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Federal Register

Thursday
May 31, 1984

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Animal Biologics
Animal and Plant Health Inspection Service

Animal Drugs
Food and Drug Administration

Antibiotics
Food and Drug Administration

Aviation Safety
Federal Aviation Administration

Crop Insurance
Federal Crop Insurance Corporation

Employee Benefit Plans
Pension Benefit Guaranty Corporation

Flood Insurance
Federal Emergency Management Agency

Government Procurement
Air Force Department

Lobbying
Legal Services Corporation

Meat Inspection
Food Safety and Inspection Service

Organization and Functions (Government Agencies)
Customs Service

CONTINUED INSIDE

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

Selected Subjects

Pesticides and Pests
Environmental Protection Agency

Public Housing
Housing and Urban Development Department

Contents

Federal Register
Vol. 49, No. 106
Thursday, May 31, 1984

Agriculture Department
See Animal and Plant Health Inspection Service; Federal Crop Insurance Corporation; Food and Nutrition Service; Food Safety and Inspection Service.

Air Force Department
RULES
22648 Procurement; CFR Subchapter removed

Animal and Plant Health Inspection Service
RULES
Viruses, serums, toxins, etc.:
22623 Definitions, titration requirements, etc.
PROPOSED RULES
Viruses, serums, toxins, etc.:
22661 Live virus vaccines; standard requirements
NOTICES
22674 Tick inspectors' use of firearms

Army Department
NOTICES
Meetings:
22679 Science Board (3 documents)

Civil Aeronautics Board
NOTICES
Hearings, etc.:
22676 Hub Air Service

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
22676 Colorado; cancellation
22676 Illinois
22676 Pennsylvania

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.

Consumer Product Safety Commission
NOTICES
22737 Meetings; Sunshine Act

Customs Service
RULES
Organization and functions; field organization, ports of entry, etc.:
22629 New Orleans, La.

Defense Department
See Air Force Department; Army Department.

Economic Regulatory Administration
NOTICES
Consent orders:
22681 Cordele Operating Co.
22681 Kalama Chemical Inc.
Remedial orders:
22682 Lotus Petroleum, Inc., et al.
22682 R. P. Trading Co. et al.
22682 Tootle Petroleum, Inc., et al.

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Southwestern Power Administration.
NOTICES
Floodplain and wetlands protection; environmental review determinations; availability, etc.:
22679 Hazelwood, Mo.; removal and control of radioactively contaminated material
International atomic energy agreements; civil uses; subsequent arrangements:
22680 Australia
22680 Canada
22680 European Atomic Energy Community and Switzerland
22681 Thailand

Environmental Protection Agency
RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
22648 Diflubenzuron
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
22669 California
22671 Indiana; withdrawn
22670 Massachusetts
22668 New Hampshire
Air quality planning purposes; designation of areas:
22671 Iowa
Toxic substances:
22672 Formaldehyde; significant risk determination; correction
NOTICES
Air pollution control; new motor vehicles and engines:
22707 Final agency actions

Federal Aviation Administration
RULES
Airworthiness directives:
22626 Boeing
22627 Garrett
NOTICES
Meetings:
22735 Aeronautics Radio Technical Commission
Organization and functions:
22735 Seattle, Wash.
22735 Toledo, Wash.

Federal Communications Commission
NOTICES
22737 Meetings; Sunshine Act

Federal Crop Insurance Corporation
PROPOSED RULES
Crop insurance; various commodities:
22660 Raisins; extension of time, etc.

Federal Election Commission
NOTICES
22737 Meetings; Sunshine Act

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
22649 Connecticut et al.
NOTICES
Disaster and emergency areas:
22708 Virginia

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
22682 ANR Pipeline Co.
22683 Arizona Public Service Co.
22683 Arkansas Louisiana Gas Co.
22684, 22690 Consumers Power Co. (2 documents)
22694 Delmarva Power & Light Co.
22684 Energenics Systems, Inc. (2 documents)
22694 Huggard, Ernest D.
22694 Idaho Power Co.
22690 Iowa Power & Light Co.
22685 Louisiana Intrastate Gas Corp.
22694 Middle South Services, Inc.
22685 Modesto Irrigation District (2 documents)
22685 Montana-Dakota Utilities Co.
22704 Mountain Fuel Resources, Inc.
22686 National Fuel Gas Supply Corp. et al.
22687 Natural Gas Pipeline Co. of America
22690 Niagara Mohawk Power Corp.
22687 Northern Border Pipeline Co.
22704 Northwest Pipeline Corp.
22689 Northwest Pipeline Corp. et al.
22691 Pacific Power & Light Co. (2 documents)
22689 Panhandle Eastern Pipe Line Co.
22695 Sea Robin Pipeline Co.
22691-22695 Southwestern Electric Power Co. (3 documents)
22695 Tennessee Gas Pipeline Co.
22696 Transcontinental Gas Pipe Line Corp. et al.
22696 Trunkline Gas Co.
22691-22697 United Gas Pipe Line Co. (3 documents)
22692 Washington Water Power Co.
22697 Western Hydro Electric, Inc.
22697 Hydroelectric applications (Iowa Hydropower Development Corp. et al.)
Small power production and cogeneration facilities; qualifying status; certification applications, etc.:
22692 Braum Ice Cream Co.
22692 Consolidated Power Co.
22693 Dunn/SECO Partners
22693 Nashua Hydro Associates
22693 Poppy Ridge Partners

Federal Home Loan Mortgage Corporation
NOTICES
22737 Meetings; Sunshine Act

Federal Labor Relations Authority
RULES
22623 Arbitration awards review; starting date for filing exceptions; interim

Federal Reserve System
NOTICES
Bank holding company applications, etc.:
22709 Central Bankshares of the South, Inc.
22709 Charter 17 Bancorp, Inc., et al.
22710 First Exchange Corp., et al.

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
22634 Chlortetracycline
Human drugs:
22631 Antibiotic drugs; cyclosporine
NOTICES
Medical devices; premarket approval:
22710 Wesley-Jessen

Food and Nutrition Service
NOTICES
22675 Intergovernmental review of agency programs and activities

Food Safety and Inspection Service
RULES
Meat and poultry inspection:
22626 Imported meat products; list of eligible countries; El Salvador and Nicaragua

Health and Human Services Department
See Food and Drug Administration; National Institutes of Health; Public Health Service; Saint Elizabeths Hospital.

Housing and Urban Development Department
RULES
22635 Community development block grants, and mortgage and loan insurance programs; effective dates
PROPOSED RULES
Public and Indian housing:
22663 Annual contributions for operating subsidy, performance funding system; subsidy determination

Interior Department
See Land Management Bureau; Minerals Management Service.

Internal Revenue Service
NOTICES
Meetings:
22736 Form 990 Advisory Committee

International Trade Administration
NOTICES
Scientific articles; duty free entry:
22676 Princeton University
22677 University of California
22677 University of Maryland et al.
22677 Vanderbilt University Medicial Center

International Trade Commission
NOTICES
Import investigations:
22721 Aramid fiber
22720 Bicycle tires and tubes from Taiwan
22720 Bottled green olives from Spain
22722 Carbon steel wire rod from Argentina, Poland, and Spain

22721 Foam earplugs
22721 Multicellular plastic film
22721 Office desk accessories and related products (2 documents)
22722 Outboard motors and components
22722 Rowing machines and components
22722 Self-stripping electrical tap connectors
22722 Spring balanced arm lamp heads
22723 Stretch wrapping apparatus and components
22723 Tennis rackets
22724 Titanium sponge from Japan and United Kingdom
22724 Woodworking machines

Interstate Commerce Commission
NOTICES
Railroad operation, acquisition, construction, etc.:
22725 Atchison, Topeka & Santa Fe Railway Co.
22725 Missouri Pacific Railroad Co. et al.
22726 Union Pacific Railroad Co.

Justice Department
See also National Institute of Justice.
NOTICES
22726 Privacy Act; systems of records
22674 Tick inspectors' use of firearms

Land Management Bureau
RULES
Public land orders:
22649 Nevada; correction
NOTICES
Environmental statements; availability, etc.:
22718 Western Counties wilderness study areas, Calif.
Exchange of public lands for private land:
22718 Arizona
22719 Utah
Withdrawal and reservation lands:
22719 Wyoming; correction

Legal Services Corporation
RULES
22651 Lobbying and other activities; restrictions
PROPOSED RULES
22672 Sunshine Act; implementation; correction

Minerals Management Service
NOTICES
Outer Continental Shelf; development operations coordination:
22720 Shell Offshore Inc.
Outer Continental Shelf operations:
22740 Southern California; oil and gas lease sale, proposed

National Institute of Justice
NOTICES
Grants, competitive solicitations:
22728 Visiting fellowship program

National Institutes of Health
NOTICES
22711 Laboratory animal welfare; humane care and use of laboratory animals by awardee institutions; proposed policy; inquiry and hearings

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
22673 Atlantic swordfish; correction
NOTICES
Marine mammal permit applications, etc.:
22678 Zoogesellschaft Osnabruck E.V.
Meetings:
22678 Mid-Atlantic Fishery Management Council
22678 Salmon and Steelhead Advisory Commission; dates and locations change

National Technical Information Service
NOTICES
Patent licenses, exclusive:
22679 SmithKline Beckman Corp.

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
22728 Long Island Lighting Co.
22728 Portland General Electric Co. et al.
Meetings:
22728 Reactor Safeguards Advisory Committee
22737 Meetings; Sunshine Act

Pension Benefit Guaranty Corporation
RULES
Multiemployer plans:
22635 Assets sale, variances of statutory requirements
22642 Withdrawal liability, notice and collection

Postal Service
RULES
Organization and administration:
22648 Inspection service authority; mail covers; correction

Public Health Service
NOTICES
22712 Privacy Act; systems of records

Saint Elizabeths Hospital
NOTICES
Procurement:
22718 Commercial activities, performance; schedule of review

Securities and Exchange Commission
PROPOSED RULES
Securities:
22662 Business combination transactions; registration form; correction
22662 Business combination transactions; registration form for foreign registrants; correction
NOTICES
Hearings, etc.:
22729 Consolidated Natural Gas Co. et al.
22731 Lowry Fund, Inc.
22732 Northeast Utilities et al.
Self-regulatory organizations; proposed rule changes:
22733 New York Stock Exchange, Inc.
22733 Options Clearing Corp.
22734 Stock Clearing Corp. of Philadelphia
Self-regulatory organizations; unlisted trading privileges:
22734 Pacific Stock Exchange, Inc.
22735 Philadelphia Stock Exchange, Inc.

Southwestern Power Administration
NOTICES
Contract rates:
22705 Tex-La Electric Cooperative, Inc.

Transportation Department
See Federal Aviation Administration.

Treasury Department
See also Customs Service; Internal Revenue Service.
NOTICES
Notes, Treasury:
22736 U-1986 series

Separate Parts in This Issue

Part II
22740 Department of the Interior, Minerals Management Service

---

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
2425 22623

7 CFR
Proposed Rules:
402 22660

9 CFR
101 22623
113 22623
327 22626
Proposed Rules:
113 22661

14 CFR
39 (2 documents) 22626, 22627

17 CFR
Proposed Rules:
210 22662
229 22662
230 (2 documents) 22662
239 (2 documents) 22662
240 22662
249 22662

19 CFR
101 22629

21 CFR
430 22631
436 22631
448 22631
556 22634

24 CFR
200 22635
201 22635
203 22635
204 22635
205 22635
207 22635
213 22635
220 22635
221 22635
232 22635
234 22635
235 22635
240 22635
241 22635
242 22635
244 22635
250 22635
255 22635
570 22635
571 22635
Proposed Rules:
990 22663

29 CFR
2643 22635
2644 22642

32 CFR
1000 22648
1001 22648
1003 22648
1006 22648
1007 22648
1008 22648
1009 22648
1011 22648
1012 22648
1013 22648
1016 22648
1017 22648
1018 22648
1030 22648
1031–1199 22648

39 CFR
233 22648

40 CFR
180 22648
Proposed Rules:
52 (4 documents) 22668–22671
81 22671
765 22672

43 CFR
Public Land Order:
6505 (corrected by PLO 6541)
6541 22649

44 CFR
64 22649

45 CFR
1612 22651
Proposed Rules:
1622 22672

50 CFR
Proposed Rules:
630 22673

Rules and Regulations

Federal Register
Vol. 49, No. 106
Thursday, May 31, 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.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2425

Civil Service Miscellaneous Amendments Act of 1983: Implementation; Processing of Cases: Review of Arbitration Awards

AGENCY: Federal Labor Relations Authority.

