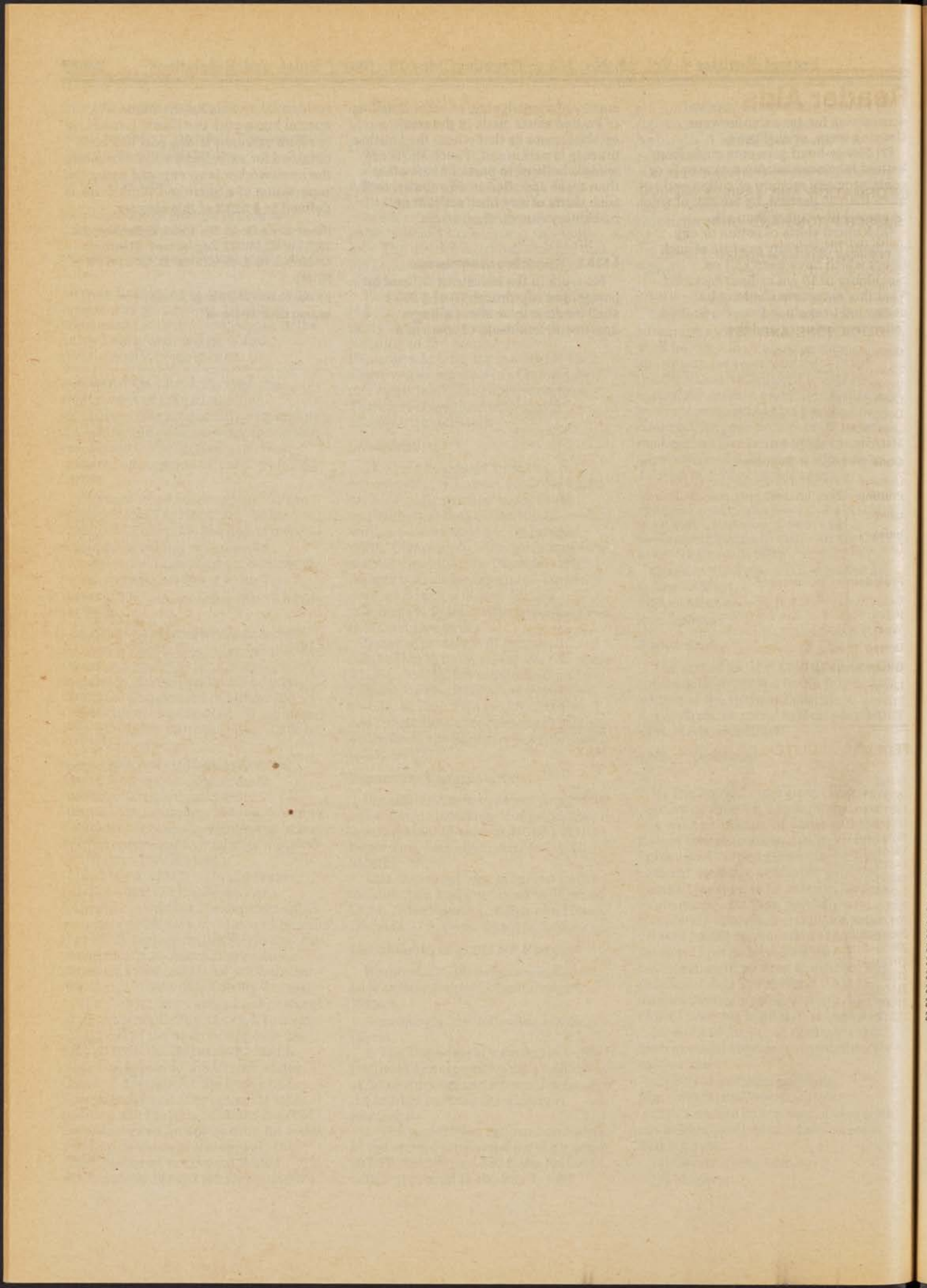
residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.2 of this chapter.

(Secretary's Order No. 16-75, dated Nov. 25, 1975 (40 FR 55913); Employment Standards Order No. 76-2, dated Feb. 23, 1976 (41 FR 9016))