ACTION: Interim amendment to rules and regulation: request for comments.

SUMMARY: This interim amendment to the rules and regulations of the Authority governing review of arbitration awards is necessary to implement a provision of the Civil Service Miscellaneous Amendments Act of 1983. The Act, which was signed into law on March 2, 1984, amended section 7122(b) of the Federal Service Labor-Management Relations Statute by changing the starting date of the 30-day period for filing exceptions to an arbitrator's award. Prior to the amendment, the starting date was the date of the award. The amendment provides that the time period will begin on the date the award is served on the party by the arbitrator.

DATES: Effective Date: March 2, 1984.

Comment Date: Written comments received by June 29, 1984, will be considered in promulgation of final rules and regulations on this subject.

ADDRESS: Comments should be mailed to Jerome P. Hardiman, Assistant Chief Counsel for Arbitration, Federal Labor Relations Authority, 500 C Street, SW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: Jerome P. Hardiman, Assistant Chief Counsel for Arbitration, Federal Labor Relations Authority, 500 C Street, SW., Washington, D.C. 20424, (202) 382-0748.

SUPPLEMENTARY INFORMATION: The Civil Service Miscellaneous Amendments Act of 1983 (Pub L. No. 98-224, section 4, 98 Stat. 47, 48 (1984)) amended section 7122(b) of the Federal Service Labor-Management Relations Statute (5 U.S.C. 7122(b)) to provide that if no exception to an arbitrator's award is filed with the Authority under 5 U.S.C. 7122(a) during the 30-day period beginning on the date the award is served on the parties, the award shall be final and binding. Prior to the amendment, the time limit began on the date of the award. Therefore, § 2425.1(b) of the Authority's rules and regulations, which implements section 7122(b) of the Statute, must be amended accordingly.

In applying the interim amended regulation, the Authority will first seek to determine the date the award was served on the party filing the exceptions and the method of service used by the arbitrator. As provided in § 2429.27(d) of the rules and regulations, date of service or date served is the day when a document is either deposited in the U.S. mail or delivered in person. In cases where the arbitrator serves the award by mailing it to the party, a copy of the postmarked envelope, or if no postmark is available, a copy of a dated transmittal letter from the arbitrator or other such evidence, will be used to establish the date of service. Further in cases where the award is served on the party by mail, five (5) days will be added to the prescribed filing period pursuant to § 2429.22 of the rules and regulations. In cases where the arbitrator delivers the award in person to the filing party, the date of delivery will be considered the date of service and the five (5) days will not be added to the prescribed filing period.

This interim amended regulation does not affect § 2429.21 of the rules and regulations, under which any exception to an arbitrator's award must be received by the Authority before the close of business on the last day of the prescribed time limit. It also does not affect § 2429.23(d) of the rules and regulations, under which the time limit for filing exceptions to an arbitrator's award may not be extended or waived by the Authority. The interim amendment will be applied to all exceptions to arbitration awards pending or filed on or after March 2, 1984.

List of Subjects in 5 CFR Part 2425

Administrative practice and procedure, Government employees, Labor-management relations.

PART 2425—REVIEW OF ARBITRATION AWARDS

Section 2425.1(b) of the final rules and regulations of the Authority is revised to read as follows:

§ 2425.1 Who may file an exception; time limits for filing; opposition; service.

* * * * *

(b) The time limit for filing an exception to an arbitration award is thirty (30) days beginning on the date the award is served on the filing party.

* * * * *

(5 U.S.C. 7122(b) and 7134)

Dated: May 25, 1984.

Barbara J. Mahone,
Chairman.

Ronald W. Haughton,
Member.

Henry B. Frazier III,
Member, Federal Labor Relations Authority.

[FR Doc. 84-14498 Filed 5-30-84; 8:45 am]
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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 101 and 113

[Docket No. 84-015]

Viruses, Serums, Toxins, and Analogous Products; Revision of Definitions, Titrations in Lieu of Animal Tests for Immunogenicity, and Inactivated Bacterial Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: These revisions of the "Definitions" delete references to obsolete terms and amend the definitions to more clearly conform to current products and practices. The revision of the "Standard Requirements" for titrations in lieu of animal tests for

immunogenicity and inactivated bacterial products provide for broader use of cell lines and master seeds and increased use of *in vitro* procedures in place of animals for serial release testing. The net effect of these changes is to reduce the cost of product testing without increasing the risk of substandard products reaching the public.

EFFECTIVE DATE: May 22, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Senior Staff Veterinarian, Veterinary Biologics Staff, VS, APHIS, USDA, Room 829, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8245.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This proposed rule contains no new or amended applications, recordkeeping, reporting, or information collecting subject to the Paperwork Reduction Act of 1980.

Executive Order 12291

This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "Nonmajor Rule."

The final rule will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or 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.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not result in a significant economic impact on a substantial number of small entities. Small entities are defined as independently owned firms not dominant in the field of veterinary biologics manufacturing. This action will result in no increase in regulatory requirements.

Background

All reference to Special Licenses in the regulations should have been deleted when provisions for such licenses were removed in an October 6, 1976, revision. Inadvertently, a reference was left in 9 CFR 101.2(r). This rulemaking deletes this reference.

The present definition of "Master Cell Stock (MCS)" in 9 CFR 101.6(d) of the regulations limits its application to the production of vaccines. This amendment deletes the limiting language and thereby allows for preparation of other products made from cell lines such as diagnostic test kits. The change removes unnecessary restrictions and reflects the present day state of the art more accurately.

Present 9 CFR 101.7 is applicable only to seed viruses. Advances in manufacturing and testing methods have resulted in development of systems for handling other organisms, such as bacteria and chlamydia, which can be stored for use over long periods. This revision allows for the introduction of these changes by removing the word "virus" from the title and the definitions and substituting the term "organism."

In vitro potency tests for evaluating live virus vaccines have been in use for many years as a substitute for animal tests. Recent advances have made this approach feasible for potency tests of other products, such as chlamydial and bacterial vaccines. This revision provides for the broader application of the master seed concept by including other methods in *in vitro* evaluation. The title and the test of 9 CFR 113.8 have been revised to reflect the broadened application. Fewer animals will be required for serial release testing and substantial reduction in test costs will result.

At the time the current regulations were published, inactivated bacterial products consisted of bacterins, toxoids, and bacterin-toxoids. Subsequently, methods of production were developed which resulted in products which cannot be properly categorized in any of these classes. In general, these are the products of cell growth which are measured but cannot be considered as toxoids. This revision adds bacterial extracts to the Standard Requirements in 9 CFR 113.85 for the benefit of licensees and the general public.

The current regulations provide a list of bacterins authorized for use as diluents for desiccated fractions in combination packages (9 CFR 113.85(d)). Additional fractions have been shown to be needed to produce logical combinations, making this list outdated and unduly restrictive. Combinations currently licensed on the basis of data and described in filed Outlines of Production include other bacterins, bacterin-toxoids, toxoids, and vaccines as diluents, making this list obsolete and unnecessary. This revision, therefore, deletes the list of authorized bacterins presently contained in the regulations.

Comments Received

October 20, 1983, a notice of proposed rulemaking was published in the **Federal Register** at 48 FR 48679 discussing this revision and soliciting comments.

Responses were received from five licensed biologics producers and from the National Veterinary Services Laboratories. All gave general approval of the revisions. One suggested that some manufacturers conduct initial tests using more than one sample. Therefore, compliance with 9 CFR 113.8(b)(4) would require more than "two new samples." This has been accepted by changing "two new samples" to "double the number of samples." This will result in statistical validity of such evaluations. Another suggested that 9 CFR 113.8(b)(3) be corrected by substituting "equal to or greater" for "more." This was accepted. Another suggested a change to clarify that virus titers are sometimes expressed in arithmetic terms. This has been incorporated by changing 9 CFR 113.8(b)(5) by substituting "$\log_{10}$ virus titer values" for "virus titer." A grammatical correction was made by deleting "conducted" from 9 CFR 113.8(c)(1). Another suggestion was accepted changing "derivative" to "derivatives" in 9 CFR 113.85(d). This is technically more correct because certain cultures may yield more than one antigenic derivative.

List of Subjects in 9 CFR Parts 101 and 113

Animal biologics.

PART 101—DEFINITIONS

1. Section 101.2(r) is revised to read:

§ 101.2 Administrative terminology.

* * * * *

(r) *U.S. Veterinary Biologics Establishment License.* A document referred to as an establishment license, which is issued pursuant to Part 102 of this subchapter, authorizing the use of designated premises for production of biological products specified in one or more unexpired, unsuspended, and unrevoked product license(s).

* * * * *

2. Section 101.6(d) is revised to read:

§ 101.6 Cell cultures.

* * * * *

(d) *Master Cell Stock (MCS).* The supply of cells of a specific passage level from which cells for production of biologics originate.

* * * * *

3. Section 101.7 is revised to read:

§ 101.7 Seed organisms.

When used in conjunction with or in reference to seed organisms, the following shall mean:

(a) *Master Seed.* An organism at a specific passage level which has been selected and permanently stored by the producer from which all other seed passages are derived within permitted levels.

(b) *Working Seed.* An organism at a passage level between Master Seed and Production Seed.

(c) *Production Seed.* An organism at a specified passage level which is used without further propagation for initiating preparation of a fraction.

PART 113—STANDARD REQUIREMENTS

4. Section 113.8 is revised to read:

§ 113.8 In vitro tests in lieu of animal tests for immunogenicity.

(a) Master Seed which has been established as pure, safe, and immunogenic shall be used for preparing seed for production when specified in the Standard Requirements or in a filed Outline of Production. The Deputy Administrator may exempt a product from a required animal test for release when an evaluation can with reasonable certainty be made by:

(1) Subjecting the Master Seed to the applicable requirements prescribed in § 113.135 or § 113.64;

(2) Testing the Master Seed for immunogenicity in a manner acceptable to Veterinary Services;

(3) Establishing a satisfactory count or titer based on a predetermined protective dose plus an adequate overage allowance for adverse conditions and test error; and

(4) Conducting counts or titrations on each serial and subserial in an accepted test system.

(b) Each serial and subserial derived from an approved Master Seed shall be evaluated by a test procedure acceptable to Veterinary Services and either released to the firm for marketing or withheld from the market on the basis of the results of the test when compared with the required minimum. The evaluation of such products shall be made in accordance with this paragraph.

(1) If the initial test shows the count or titer to equal or exceed the required minimum, the serial or subserial is satisfactory without additional testing.

(2) If the initial test shows the count or titer to be lower than the required minimum, the serial or subserial may be retested, using double the number of samples. The average counts or titers obtained in the retests shall be determined. If the average is less than the required minimum, the serial or subserial is unsatisfactory without further consideration.

(3) If the average is equal to or greater than the required minimum, the following shall apply to live virus vaccines:

(i) If the difference between the average titer obtained in the retests and the titer obtained in the initial test is $10^{0.7}$ or greater, the initial titer may be considered a result of test system error and the serial or subserial considered satisfactory for virus titer.

(ii) If the difference between the average titer obtained in the retests and the titer obtained in the initial test is less than $10^{0.7}$, a new average shall be determined using the titers obtained in all tests. If the new average is below the required minimum, the serial or subserial is unsatisfactory.

(4) If the average is equal to or greater than the required minimum, the following shall apply to bacterial vaccines:

(i) If the average count obtained in the retests is at least three times the count obtained in the initial test, the initial count may be considered a result of test system error and the serial or subserial considered satisfactory for bacterial count.

(ii) If the average count obtained in the retests is less than three times the count obtained in the initial test, a new average shall be determined using the counts obtained in all tests. If the new average count is below the required minimum, the serial or subserial is unsatisfactory.

(5) *Exceptions.* When a product is evaluated in terms other than $\log_{10}$ virus titer values or organism count, a range shall be established to substitute for use in paragraphs (b)(3) or (4) of this section and specified in the Outline of Production.

(c) Final container samples of completed product derived from Master Seed found immunogenic in accordance with paragraph (a) of this section and found satisfactory in accordance with paragraph (b) of this section may also be subjected to an animal potency test by Veterinary Services as provided in this paragraph. Products shall be used according to label directions including dose(s) and route of administration.

(1) A one stage test using 20 vaccinates and 5 controls or a two stage test using 10 vaccinates and 5 controls for each stage shall be used. The criteria used for judging the specific response in the controls and vaccinates shall be in accordance with the test protocol used in the Master Seed immunogenicity test.

(2) If at least 80 percent of the controls do not show specific responses to challenge, the test is inconclusive and may be repeated. If a vaccinate shows the specific responses to challenge expected in the controls, the vaccinate shall be listed as a failure.

(3) The results of the testing shall be evaluated according to the following table:

CUMULATIVE TOTALS

Stage	Number of animals	Failures for satisfactory serials	Failures for unsatisfactory serials
1	10	1 or less	3 or more.
2 (or 1)	20	4 or less	5 or more.

(4) When a serial has been found unsatisfactory for potency by the test provided in paragraphs (c)(1), (2), and (3) of this section, the serial shall be withheld from the market and the following actions taken:

(i) The Deputy Administrator shall require that at least two additional serials prepared with the same Master Seed be subjected to similar animal potency tests by Veterinary Services or the licensee or both.

(ii) If another serial is found unsatisfactory for potency, the product shall be removed from the market while a reevaluation of the product is made and the problem is resolved.

5. The introductory text of § 113.85 and paragraph (d) are revised to read:

§ 113.85 Bacterins, toxoids, bacterin-toxoids, and bacterial extracts.

Basic requirements for bacterins, toxoids, bacterian-toxoids, and bacterial extracts are provided in this section.

* * * * *

(d) A *bacterial extract* shall be the sterile, nontoxic, antigenic derivatives extracted from bacterial organisms or from culture medium in which bacterial organisms have grown.

* * * * *

(37 Stat. 832–833 (21 U.S.C. 151–158))

Done at Washington, D.C., this 22nd day of May 1984.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-14523 Filed 5-30-84; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Part 327

[Docket No. 83-042AI]

Imported Product; Amendment to Withdrawal of Certain Countries From the List of Those Eligible for Importation of Meat Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Amendment to interim rules.

SUMMARY: On February 15, 1984, the Food Safety and Inspection Service (FSIS) published an interim rule with request for comments (49 FR 5727). This interim rule withdrew the Dominican Republic, El Salvador, Haiti, Mexico, Nicaragua, and Panama from the list of countries eligible for importation of products of cattle, sheep, swine, goats, and equines into the United States under the Federal Meat Inspection Act (FMIA). This action was necessary because of the failure of those countries to implement satisfactory residue testing and/or species verification programs resulting in their no longer meeting the provisions of the FMIA. On April 12, 1984, FSIS published an amendment to this interim rule which relisted the country of Panama as being eligible under the FMIA for importing the products of cattle, sheep, swine, and goats into the United States (49 FR 14497). Since publication of that amendment, the countries of El Salvador and Nicaragua have also corrected the deficiencies in their inspection system and, therefore, are now being relisted as eligible for importing the products of cattle, sheep, swine, and goats into the United States. All other aspects of the February 15, 1984, interim rule remain in effect.

DATE: Amendment to interim rule effective May 31, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. Grace Clark, Director, Foreign Programs Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7610.

SUPPLEMENTARY INFORMATION:

Background

On February 15, 1984, FSIS published in the **Federal Register** an interim rule with request for comments (49 FR 5727). The interim rule withdrew the Dominican Republic, El Salvador, Haiti, Mexico, Nicaragua, and Panama from the list of countries eligible for importation of products of cattle, sheep, swine, goats, and equines into the United States under the Federal Meat Inspection Act (FMIA). The FMIA requires that in order for a country to be eligible to import meat products into the United States, the meat inspection system of the country must assure compliance with requirements that are "at least equal to" the requirements of the FMIA and regulations as applied to official establishments in the United States.

In order for a country's inspection system to be considered "at least equal to" that of the United States, the country must provide for testing of fat, kidney, muscle and/or liver tissues for chlorinated hydrocarbons, organophosphates, trace metals, antibiotics, and hormones, if applicable, using a method approved by the Secretary. In addition, the country must conduct an approved species verification program. Failure of the Dominican Republic, El Salvador, Haiti, Mexico, Nicaragua, and Panama to implement satisfactory residue testing and/or species verification programs resulted in their being withdrawn from the list of countries eligible to import meat products into the United States.

In the February 15, 1984, interim rule withdrawing these countries, FSIS stated that once these countries correct the deficiencies in their residue testing and/or species verification programs and the Administrator is satisfied that their systems meet all of the provisions of the FMIA, such countries may again be added to the list of countries eligible to import products of cattle, sheep, swine, and goats into the United States.

The countries of El Salvador and Nicaragua have provided the Administrator with evidence showing that their systems are now "at least equal to" that of the United States. Accordingly, this amendment to the February 15, 1984, interim rule (as previously amended on April 15, 1984) makes the countries of El Salvador and Nicaragua again eligible for importing the product of cattle, sheep, swine, and goats into the United States.

All other aspects of the February 15, 1984, interim rule remain in effect.

List of Subjects in 9 CFR Part 327

Imported products, Meat inspection.

PART 327—[AMENDED]

1. The authority citation for Part 327 is as follows:

Authority: [7 U.S.C. 450 *et seq.*]; 34 Stat. 1260, 81 Stat. 584, as amended, [21 U.S.C. 601 *et seq.*]; 46 Stat. 689, [19 U.S.C. 1306].

§ 327.2 [Amended]

2. Section 327.2(b) of the Federal meat inspection regulations (9 CFR 327.2(b)) is amended by adding alphabetically the following countries to the list of countries eligible for importation of products of cattle, sheep, swine, and goats into the United States:

El Salvador
Nicaragua

Done at Washington, D.C. on May 24, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84-14474 Filed 5-30-84; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-ASW-37; Amdt. 39-4862]

Airworthiness Directives; Boeing Vertol Model 234 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Boeing Vertol Model 234 series helicopters by individual telegrams. The AD requires an initial and repetitive inspection of main rotor head pitch shafts and imposes a reduced retirement time on the aft and forward main rotor head pitch shaft. The AD is prompted by a report of cracking of an aft main rotor head pitch shaft and an evaluation of data on the forward rotor pitch shaft. Failure of a main rotor head pitch shaft could lead to possible separation of a main rotor blade and subsequent loss of the helicopter.

DATES: Effective May 31, 1984, to all persons except those to whom it was made immediately effective by telegraphic AD T83-18-51, issued September 2, 1983, and telegraphic AD T83-18-51R1, issued October 28, 1983, which contained part of this amendment.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service information may be obtained from Boeing Vertol Company, Boeing Center, P.O. Box 16858, Philadelphia, Pennsylvania 19142. These documents may be examined at the Office of the Regional Counsel, Southwest Region,

Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Joseph E. Chrastil, ANE–172, New York Aircraft Certification Office, Federal Aviation Administration, 181 South Franklin Avenue, Valley Stream, New York 11581, telephone number (516) 791–6221.

SUPPLEMENTARY INFORMATION: On September 2, 1983, telegraphic AD T83–18–51 was issued and made effective immediately to all known U.S. owners and operators of Boeing Vertol Model 234 series helicopters. The AD required an initial and repetitive inspection of main rotor head pitch shafts and removal and replacement of cracked pitch shafts prior to further flight. The AD was prompted by a report of a cracked aft main rotor head pitch shaft, which had 783 hours' total time in service, and which was found during a routine inspection. Failure of a main rotor head pitch shaft could lead to separation of a main rotor blade and loss of the helicopter. Subsequently, on October 28, 1983, telegraphic AD T83–18–51R1 was issued and made effective immediately to all known U.S. owners and operators of Boeing Vertol Model 234 series helicopters. The AD revision added paragraph (f) and imposed a retirement time on the aft main rotor head pitch shaft of 550 hours' time in service since a specific cause of the crack in the pitch shaft could not be determined after examination by Boeing Vertol. Based upon additional technical data prepared by Boeing Vertol and evaluated by the FAA, a retirement time of 700 hours' time in service is additionally imposed on the forward main rotor head pitch shaft by the adoption of paragraph (g) of this amendment.

Service Bulletin No. 234–62–1006 dated January 16, 1984, has been issued that incorporates the inspection instructions and supersedes previous Telex Bulletions Nos. 234–62–1006, original issue, and Revisions 1 and 2. This newly issued bulletin is now listed in paragraph (a) of the AD as another inspection method.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual telegrams issued September 2, 1983, and October 28, 1983, to all known U.S. owners and operators of Boeing Vertol Model 234 helicopters. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

For the reduced retirement time of the forward rotor pitch shaft, a situation exists that requires immediate adoption of the regulation. Notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

Ten aircraft may be affected by this AD for an estimated annual cost of $1,144,000. None of these aircraft are owned by a small entity.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Safety.

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 Vertol Company: Applies to Boeing Vertol Model 234 series helicopters certificated in all categories.

Compliance is requires as indicated.

To prevent possible hazards in flight associated with cracking of the main rotor head pitch shafts, accomplish the following:

(a) Unless already accomplished, prior to further flight on helicopters equipped with main rotor head ptich shafts Part Numbers (P/N) 114R2088–7, –14, –15, –16, conduct an eddy current inspection of the pitch shaft in accordance with the Accomplishment Instructions (Part 2) of Boeing Vertol Service Bulletin No. 234–64–1006, Revision 2, dated August 25, 1983, or (Part 3) of Service Bulletin No. 234–64–1006 dated January 16, 1984.

(b) After the initial inspection of paragraph (a), repeat the inspection of paragraph (a) at intervals not to exceed 15 hours' time in service.

(c) Remove from service pitch shafts having a crack and replace with a serviceable part prior to further flight.

(d) An equivalent method of compliance with this AD may be used when approved by the Manager, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York 11581.

(e) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Manager, New York Aircraft Certification Office, FAA, New England Region, may adjust the compliance times specified in this AD.

(f) Within the next 25 hours' time in service from the effective date of this AD or prior to the accumulation of 550 hours' time in service, whichever occurs later, remove from service aft main rotor head pitch shafts P/N's 114R2088–14 and –16 and replace with serviceable parts.

(g) Within the next 25 hours' time in service from the effective date of this AD or prior to the accumulation of 700 hours' time in service, which occurs later, remove from service forward main rotor head pitch shafts P/N's 114R2088–7 and –15 and replace with servicable parts.

This amendment becomes effective May 31, 1984 as to all persons except those persons to whom it was made immediately effective by telegraphic AD's No. T83–18–51, issued September 2, 1983, and No. T83–18–51R1, issued October 28, 1983, which contained parts of this amendment.

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

Note.—The FAA has determined that this 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 action 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 Fort Worth, Texas, on May 3, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84–14449 Filed 5–30–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–ANE–29; Amdt. 39–4867]

Airworthiness Directives; Garrett Turbine Engine Company Model TPE331 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) which requires removal from service of certain high pressure fuel pump output drive shafts on Garrett Turbine Engine Company TPE331 series engines. The AD is prompted by reports of high pressure fuel pump output drive shaft failures which could result in engine failure.

This amendment is needed to reference a later service bulletin (SB)

with corrected inspection and replacement instructions.

DATES: Effective May 30, 1984.

Compliance schedule—As prescribed in body of AD.

Incorporation by Reference—The Director of the Federal Register approved the incorporation by reference of the manufacturer's SB referred in this AD on May 30, 1984.

ADDRESSES: The applicable SB may be obtained from Garrett Turbine Engine Company, 111 South 34th St., P.O. Box 5217, Phoenix, Arizona 85010; telephone (602) 231-1000.

A copy of the SB is contained in the FAA Rules Docket, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Bob Liddiard, Aerospace Engineer, ANM-174W, Western Aircraft Certification Office, Northwest Mountain Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, telephone (213) 536-6380.