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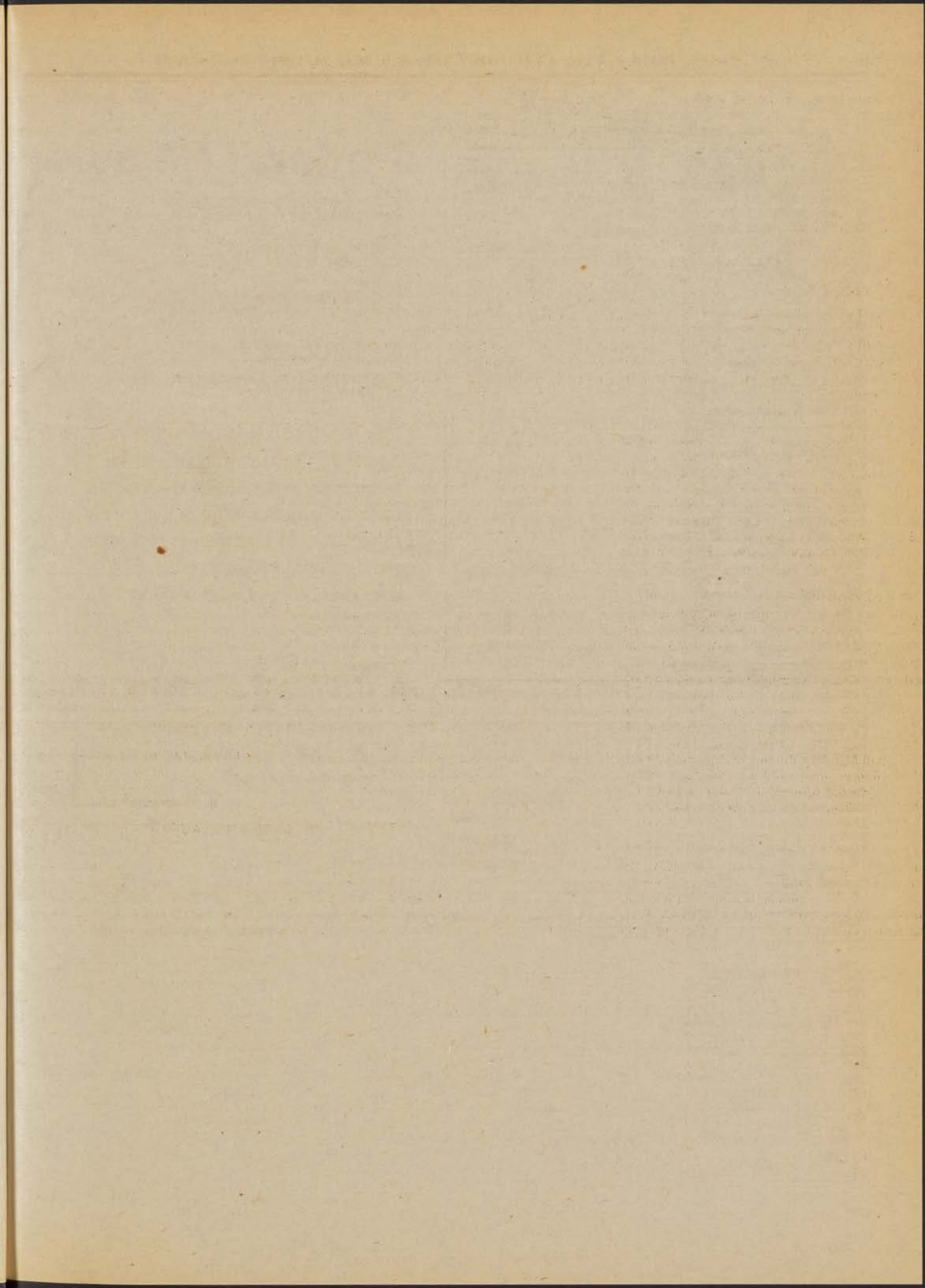
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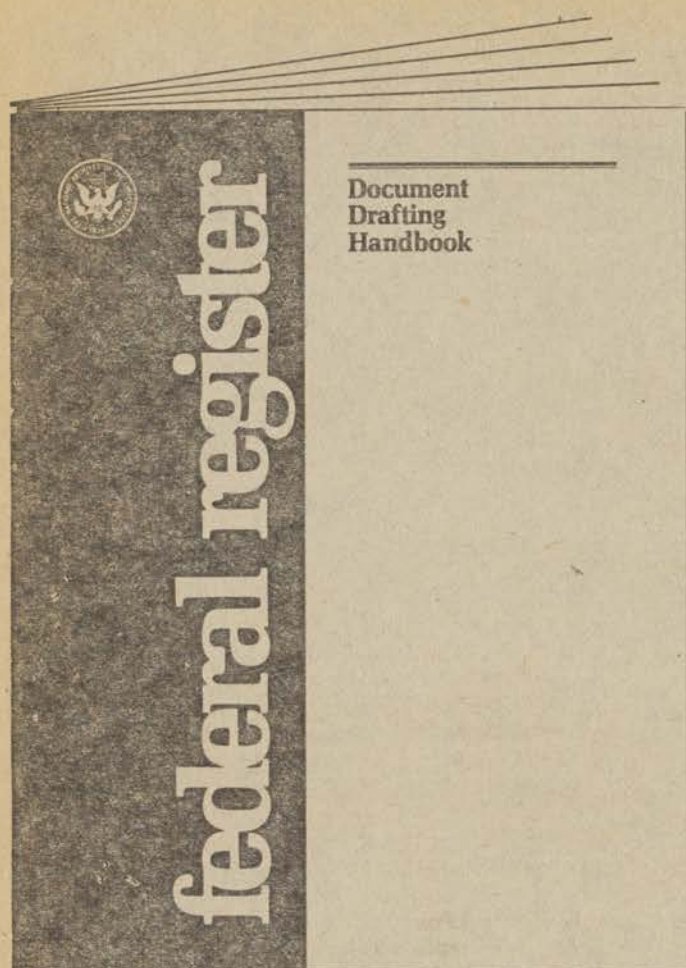
**H.R. 3635 / Pub. L. 98-292**

Child Protection Act of 1984.  
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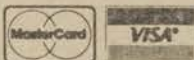
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