SUPPLEMENTARY INFORMATION: This amendment supersedes Amendment 39-4840 [49 FR 13487], AD 84-07-08, made effective April 18, 1984, which currently provides for measuring the drive shaft running torque and replacement of the fuel pump drive shaft of the engine fuel control/pump assembly on all TPE331 series engines except the TPE331-8 and TPE331-10A which have Garrett electronic fuel controls installed.

This amendment refers to accomplishment instructions in GTEC Service Bulletin TPE331-73-0121, Revision 2. Revision 1 of this bulletin referenced in Amendment 39-4840 was never distributed by the manufacturer.

This amendment requires that the drive shaft running torque of new or recently assembled fuel control/pump assemblies be measured prior to a specified time since assembly of the fuel pump, engine time since overhaul, or engine total time whichever is known to be least. (Fuel pumps are not required to have total operational time recorded as required for determination in Amendment 39-4840.)

If the drive shaft running torque inspection results are unsatisfactory instructions are provided to permit the fuel pump to be returned to service after pump modification.

This amendment also:

(a) Changes the maximum time for final compliance to time of fuel pump disassembly which more accurately addresses the failure potential;

(b) Does not require replacement of the P/N 869196-1 high pressure fuel pump drive shaft with the P/N 897601-1 shaft in fuel pumps which contain the P/N 895215-2 impeller drive shaft which has a drilled air passageway;

(c) Deletes applicability to the TPE331-61 since it has been determined that engines of this model no longer exist;

(d) Establishes the applicability to specific series of TPE331 model engines equipped with certain P/N fuel pump assemblies, rather than to a specific P/N fuel pump drive shaft.

This amendment provides necessary corrections to existing requirements affecting air safety which must be made effective immediately and imposes no additional burden on any person other than the burden originally imposed by Amendment 39-4840. Therefore notice and public procedures hereon are unnecessary, and this amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

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

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 superseding Amendment 39-4840 [49 FR 13487], AD 84-07-08. The superseding AD reads as follows:

Garrett Turbine Engine Company (GTEC, formerly Airesearch Manufacturing Company of Arizona): Applicable to all series of engine models TPE331-25, -43, -47, -55, -1, -2, -3, -5, -6, -10 (except -10A), and -11 equipped with the following fuel pump assemblies:

P/N	S/N
868531-7/-8	All.
869151-1/-3/-4/-5	All.
893573/-1 through -7	All.
897380-1/-2/-3	Series 1 and 2.
897390-4/-5	Series 1, 2, and 3.
897390-1/-2/-3/-4	Series 1 and 2.
897400-1/-2	Series 1 and 2.
897400-4	Series.

Compliance is required as indicated unless already accomplished.

To prevent possible engine failure, accomplish the following:

(a) Inspect low-time engine fuel control/pump assembly to determine drive shaft running torque as specified in Section 2.A.(2), "Accomplishment Instructions", of GTEC SB TPE331-73-0121, Revision 2 dated April 18, 1984, or equivalent approved by the Manager, Western Aircraft Certification Office, in accordance with the schedule below:

Fuel pump assembly time: since new or since last assembled; or engine total time: since new or since last overhauled; whichever is known to be least.

Hours—	Inspect not later than—
Less than 200	The next 100 hours in service.
200 or more, and less than 1,000.	The next 200 hours in service.
1,000 or more	Next fuel pump disassembly.

Note.—Engine Logbook Records should indicate if a new or reassembled fuel pump assembly has been installed on the engine since new or returned from overhaul.

Remove from further service fuel pump assemblies having unsatisfactory running torque inspection results unless modified as specified in Section 2, "Accomplishment Instructions", in SB TPE 331-73-0121, Revision 2, or equivalent approved by the Manager, Western Aircraft Certification Office.

Fuel control/pump assemblies having satisfactory inspection results may be continued in service until fuel pump disassembly per Paragraph (b) below.

(b) Upon disassembly of fuel pump for any reason, reassemble to an approved parts configuration as specified in Section 2, "Accomplishment Instructions", of SB TPE 331-73-0121, Revision 2, or equivalent approved by the Manager, Western Aircraft Certification Office.

(c) Special flight permits may be issued in accordance with Federal Aviation Regulation FAR 21.197 and FAR 21.199 to ferry aircraft to a maintenance base in order to comply with the requirements of this AD.

(d) Alternative means of compliance providing an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

(e) Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the compliance schedule specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the adjustment for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Garrett Turbine Engine Company, 111 South 34th St., P.O. Box 5217, Phoenix Arizona 85010; telephone (602) 231-1000. This document also may be examined at FAA Rules Docket 83-ANE-29, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment supersedes amendment 39-4840 [49 FR 13487], AD 84-07-08.

This amendment becomes effective May 30, 1984.

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

Note.—The FAA has determined that this 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 action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11035; February 26, 1979). If this action is subsequently determined to involve a significant 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 Burlington, Massachusetts, on May 9, 1984.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 84-14447 Filed 5-29-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 84-126]

Restatement of the New Orleans Customs District Port Limits

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations relating to the Customs Service field organization by publishing the New Orleans, Louisiana, Customs district port limits in one consolidated package. The existing port limits are either confirmed or slightly extended. The consolidated document is part of a continuing Customs program to secure the most economical use of personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

EFFECTIVE DATE: July 2, 1984.

FOR FURTHER INFORMATION CONTACT: Denise Crawford, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, on October 5, 1983, Customs published a notice in the **Federal Register** (48 FR 45409) proposing to amend § 101.3(b), Customs Regulations (19 CFR 101.3(b)), by publishing the New Orleans Customs district port limits in one consolidated document.

The New Orleans Customs district includes some ports of entry that were established in the 1830's. The geographical limits for some of these ports are rather vague and refer to city limits which have changed. A review was recently completed by Customs officials of the port limits in the district. The three purposes for performing the review were to: (1) Identify what the present limits are; (2) redefine the limits in terms that will assure that any future changes will be within Customs, rather than local government control; and (3) publish the new limits in one consolidated document so that persons doing business in the district would be relieved of the complicated legal research now necessary whenever port limits come into question.

The only comment received in response to the notice of October 5, 1983, was from the South Louisiana Port Commission. The Commission requested an expansion of the Gramercy, Louisiana, port limits and asked that the port's name be changed to "Solaport."

In response to these requests and after further consideration of the matter, Customs has decided to expand slightly the Gramercy port limits. However, regarding the name change request, Customs believes that the official port name should remain Gramercy, as listed in the Customs Regulations and existing directories. Any benefits to the local community would not offset the possible confusion of a name change to the general public.

This consolidated document either confirms the status quo or slightly extends existing port limits to clearly delineate boundaries.

Restatement of the New Orleans Customs District Port Boundaries

The New Orleans, Louisiana, Customs district includes: The ports of entry of Baton Rouge, Gramercy, Morgan City, and New Orleans, all in the State of Louisana; the ports of entry of Chattanooga, Knoxville, Memphis, and Nashville, all in the State of Tennessee; the ports of entry of Greenville and Vicksburg, in the State of Mississippi; and the port of Little Rock-North Little Rock, in the State of Arkansas.

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II) and pursuant to authority provided by Treasury Department Order No. 101-5 (47 FR 2449), the geographical limits of each of the ports in the New Orleans Customs district are as follows:

Baton Rouge, Louisiana

The geographical limits of the port of entry of Baton Rouge, Louisiana, as designated by E.O. 5993, dated January 13, 1933, and described in T.D. 53514, published in the **Federal Register** on June 22, 1954, (19 FR 3793) and T.D. 54381, published in the **Federal Register** on June 29, 1957 (22 FR 4613), comprise the territory within the corporate limits of the city of Baton Rouge and the parishes of East Baton Rouge, West Baton Rouge, Iberville, and Ascension, all in the State of Louisiana. There are no changes in the described port limits.

Chattanooga, Tennessee

While Customs is not aware of any document which specifically sets forth the geographical boundaries of the port of entry of Chattanooga, Tennessee, it is generally understood to be the corporate limits of the city of Chattanooga. Due to a minor adjustment which increases the port limits slightly, the geographical limits of the port of entry of Chattanooga, Tennessee, are extended to include all of the territory within the limits of Hamilton County, Tennessee.

Gramercy, Louisiana

The geographical limits of the port of entry of Gramercy, Louisiana were established by T.D. 82-93, published in the **Federal Register** on May 17, 1982 (47 FR 21039). The port limits are slightly extended to include all of the Parishes of St. Charles, St. John the Baptist, and that part of St. James Parish lying east of longitudinal line 90° 54'.

Greenville, Mississippi

The geographical limits of the port of entry of Greenville, Mississippi, as established by T.D. 73-325, published in the **Federal Register** on December 3, 1973 (38 FR 33284), comprise all of the territory within the limits of Washington County, Mississippi. There are no changes in the described port limits.

Knoxville, Tennessee

The geographical limits of the port of entry of Knoxville, Tennessee, as established by T.D. 75-128, published in the **Federal Register** on June 6, 1975 (40 FR 24356), comprise all of the territory within the limits of the counties of Knox, Anderson, and Blount, all in the State of

Tennessee. There are no changes in the described port limits.

Little Rock-North Little Rock, Arkansas

The geographical limits of the port of entry of Little Rock-North Little Rock, Arkansas, as established by T.D. 70–146, published in the **Federal Register** on June 30, 1970 (35 FR 10585), comprise all of the territory within the limits of the counties of Pulaski and Saline, all in the State of Arkansas. There are no changes in the described port limits.

Memphis, Tennessee

While Customs is not aware of any document which specifically sets forth the geographical boundaries of the port of entry of Memphis, Tennessee, it is generally understood to be the corporate limits of the city of Memphis, Tennessee. Due to a minor adjustment which increases the port limits slightly, the geographical limits of the port of entry of Memphis, Tennessee, are extended to include all of the territory within the limits of Shelby County, Tennessee.

Morgan City, Louisiana

The geographical limits of the port of entry of Morgan City, Louisiana, as established by T.D. 54682, published in the **Federal Register** on September 16, 1958 (23 FR 7131) and T.D. 66–266, published in the **Federal Register** on December 3, 1966 (31 FR 15193), comprise the territory starting at a point where Deer Island Bayou enters the Lower Atchafalaya River, then northerly along the St. Mary and Terrebonne Parishes boundary lines to the point of intersection of the boundary lines of the Parishes of Terrebonne, St. Mary, and Assumption, then along the east side of the boundary line of St. Mary Parish and Assumption Parish to the intersection of the boundary lines of St. Mary, Assumption, and St. Martin Parishes, then westerly along the boundary line of the Parishes of St. Mary and St. Martin to the east boundary line of Ward 4, St. Mary Parish, then southerly on the west bank of the Wax Lake Outlet, Wax Lake, and Wax Lake Pass and then in a southeasterly direction along the meandering shore line of Atchafalaya Bay to the point of beginning, all in the State of Louisiana. There are no changes in the described port limits.

Nashville, Tennessee

While Customs is not aware of any document which specifically sets forth the geographical boundaries of the port of entry of Nashville, Tennessee, it is generally understood to be the corporate limits of the city of Nashville, Tennessee. Due to a minor adjustment which increases the port limits slightly, the geographical limits of the port of entry of Nashville, Tennessee, are extended to include all of the territory within the limits of Davidson County, Tennessee.

New Orleans, Louisiana

New Orleans, Louisiana, was designated as a port of entry by E.O. 5130, dated May 29, 1929. The geographical limits of the port were described in T.D. 74–206, which was published in the **Federal Register** on July 31, 1974 (39 FR 27648). The port limits are extended to include all of the territory from the latitudinal line of 29° 49′ N and the midpoint of the Mississippi River west along said latitude to the Jefferson Parish an St. Charles Parish line. Then along the said parish line northwesterly and northerly to the middle of Lake Pontchartrain at the Jefferson Parish and St. Tammany Parish Line. Then in an easterly direction following the parish line along the middle of Lake Pontchartrain to the midpoint of the Rigolets and along the midpoint to the shore of Lake Borgne. Then in a southwesterly direction along the northern shoreline of Lake Borgne to the midpoint of Bayou Bienvenue where it enters Lake Borgne. Then in a westerly direction along the midpoint of Bayon Bienvenue to where it crosses the longitudinal line of 89° 55′ W. Then south along said longitude to the point where it first crosses the midpoint of the Mississippi River. Then downstream in a southerly direction along the midpoint of the river to where it crosses the latitudinal line of 29° 49′ N.

Vicksburg, Mississippi

The geographical limits of the port of entry of Vicksburg, Mississippi, as established by T.D. 72–123, published in the **Federal Register** on May 6, 1972 (37 FR 9210), comprise all of the territory within Warren County, Mississippi, and Madison Parish, Louisiana. There are no changes in the described port limits.

Authority

Changes to the Customs field organization are made under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101–5 (47 FR 2449).

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Imports, Organization.

Amendment to the Regulations

PART 101—GENERAL PROVISIONS

§ 101.3 [Amended]

To reflect these changes, the column headed "Ports of entry" in the list of Customs regions, districts, and ports of entry in § 101.3, Customs Regulations (19 CFR 101.3), is amended as follows:

The descriptions for each of the ports of entry in the New Orleans district (specifically the ports of entry of New Orleans, Baton Rouge, Gramercy, Morgan City, all in the State of Louisiana; the ports of entry of Chattanooga, Knoxville, Memphis, and Nashville, all in the State of Tennessee; the ports of entry of Greenville and Vicksburg, in the State of Mississippi; and the port of entry of Little Rock—North Little Rock, in the State of Arkansas), are amended by removing all works, if any, after each State's name or abbreviation in each port of entry listing and inserting, in their place, the words "(including the territory described in T.D. 84–126.)"

Executive Order 12291

Because this amendment relates to the organization of the Customs Service, pursuant to section 1(a)(3) of E.O. 12291, it is not subject to that E.O.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this amendment. Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Althouth these changes may have a limited effect upon some small entities in the areas affected, they are not expected to be significant because similar changes regarding Customs ports of entry in other locations have not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act. Accordingly, it is certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the changes will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, U.S. Customs Service. However,

personnel from other Customs offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: May 14, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84-14513 Filed 5-30-84; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, and 448

[Docket No. 84N-0105]

Antibiotic Drugs; Cyclosporine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, cyclosporine. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective May 31, 1984; comments notice of participation, and request for hearing by July 2, 1984; data, information, and analyses to justify a hearing by July 30, 1984.

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

FOR FURTHER INFORMATION CONTACT: Richard Norton, Center for Drugs and Biologics (formerly National Center for Drugs and Biologics) (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to requests for approval of a new antibiotic drug, cyclosporine. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 448 (21 CFR Parts 430, 436, and 448) to provide for the inclusion of accepted standards for the product.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 430

Administrative practice and procedure, Antibiotics.

21 CFR Part 436

Antibiotics.

21 CFR Part 448

Antibiotics, peptide.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 430, 436, and 448 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 amended:

a. In § 430.4 by adding new paragraph (a)(51) to read as follows:

§ 430.4 Definitions of antibiotic substances.

(a) * * *

(51) *Cyclosporine.* Cyclosporine is a specific cyclic polypeptide consisting of 11 amino acids produced by the growth of *Cylindrocarpon lucidum* Booth or *Tolypocladium inflatum* Gams.

b. In § 430.5 by adding new paragraphs (a)(80) and (b)(82) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(80) *Cyclosporine.* The term "cyclosporine master standard" means a specific lot of cyclosporine that is designated by the Commissioner as the standard of comparison in determining the potency of the cyclosporine working standard.

(b) * * *

(82) *Cyclosporine.* The term "cyclosporine working standard" means a specific lot of a homogeneous preparation of cyclosporine.

c. In § 430.6 by adding new paragraph (b)(82) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(82) *Cyclosporine.* The term "microgram" applied to cyclosporine means the cyclosporine activity (potency) contained in 1.0173 micrograms of cyclosporine master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. By adding new § 436.346 to read as follows:

§ 436.346 High-pressure liquid chromatographic assay for cyclosporine.

(a) *Equipment.* A suitable high-pressure liquid chromatograph equipped with:

(1) A suitable pump capable of reproducibly delivering a liquid to a pressure of 4,500 pounds per square inch and a flow rate of at least 5 milliliters per minute;

(2) A suitable ultraviolet detection system operating at a wavelength of 210 nanometers;

(3) A suitable recorder;

(4) A suitable integrator;

(5) An oven or water bath capable of maintaining the column at an operating temperture of 70° C;

(6) A steel capillary tube, 1 meter in length, having an inside diameter of 0.25 millimeter. This tube is inserted between the injection system and the chromatographic column and is equilibrated to 70° C; and

(7) A sample injection valve on which the loop determines the sample size.

(b) *Columns.* The chromatographic column is packed with microparticulate (3 to 10 micrometers in diameter) reversed phase packing materials that exhibit some degree of polarity such as the hydrocarbon bonded silicas with dimethyl, trimethyl, or octyl groups. Connect saturation column gravity packed with similarly bonded silica particles 40 to 60 microns in diameter to the inlet of the analytical column.

(c) *Mobile phase.* Mix acetonitrile, water, methanol, and *o*-phosphoric acid (900:525:75:0.075 by volume). Degas by passing through a 0.5-micrometer filter with vacuum and ultrasonicate for no less than 2 minutes before use. The mobile phase may be sparged perceptibly with helium through a 2-micrometer metal filter for the duration of the analysis. Adjust the ratio of acetonitrile to aqueous buffer as necessary to obtain satisfactory retention of the peaks.

(d) *Operating conditions.* Perform the assay at a constant operating temperature of 70° C with a typical flow

rate of 2.0 milliliters per minute. Use a detector sensitivity setting that gives a peak height for the working standard that is at least 50 percent of scale with a typical chart speed of 2.5 millimeters per minute. Obtain chromatograms for performance parameters at a chart speed of not less than 25 millimeters per minute to allow a more accurate measurement of peak geometry.

(e) *Preparation of working standard and sample solution.* Prepare the working standard and sample solutions as directed in the individual monographs for cyclosporine.

(f) *Systems suitability.* Equilibrate and condition the column by passage of about 10 to 15 void volumes of mobile phase followed by about 5 injections of not less than 10 microliters each of working standard solution. Proceed with the analysis when the following minimum performance requirements have been met or exceeded.

(1) *Capacity ratio factor.* Calculate the capacity ratio (k) of the cyclosporine peak as follows:

$$k=\frac{t-t_m}{t_m}$$

where:

t=Retention time of solute; and

tm=Retention time of solvent or unretained substance.

The capacity ratio is satisfactory if it is not less than 3 or not more than 10.

(2) *Coefficient of variation.* The coefficient of variation of at least five replicate injections is less than 1 percent.

(3) *Efficiency.* Calculate the efficiency (n) as follows:

$$n=5.545\left(\frac{t}{W_{0.5}}\right)^2$$

where:

t=Retention time of solute; and

$W_{0.5}$=Peak width at half height. Both t and $W_{0.5}$ must be measured in the same units.

The efficiency is satisfactory if it is greater than 1,500 theoretical plates when assaying cyclosporine and greater than 700 theoretical plates when assaying finished dosage forms.

(4) *Asymmetry factor.* Calculate the asymmetry factor (A_s) as follows:

$$A_s=\frac{W_{0.1}}{2f}$$

where:

$W_{0.1}$=Horizontal distance measured from a point on the cyclosporine peak ascent 10 percent above the baseline to an intercept with the cyclosporine peak descent; and

f=Horizontal distance from point of 10 percent ascent above the baseline of the cyclosporine peak to point of maximum peak height.

The asymmetry factor is satisfactory if it is not more than 1.5.

(5) *Resolution.* Calculate the resolution (R_s) as follows:

$$R_s=\frac{2\ (t_j-t_i)}{(W_i+W_j)}$$

where:

t=Retention time of solute; and the subscripts i and j designate two different peaks and where t^j is larger than t_i; and

W=Width of peak at baseline as determined by extrapolating the relative straight sides to the baseline. Both t and W must be measured in the same units.

Resolution between the cyclosporine peak and any other peak must be at least 1.1.

(g) *Procedure.* Using the equipment, columns, mobile phase, operating conditions and the working standard and sample solutions listed in paragraphs (a), (b), (c), (d), and (e) of this section, inject 20 microliters of the working standard solution into the chromatograph. Allow an elution time sufficient to obtain satisfactory separation of expected components. After separation of the working standard solution has been completed, inject 20 microliters of the sample solution into the chromatograph and repeat the procedure described for the working standard solution.

(h) *Calculations.* Calculate the cyclosporine content of cyclosporine and its dosage forms as directed in the individual monographs.

PART 448—PEPTIDE ANTIBIOTIC DRUGS

3. Part 448 is amended:

a. In Subpart A by adding new § 448.23 to read as follows:

§ 448.23 Cyclosporine.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cyclosporine is a cyclic polypeptide consisting of 11 amino acids. It is a white or essentially white finely crystalline powder. It is so purified and dried that:

(i) Its cyclosporine content is not less than 975 micrograms per milligram and not more than 1,020 micrograms per milligram on the anhydrous basis.

(ii) Its loss on drying is not more than 3.0 percent.

(iii) Its heavy metals content is not more than 20 parts per million.

(iv) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for cyclosporine content, loss on drying, heavy metals, and identity.

(ii) Samples, if required by the Director, Center for Drugs and Biologics: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay—(1) Cyclosporine content.* Proceed as directed in § 436.346 of this chapter, except prepare the working standard and sample solutions and calculate the cyclosporine content as described in paragraph (b)(1) (i) and (ii) of this section. A typically suitable column for cyclosporine is a 250-millimeter column having an inside diameter of 4 millimeters packed with octyl silane chemically bonded to totally porous microsilica particles, 5 to 7 microns in diameter.

(i) *Preparation of working standard and sample solutions.*

Note.—Dissolve working standards and samples immediately before analysis.

(*a*) *Preparation of working standard solution.* Dissolve an accurately weighed portion of the working standard in ethanol by shaking for at least 15 minutes. If necessary, ultrasonicate until the solution becomes completely clear. Dilute with ethanol to obtain a solution containing 1,000 micrograms of cyclosporine activity per milliliter.

(*b*) *Preparation of sample solutions.* Prepare all sample solutions as directed for preparation of working standard solutions, except dilute with ethanol to obtain a solution containing 1,000 micrograms of cyclosporine per milliliter (estimated).

(ii) *Calculations.* Calculate the micrograms of cyclosporine per milligram of sample as follows:

$$\text{Micrograms of cyclosporine per milligram}=\frac{A_u\times P_s\times 100}{A_s\times C_u\times(100-m)}$$

where:

A_u = Area of the cyclosporine peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);
A_s = Area of the cyclosporine peak in the chromatogram of the cyclosporine working standard;
P_s = Cyclosporine activity in the cyclosporine working standard solution in micrograms per milliliter;
C_u = Milligrams of cyclosporine per milliliter of sample solution; and
m = Percent loss on drying of the sample.

(2) *Loss of drying.* Proceed as directed in § 436.200(a) of this chapter.

(3) *Heavy metals.* Proceed as directed in § 436.208 of this chapter.

(4) *Identity.* The high-pressure liquid chromatogram of the sample determined as directed in paragraph (b)(1) of this section compares qualitatively to that of the cyclosporine working standard.

b. In Subpart B by adding new § 448.123 to read as follows:

§ 448.123 Cyclosporine oral solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cyclosporine oral solution contains, in each milliliter, 100 milligrams of cyclosporine in a suitable and harmless alcohol-vegetable oil solution. Its cyclosporine content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of cyclosporine that it is represented to contain. The cyclosporine used conforms to the standards prescribed by § 448.23, except heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cyclosporine used in making the batch for cyclosporine content, loss on drying, and identity.

(*b*) The batch for cyclosporine content.

(ii) Samples, if required by the Director, Center for Drugs and Biologics:

(*a*) The cyclosporine used in making the batch: Six packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay; cyclosporine content.* Proceed as directed in § 436.346 of this chapter, except prepare the working standard and sample solutions and calculate the cyclosporine content as described in paragraph (b) (1) and (2) of this section. A typically suitable column for cyclosporine dosage forms is 250 millimeters long having an inside diameter of 4 millimeters packed with dimethyl silane chemically bonded to porous silica particles 10 microns in diameter [RP–2 (E.M. Science, S. Plainfield, NJ)].

(1) *Preparation of working standard and sample solutions.*

Note.—Prepare working standard and sample solutions immediately before analysis.

(i) *Preparation of working standard solution.* Dissolve an accurately weighed portion of the working standard in ethanol by shaking for at least 15 minutes. If necessary, ultrasonicate until the solution becomes completely clear. Dilute with ethanol to obtain a solution containing 1 milligram of cyclosporine activity per milliliter.

(ii) *Preparation of sample solution.* Place an accurately measured representative volume of the cyclosporine oral solution into a volumetric flask. Add sufficient ethanol to obtain a concentration of 1 milligram of cyclosporine activity per milliliter (estimated).

(2) *Calculations.* Calculate the cyclosporine content as follows:

$$\text{Milligrams of cyclosporine per milliliter} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000}$$

where:

A_u = Area of the cyclosporine peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);
A_s = Area of the cyclosporine peak in the chromatogram of the cyclosporine working standard;
P_s = Cyclosporine activity of the cyclosporine working standard solution in micrograms per milliliter; and
d = Dilution factor of the sample.

c. In Subpart C by adding new § 448.223 to read as follows:

§ 448.223 Cyclosporine for infusion.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cyclosporine for infusion is a solution of cyclosporine in a suitable and harmless alcohol derivatized vegetable oil vehicle. Its cyclosporine content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of cyclosporine that it is represented to contain. It is sterile. It contains not more than 42 endotoxin units per milliliter (United States Pharmacopeia endotoxin units). The cyclosporine used conforms to the standards prescribed by § 448.23.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cyclosporine used in making the batch for cyclosporine content, loss on drying, heavy metals, and identity.

(*b*) The batch for cyclosporine content, sterility, and bacterial endotoxins.

(ii) Samples, if required by the Director, Center for Drugs and Biologics:

(*a*) The cyclosporine used in making the batch: Six packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Cyclosporine content.* Proceed as directed in § 436.346 of this chapter, except prepare the working standard and sample solutions and calculate the cyclosporine content as described in paragraph (b)(1) (i) and (ii) of this section. A typically suitable column for cyclosporine dosage forms is 250 millimeters long having an inside diameter of 4 millimeters packed with dimethyl silane chemically bonded to porous silica particles 10 microns in diameter [RP–2 (E.M. Science, S. Plainfield, NJ)].

(i) *Preparation of working standard and sample solutions.*

Note.—Prepare working standard and sample solutions immediately before analysis.

(*a*) *Preparation of working standard solution.* Dissolve an accurately weighed portion of the working standard in ethanol by shaking for at least 15 minutes. If necessary, ultrasonicate until the solution becomes completely clear. Dilute with ethanol to obtain a solution containing 1 milligram of cyclosporine activity per milliliter.

(*b*) *Preparation of sample solution.* Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the concentration of cyclosporine in a given volume of the resultant preparation, remove an accurately measured portion from each container. Dilute with ethanol to obtain a stock solution of 1 milligram of cyclosporine activity per milliliter (estimated).

(ii) *Calculations.* Calculate the cyclosporine content of the vial as follows:

$$\text{Milligrams of cyclosporine per milliliter} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000}$$

where:

A_u = Area of the cyclosporine peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the cyclosporine peak in the chromatogram of the cyclosporine working standard;

P_s = Cyclosporine activity in the cyclosporine working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section.

(3) *Bacterial endotoxins.* Proceed as directed in the United States Pharmacopeia XX bacterial endotoxins test.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this regulation is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective May 31, 1984. However, interested persons may, on or before July 2, 1984, submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before July 2, 1984, a written notice of participation and request for hearing, and (2) on or before July 30, 1984, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. May 31, 1984.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: May 23, 1984.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 84-14454 Filed 5-30-84; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 556

Tolerances for Residues of Animal Drugs in Food; Chlortetracycline

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by American Cyanamid Co., providing for the codification of tolerances for residues of chlortetracycline in edible tissues of sheep.

EFFECTIVE DATE: May 31, 1984.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, filed a supplement to NADA 48–761 which covers use of chlortetracycline in sheep as provided for in § 558.128 of the new animal drug regulations. The supplement requests the codification of tolerances for residues of chlortetracycline in edible tissues of sheep. No change is being made in presently approved uses of chlortetracycline in sheep.

Approval of this supplement does not change the approved conditions of use of the drug. The codification does not expand use or increase human exposure to residues of chlortetracycline. Under the Center for Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is considered a Category I supplemental approval that does not require reevaluation of the safety and effectiveness data in the original approval. In addition, a freedom of information summary for approval of the supplement is not required.

The supplement is approved and the regulations amended accordingly.

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

List of Subjects in 21 CFR Part 556

Animal drugs, Foods, Residues.

PART 556—[AMENDED]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 556 is amended in § 556.150 by adding new paragraph (f) to read as follows:

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

§ 556.150 Chlortetracycline.

* * * * *

(f) In edible tissues of sheep:

(1) 1 part per million in uncooked kidney.

(2) 0.5 part per million in uncooked liver.

(3) 0.1 part per million in uncooked muscle.

Effective date. May 31, 1984.

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

Dated: May 23, 1984.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 84-14455 Filed 5-30-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Office of the Assistant Secretary for Community Planning and Development

24 CFR Parts 200, 201, 203, 204, 205, 207, 213, 220, 221, 232, 234, 235, 240, 241, 242, 244, 250, 255, 570, and 571

[Docket No. N-84-1394]

Revised Effective Dates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner and Office of the Assistant Secretary for Community Planning and Development, (HUD).

ACTION: Notice of revised effective dates for final rules.

SUMMARY: The Department of Housing and Urban Development Act requires HUD to wait thirty calendar days of continuous session of Congress before it makes a published rule effective. The Department computed each effective date for the six rules listed below based on the published schedule of Congress, and announced the date at the time of publication of each of these final rules. Because Congress has extended its Memorial Day holiday, the Department must revise its previously published effective dates. This document announces these new dates.

DATES: See the individual amendments below.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone: (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Secion 7(o) (3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires HUD to delay effectiveness of a published rule until thirty days of continuous session of Congress have elapsed. HUD computes the effective date for a particular rule by counting thirty session days of Congress (which excludes recesses for holidays) from the day after the date of publication of the final rule. This method relies on the published schedule of Congress. This year, Congress decided to extend its Memorial Day recess longer than the published schedule. For this reason, HUD must delay the effective date of several rules until thirty continuous session days of Congress have elapsed.

Accordingly, the Department amends 24 CFR as follows:

1. In FR Doc. 84-11709, 24 CFR Part 200: Revision of Minimum Property Standards (MPS) for Multifamily Housing (Docket No. R-84-1059; FR-1529), beginning on page 18690, in the issue of Tuesday, May 1, 1984, the **EFFECTIVE DATE** section is revised to read as follows:

EFFECTIVE DATE: June 11, 1984.

2. In FR Doc. 84-12294, 24 CFR Part 571: Community Development Block Grants for Indian Tribes and Alaskan Native Villages (Docket No. R-84-1128; FR-1830), beginning on page 19300, in the issue of Monday, May 7, 1984, the **EFFECTIVE DATE** section is revised to read as follows:

EFFECTIVE DATE: June 18, 1984.

3. In FR Doc. 84-12349, 24 CFR Parts 200, 203, 234 and 235: Insurance of Growing Equity Mortgages (Docket No. R-84-1084; FR-1573), beginning on page 19451, in the issue of Tuesday, May 8, 1984, the **EFFECTIVE DATE** section is revised to read as follows:

EFFECTIVE DATE: June 18, 1984.

4. In FR Doc. 84-12348 24 CFR Parts 201, 203, 204, 205, 207, 213, 220, 221, 232, 234, 235, 241, 242, 244, 250, and 255: Mortgage and Loan Insurance Programs Under the National Housing Act; Deregulation of FHA Maximum Interest Rates (Docket No. R-84-1159; FR-1937), beginning on page 19454, in the issue of Tuesday, May 8, 1984, the **EFFECTIVE DATE** section on page 19455 is revised to read as follows:

EFFECTIVE DATE: Under section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)), this rule cannot take effect until the expiration of thirty congressional session days following its publication in the **Federal Register**. When this period has expired on June 18, 1984, the rule's effective date will be retroactive to November 30, 1983.

5. In FR Doc. 84-13413, 24 CFR Part 570: Community Development Block Grants; Eligible Activities (Docket No. R-84-1167; FR-1983), beginning on page 21050, in the issue of Friday, May 18, 1984, the **EFFECTIVE DATE** section is revised to read as follows:

EFFECTIVE DATE: June 27, 1984.

6. In FR Doc. 84-13524, 24 CFR Parts 203, 213, 220, 221, 234, 235, and 240: Single Family Mortgage Insurance Programs (Docket No. R-84-1015; FR-1623), beginning on page 21317, in the issue of Monday, May 21, 1984, the **EFFECTIVE DATE** section on page 21318 is revised to read as follows:

EFFECTIVE DATE: July 24, 1984.

Dated: May 25, 1984.

Grady J. Norris,

Assistant General Counsel for Regulations.

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PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2643

Variances for Sales of Assets; Variance of the Statutory Standards

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This regulation prescribes variances from two of the requirements under section 4204 of the Employee Retirement Income Security Act, relating to a sale of assets by an employer that contributes to a multiemployer pension plan. Under section 4204, the sale of its assets by a contributing employer to an unrelated party will not be considered a withdrawal from the plan if certain conditions are met. Among other things, the purchaser must post a bond or place an amount in escrow, and the contract of sale between the seller and purchaser must provide that the seller will be secondarily liable for its withdrawal liability if the purchaser withdraws from the plan and does not pay its withdrawal liability. Section 4204(c) authorizes the Pension Benefit Guaranty Corporation to vary the bond/escrow and sale-contract requirements by regulation. The effect of this regulation is to prescribe variances to these statutory requirements.

EFFECTIVE DATE: July 2, 1984.

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SUPPLEMENTARY INFORMATION:

Statutory Background

On February 14, 1983, the Pension Benefit Guaranty Corporation ("PBGC") published a proposed regulation on Variances for Sales of Assets (48 FR

6555). The proposed regulation would, under certain conditions, provide general variances from the bond/escrow and sale-contract requirements of section 4204(a)(1) (B) and (C) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384. Seven comments were received on the proposal. These comments have been reviewed by PBGC, and PBGC has made changes in the regulation based on some of these comments. In addition, PBGC has made other changes in the regulation. A discussion of the comments received and the changes made in the final regulation follows.

ERISA section 4204 provides that a cessation of the obligation to contribute to or a cessation of covered operations under multiemployer plan, resulting from the bona fide, arm's-length sale of assets of a contributing employer to an unrelated party, will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan with respect to the purchased operations for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount into escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred (the amount of this bond or escrow is doubled if the plan is in reorganization in the year in which the sale occurred); and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contribution when due to the plan within the first five plan years beginning after the sale.

ERISA section 4204(c) authorized the PBGC to vary the bond/escrow and sale-contract requirements by regulation if the variance would "more effectively or equitably carry out the purpose of [Title IV]." PBGC is also authorized by section 4204(c) to grant individual or class variances or exemptions from those requirements when warranted. Congress intended to grant broad authority to the PBGC to administer the sale rules in a manner that assures protection of multiemployer plans with the least practicable intrusion into normal business transactions. (PBGC notes that a variance of or exemption from the sale-contract requirement is not a waiver of the seller's secondary liability under section 4204(a)(2) of ERISA.

The Regulation

PBGC has reorganized the regulation since its publication as a proposed rule. Section 2643.11 of the proposed regulation, which restated the general statutory rules, has been incorporated into § 2643.10(a). Section 26.43.11 now contains the procedures for obtaining variances from plans. The specific criteria for a variance, which now total four in number, have been moved from § 2643.12(b) to new §§ 2643.12, 2643.13 and 2643.14(a). The definitions previously contained in § 2643.12(d) are now in §§ 2643.13 and 2643.14(d). Section 2643.13 of the proposed regulation, concerning variances based on other criteria, has been redesignated § 2643.15.

This regulation applies to any sale of assets described in ERISA section 4204(a)(1), which occurs after April 28, 1980 (May 2, 1979 with respect to certain employers in the seagoing industry) (§ 2643.10(b)). Under § 2643.11(a), in order to obtain a variance from the bond/escrow and sale-contract requirements, the parties to a sale must inform the plan in writing of their intention to be covered by section 4204. In addition, a sale must meet any one of criteria described in §§ 2643.12, 2643.13 or 2643.14(a) of the regulation.

This first criterion, set forth in a new § 2643.12, incorporates without change PBGC's class exemption for certain sales occurring prior to January 1, 1981. PBGC has decided to re-state the class exemption in this regulation so that all general variances and exemptions from section 4202(a)(1) (B) and (C) can be found in one document. PBGC issued this exemption on August 10, 1982 (47 FR 34662) in the matter of *RGZ, Inc. et al* and then amended it on December 12, 1983 (48 FR 55359) in the matter of *A. A. Brown et al.* The public was given notice and opportunity to comment on both the class exemption and the amendment to the class exemption. Therefore, in accordance with the class exemption, § 2643.12 provides a variance for any sale of assets which was consummated or for which a legally enforceable contract containing all of the terms and conditions of the sale was signed by the parties, prior to January 1, 1981.

The second criterion, now described in § 2643.13, is the *de minimis* test. It provides for a variance when the amount of the bond does not exceed the lesser of $250,000 or two percent of the average total annual contributions paid to the plan by all employers in the three plan years preceding the sale.

The third and fourth criteria deal with the financial strength of the purchaser. The third criterion focuses on whether the purchaser's net income indicates an ability to pay required contributions to the plan. Specifically, § 2643.14(a)(1) provides for a variance when the purchaser's average net income after taxes for its three most recent fiscal years before the sale (reduced by any interest expense incurred with respect to the sale, payable in the fiscal year following the date of determination) equals or exceeds 150 percent of the amount of the bond/escrow. The last test focuses on whether the purchaser's net tangible assets indicate an ability to pay its potential withdrawal liability. Thus, § 2643.14(a)(2) of the regulation provides for a variance when the purchaser's net tangible assets, as of the end of the fiscal year preceding the date of determination (discussed below) equal or exceed: (1) If the purchaser was not obligated to contribute to the plan prior to the sale, the amount of unfunded vested benefits allocable to the seller under ERISA section 4211 (with respect to the purchased operations), as of the date of determination; or (2) if the purchaser was a contributing employer to the plan prior to the sale, the sum of the purchaser's and the seller's allocable share of unfunded vested benefits under section 4211 (with respect to the purchased operations), each as of the date of determination. PBGC has revised the net tangible assets test, in order to clarify that the test will take into account only that portion of the seller's liability to the plan which relates to the purchased operations, since the seller's liability is being used as a surrogate for the purchaser's potential withdrawal liability.

Section 2643.15 of the regulation provides that when the conditions set forth in Subpart B are not met, a party may apply to the PBGC for an exemption pursuant to Subpart A. The regulation also amends Subpart A of Part 2643, which establishes the procedures for applications to the PBGC for an exemption, in order to make those sections consistent with Subpart B.

As noted above, § 2644.11(a) of the regulation requires that, as part of the request for a variance, both the

purchaser and the seller notify the plan of their intention that section 4204 apply to their transaction. PBGC has concluded that this requirement is necessary because of the possibility that one of the parties (typically the seller) could, without the knowledge or consent of the other party, seek a variance, the granting of which would enable the transaction to be covered by section 4204. If section 4204 applies to a transaction certain new obligations are imposed by operation of law on both parties, *e.g.* the purchaser assumes the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years, and the seller becomes secondarily liable if within five years after the sale the purchaser withdraws and fails to make a withdrawal liability payment when due. Because of the assumption of these additional responsibilities, PBGC believes that both parties to the transaction must jointly file the request for a variance with the plan. For the same reasons, PBGC has been requiring evidence of the purchaser's consent to individual requests for exemptions filed by seller with PBGC. Accordingly, PBGC has revised the information requirements in § 2643.2(d) to add the requirement that, when a request for an exemption is submitted by the seller alone, the seller must submit a statement signed by the purchaser indicating the purchaser's intention that section 4204 apply to the sale of assets.

Discussion of Public Comments

One comment suggested that, in order to avoid confusion, the regulation should contain a definition for "date of the sale." PBGC agrees that there is a need to tie the purchaser's financial information and other information required by the regulation to a specific point in time. However, PBGC has concluded that it is preferable to use a date other than the "date of sale" for this purpose. Thus, the regulation now uses the term "date of determination," which is defined in § 2643.13 as the date on which the seller ceases covered operations or ceases to have an obligation to contribute for such operations as a result of a sale of assets. This term has been added to the *de minimis* test and has been substituted for "date of sale" in the net income and net tangible assets tests. (It should be kept in mind that this change does not in any way alter the various provisions in section 4204 that tie certain time periods to the date or year of the sale.)

Four respondents commented on the *de minimis* test, now contained in § 2643.13 of the regulation. Two comments stated that the *de minimis* level should be raised, one comment suggesting that the dollar threshold be increased to $500,000 and the other arguing that the two percent requirement should be dropped. Two other comments argued for a lower *de minimis* level on the basis that the proposed standard would have an adverse affect on plans. One of these comments suggested that the dollar amount should be tied to the *de minimis* rule contained in ERISA section 4209, and thus be set at $50,000. The remaining comment stated its disagreement with any *de minimis* test that did not take into account the purchaser's financial situation.

PBGC disagrees with the suggestion that the *de minimis* standard should be modified to require consideration of the purchaser's financial information. A *de minimis* test, by its nature, takes into account the size of a particular transaction, rather than the individual characteristics of specific parties involved in the transaction. The test reflects PBGC's conclusion that the smallness of the transaction, alone, ensures that a plan will not be harmed by the waiver of the purchaser's bond/escrow. PBGC also notes that the bond/escrow requirement does not provide protection against any and all loss that may occur, but protects the plan only to the extent of the amount of the bond/escrow. In addition, in the event of the purchaser's withdrawal, plans are protected by other provisions of ERISA, including the requirement that the seller is secondarily liable under section 4204(a)(2).

PBGC also disagrees with the suggestion that the dollar amount for the *de minimis* test should be the same as the $50,000 level established in ERISA section 4209 for *de minimis* withdrawal liability amounts. The two tests are not analogous. The *de minimis* rule contained in section 4209 is a foregiveness of liability; the *de minimis* standard in this regulation pertains to the waiver of a bond/escrow requirement and not to the underlying liabilities of the purchaser. Therefore, the section 4209 is not necessarily appropriate for this regulation.

Of course, the regulatory standard could be modified by either increasing or decreasing the $250,000 dollar level. As previously mentioned, one comment suggested that the amount be reduced to $50,000, while another comment argued that it should be raised to $500,000. In setting the amount at $250,000, PBGC attempted to strike a balance between providing appropriate protection to plans and not impeding normal business transactions.

Moreover PBGC anticipates that, because of the size of the average multiemployer plan, most *de minimis* bonds will be less than $250,000, and only in the case of very large plans will bonds of that amount qualify for a waiver under the *de minimis* test. To illustrate, in a plan with 10,000 active participants with a $1,000 annual contribution per participant, a two percent contributor would annually contribute $200,000. But most multiemployer plans cover many fewer participants than in the illustration. Since the *de minimis* standard in the regulation is the lesser of $250,000 or two percent of the total employer contributions, and since the size of the average multiemployer plans is about 4,000 participants, the amount of the bond/escrow that will qualify as *de minimis* will, in most cases, be less than $100,000 (assuming a $1,000 per participant annual contribution). Finally, PBGC believes that many of the qualifying transactions under this standard will involve small employers, and imposing additional costs on such employers would not be justified in terms of the additional security obtained for plans.

PBGC has determined that the two percent cap should not, as one comment suggested, be eliminated form the *de minimis* test. In a small plan, a $250,000 bond/escrow could indicate a substantial contributor and an exemption from the requirement on a *de minimis* basis could significantly increase the risk of financial loss to the plan. The two percent cap is intended to protect small plans from that result.

PBGC has made a minor change in the *de minimis* test under § 2643.13. As proposed, the test required a comparison between the amount of the bond/escrow and contributions made by all employers who had an obligation to contribute in the three years preceding the sale of assets. PBGC believes that tying the test to the "obligation to contribute" could result in administrative burdens for plan sponsors in determining which employers were in fact obligated and in potentially costly disputes over that issue between plans and employers. For that reason, the *de minimis* test has been changed so that the comparison involves the total annual contributions *made* by all employers for the three-year period (preceding the date of determination). To provide further clarification, in § 2643.13, PBGC has defined "contributions made" in the same way as the term is defined in PBGC's regulation on Allocating Unfunded Vested Benefits (29 CFR

2642.6(a)). Because this information must be filed as part of the plan's annual report to the Department of Labor and the Internal Revenue Service, plans should be able to readily provide the information to employers.

Two comments raised an issue which relates to both the net income test and the net tangible assets test (§ 2643.14 (a)(1) and (a)(2)). These comments noted that the tests are each based on the purchaser's financial condition prior to the sale of assets, and both respondents questioned whether tests based on the purchaser's past performance would be sufficient to protect the plan, in light of the possibility that the buyer's financial condition might deteriorate in the furture. This consideration prompted one respondent to criticize both the net income and net tangible assets tests for failing to provide for monitoring of the employer's subsequent financial condition, and to require that the standard continue to be met during the statutory period of the bond/escrow requirement. PBGC disagrees with this comment. In PBGC's opinion, the criteria for a variance provide sufficient basis for the conclusion that there will be no significant increase of risk of financial loss to the plan. The net income test will identify an employer who has the ability to make contributions to the plan, and the net tangible assets test will indicate an employer who has the financial resources to meet its obligations to the plan in the event of withdrawal.

Monitoring or repeated application of the standards once a variance has been granted would be costly and would subject the parties to uncertainty. Moreover, if the variance were to be subsequently suspended and the bond/escrow requirement imposed on the purchaser, there may be situations where the buyer would be unwilling to meet the requirement. Such noncompliance with section 4204, which might occur years after the sale, could seriously harm the seller who could, as a result, be viewed as having withdrawn from the plan and thus primarily liable. In PBGC's opinion, that would be an unfair result. For all these reasons, PBGC believes that once the variance is granted it should not be the subject of subsequent review.

However, PBGC has concluded that the regulation should permit a transaction to qualify subsequently for a variance under § 2643.14(a) with respect to a bond/escrow that had been provided, even though the transaction failed to qualify at the time of the sale. Since the criteria for a variance are intended to ensure that there is no necessity for the security of the bond/escrow, it follows that the requirement should be lifted if, at any time during the five-year bond period, the purchaser can demonstrate sufficient financial strength by meeting the standards under § 2643.14 (a)(1) or (a)(2).

Therefore, § 2643.11(b) provides that the bond/escrow shall be cancelled if the purchaser demonstrates to the plan that it meets either the net income or net tangible assets test. (Similarly, at any time within the five-year period following the sale, PBGC will, pursuant to § 2643.15, consider a request for an exemption where the conditions described in Subpart B have not been satisfied.) In determining whether one of the standards is met, § 2643.11(b) further provides that the plan would consider the purchaser's financial information prior to the date of the request. Since the information may reflect interest expense arising from the sale payable after that date of determination, the adjustment for interest in the net income test in § 2643.14(a)(1) is modified slightly. Only if the net income figure for a year included within the three-year average does not reflect the interest expense incurred in relation to the sale is an adjustment made; the net income figure for that year is to be reduced by the interest paid in the fiscal year following the date of determination.

Concern about possible future deterioration of the purchaser's financial condition prompted another respondent to suggest that the net income test be modified to require that the purchaser's net after-tax income equal or exceed 200 percent of all the new multiemployer pension plan obligations that the buyer is assuming as part of the transaction. According to the comment, the plan would thus be provided with a greater degree of financial security.

While PBGC is not convinced of the need to change the percentage level from 150 percent to 200 percent, PBGC does agree with the suggestion that the test should take into account all new multiemployer plan obligations assumed by the purchaser as a result of the specific section 4204 transaction. Depending on whether the net income or net tangible assets test applies, the standard would take into account the amount of the bond/escrow or the amount of withdrawal liability for all affected multiemployer plans. However, where a purchaser has posted a bond/escrow and thus is not seeking a variance from the requirement with respect to one of several affected plans, the plan which received the bond would be excluded from the total because by posting the bond, the purchaser has demonstrated its ability to satisfy its contribution obligation with respect to that plan. This modification will provide further assurance that the plans involved in the transaction are not harmed by the granting of the variance, because the variance will apply only where it is clear that the purchaser can meet its contribution obligations to all of the plans for which a waiver would apply. Thus, under § 2643.14(b), when the purchaser assumes the seller's obligation to contribute to more than one multiemployer plan as part of the same transaction, the total amount of the bond/escrow or withdrawal liability, as applicable, for all of the plans with respect to which the purchaser has not posted a bond or established an escrow account must be considered in determining whether the applicable standard has been met. Of course, where more than one multiemployer plan is affected by a sale of assets, the parties would be obligated to provide that information as part of the request for a variance.

PBGC has also concluded that the net income and net tangible assets tests should not apply in a situation where, even though one or both of those tests might be met, the purchaser is the subject of a bankruptcy or other insolvency proceeding. In this situation, there is a sufficient question concerning financial risk to the plan to require that the bond/escrow be posted, or that the parties apply to the PBGC for an exemption on some other basis. Therefore, under § 2643.14(c), if the purchaser is the subject of a petition under Title 11, United States Code, or of a proceeding under similar provisions of state law, either as of the date of the plan's decision or the date on which the bond/escrow must by law be in place, whichever comes first, then the transaction cannot qualify for a variance on the basis of the net income or net tangible assets tests.

One comment also faulted the net income test for not taking into account "the interest of the seller in protecting itself from 'secondary liability' in the amount of the purchaser's bond." Apparently, the comment has in mind a situation where the bond/escrow would have been sufficient to satisfy the outstanding liability of a defaulted purchaser, thereby relieving the seller of its contingent liability. The comment further states that applying the standard retroactively to sales occurring before the effective date of the regulation, as provided for in § 2643.10(b), would "upset carefully negotiated sales of assets" where the seller had relied on the purchaser's bond/escrow as

additional protection against its own secondary liability.

In response to this comment, PBGC points out that, since the purpose of the purchaser's bond/escrow is to protect the plan rather than the seller, a standard for a variance from that requirement need not take into account the economic interest of the seller. In that regard, PBGC notes that ERISA section 4204(a)(4) provides that the amount of the purchaser's bond is applied to reduce the purchaser's liability and not that of the seller. In addition, in terms of whether the bond/escrow is necessary to protect the plan, PBGC sees no reason to distinguish between transactions occurring before and after the effective date of the regulation. For these reasons, PBGC declines to modify the regulation along the lines suggested by the comment.

This comment also requested clarification of whether, in applying the net income test, the purchasing entity stands alone or is considered on a consolidated basis with all other members of the same controlled group. This question also relates to the net tangible assets test. In order to provide flexibility and to impose the least administrative burden on private parties, PBGC has concluded that both the net income and net tangible assets tests may be satisfied on the basis of financial information for the purchasing entity alone or for the controlled group. PBGC believes that this approach will afford plans sufficient protection. In a situation where there is a weak purchaser which is a member of financially strong controlled group, it makes sense to consider the financial condition of the control group since, under ERISA section 4001(b)(1), it is considered the employer and thus it will be liable in the event of a withdrawal by the purchaser. Where the purchaser is strong but its controlled group is not, the plan could look to the purchaser alone for satisfaction of its obligations to the plan. Thus if the applicable standard is met on the basis of the consolidated statement but not on the purchaser's financials alone, or *vice versa*, then that is sufficient for the purposes of the test. In this way, employeers will, in most cases, be able to provide available financial statements without the necessity of consolidating or separating out financial information.

The same comment also suggested that the net income test should aggregate the total bond/escrow amount from any prior exemptions granted to the purchaser during the five-year period preceding the sale. PBGC believes that the suggested change is unnecessary, because the net income test already reflects the contributions made by the purchaser to other plans or to the same plan with respect to other operations. Since the income figure has already been reduced to reflect those obligations, there is no need to include them in the bond totals.

Finally, this comment asked what type of financial information must be submitted to the plans by parties seeking a variance, and on what timetable. A separate comment suggested that the regulation require employers to submit audited financial statements. PBGC agrees that in this regard some direction is necessary. Thus, under § 2643.11(c), the request for a variance must contain financial or other information that is sufficient to establish that one of the criteria in §§ 2643.12, 2643.13 or 2643.14(a) has been satisfied. Section 2643.11(c) further provides that if the variance request pertains to either the net income or net tangible assets tests, the request must contain a copy of the purchaser's audited (or if not available, unaudited) financial statements for the appropriate time period.

PBGC recognizes that some privately-held companies may be unwilling to disclose confidential financial information to plans. In that event, the parties may apply to PBGC for an exemption. Although the required financial information must still be submitted, PBGC may in its discretion determine that it can consider the application without public disclosure of the confidential financial information, or it may consider the request on the basis of some other relevant information.

On the question of timing, § 2643.11(b) provides that a request for a variance may be filed at any time; PBGC does not believe that it is necessary to require that the information be submitted to the plan within a certain period after the sale. The statute effectively requires the applicant to submit the information promptly, because under ERISA section 4204(a)(1)(B), if at any time during the five full plan years beginning after the sale, the purchaser either does not post the bond/escrow or obtain a variance from the requirement, then the transaction will not be in compliance with section 4204.

However, PBGC has concluded that if all of the information required for a variance has been submitted prior to the date on which the bond/escrow must be in place, it would be unfair to force the purchaser to post a bond/escrow while the variance was pending a decision by the plan. PBGC believes it would be inequitable to require the bond/escrow in this situation because the purchaser has no way of assuring that the plan will make a prompt decision on the matter. For that reason, § 2643.11(d) provides a limited exception to the bond/escrow requirement for the period of time when a variance request that is submitted with all the necessary information prior to the first day of the first plan year beginning after the sale is under consideration by a plan. PBGC notes that if a plan believes it is at risk because of this provision (in that the transaction or purchaser does not qualify for the variance), it is within the plan's ability to rule on the request promptly. Section 2643.11(d) further provides that if the request for a variance is denied, the bond/escrow must be in place within 30 days after the date the employer is notified of the plan's decision.

Unlike a variance request to a plan, which involves specific information in response to stated standards, there is less certainty as to what kind of information PBGC needs in order to find under § 2643.3(a) that an exemption will not significantly increase the risk of financial loss to a plan. Because of this, PBGC has not provided a parallel exception to the bond/escrow requirement while a request is pending before it. However, after this regulation takes effect, PBGC anticipates that every few exemption requests will be filed with it; those that are will be processed promptly by PBGC.

In the preamble to the proposed rule, PBGC specifically requested public comment on the issue of whether the net income test should be based on net income before or after taxes. In response, PBGC received one comment, which stated that only after-tax income presented a sufficient margin of security upon which a variance could be based. PBGC agrees with the comment, and thus § 2643.14(a)(1) requires consideration of net income after taxes.

Three respondents commented on the net tangible assets test, now contained in § 2643.14(a)(2) of the regulation. One comment suggested that the definition of "net tangible assets" should exclude encumbered assets only to the extent that there is an outstanding loan balance for which the asset is pledged. The comment pointed out that lenders often require a security interest in all tangible assets even though the value of the assets exceeds the outstanding loan balance. PBGC agrees with this comment and has changed the definition of "net tangible assets", now contained in § 2643.14(d)(2), to exclude encumbered assets only to the extent of the encumbrance.

The same comment requested clarification on the method for valuing the employer's net tangible assets, *i.e.* book versus market value. PBGC believes that for the purposes of this regulation, the valuation of assets should be consistent with the method the employer ordinarily uses, provided that it is done in accordance with generally accepted accounting principles.

Another comment urged that the test be changed to provide that the employer's net tangible assets equal or exceed at least 150 percent of the potential withdrawal liability. PBGC believes that this modification is unnecessary. The regulatory standard provides plans with more than sufficient security, since it compares the purchaser's net tangible assets to the unfunded vested benefits allocable to the seller. This latter amount will generally exceed the purchaser's actual withdrawal liability after the sale. This is true because, while the purchaser's liability under section 4204(b) is determined as if the purchaser contributed to the plan in the year of the sale and the preceding four years, the seller's allocable unfunded vested benefits may be based on participation over a much longer period. Moreover, the test uses the seller's allocable unfunded vested benefits, without regard to any reductions that might apply in determining the seller's actual withdrawal liability, *e.g.*, the *de minimis* reduction.

PBGC also disagrees with a comment suggesting that the test should compare net tangible assets with the current annual contribution level. The purpose of the net income test in § 2643.14(a)(1) is to measure the ability of the purchaser, in terms of its profitability, to pay contributions to the plan. The net tangible assets test under § 2643.14(a)(2) has a different purpose. It is intended to cover the situation where a purchaser may not be profitable at the time of sale, but may have sufficient net tangible assets to satisfy its liability in the event of withdrawal. This distinct purpose would be lost if the net tangible assets test were changed to involve a comparison with contribution levels.

One comment suggested that for the purposes of this test, the amount of unfunded vested benefits should be calculated as of the "last day of the prior plan year which is the date as of which liability should be determined." In response to this comment, PBGC points out that the amount allocable to the seller under ERISA section 4204(a)(2) is determined as if the seller had withdrawn as of the date of the cessation of its obligations (*i.e.*, the date of determination). This amount will be determined in accordance with the specific allocation method used by the plan. If the plan is using one of the statutory allocation methods (section 4211(b), (c)(2), (c)(3) or (c)(4)), the determination is made as of the last day of the plan year preceding the plan year the seller would have withdrawn but for section 4204. Of course, if the plan has adopted an alternate allocation method under section 4211(c)(5), it is possible that there may be a different date for the calculation. Therefore, PBGC believes that it is not necessary to make the suggested change.

Other Issues

Several comments requested actions which are beyond the scope of PBGC's authority under ERISA section 4204(c) to issue regulations varying the bond/escrow and sale-contract requirements. One comment was generally critical of the regulation, stating that "such isolated regulatory relief cannot solve the problems posed by the [Multiemployer Act's] withdrawal liability provisions. * * * PBGC [should] undertake further regulatory efforts to inject a sense of equity and economic reality in this area." A second comment also criticized the regulation because it "does not go far enough." Specifically, the comment faulted the regulation for having no effect on the responsibility of the plan to determine whether a withdrawal had occurred.

The comments also raised a number of other issues that are beyond the scope of this regulation. One comment requested that PBGC provide clarification in this regulation of the meaning of certain terms contained in ERISA section 4204(a)(1)(A), *e.g.*, the meaning of the requirement that the purchaser be obligated to contribute for "substantially the same number of contribution base units" as the seller. The same comment suggested that the regulation clarify the application of section 4204 to a "piecemeal sale" of an employer's assets over a period of time and to sales that involve the transfer of both stock and assets. Another comment argued that PBGC should amend Multiemployer Bulletin Number 2, which concerns plan authority to waive the seller's liquidation bond under ERISA section 4204(a)(3), to contain objective standards of the type established in this regulation. The same comment stated that the regulation should address the relationship between the sale of assets provisions and the special withdrawal rules for the building and construction industry. According to another comment, the regulation should provide for payment of interest and the award of attorney's fees incurred in the collection of any liability amount which would have been available to the plan had the bond/escrow been posted rather than waived. Finally, one respondent asked for clarification of whether the amount of the seller's liquidation bond may be reduced by the amount of the purchaser's bond. While PBGC recognizes the importance of these questions, the issues are clearly beyond the scope of this regulation. However, PBGC will be addressing a number of these issues in the near future.

Executive Order 12291, Paperwork Reduction Act and Regulatory Flexibility Act

The PBGC has determined that this regulation is not a "major rule" under section 3(b) of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; or cause a major increase in costs or prices; or adversely effect competition, employment, investment, productivity or innovation in United States-based enterprises. Further, the regulation will reduce certain financial and administrative burdens on employers involved in sales that are subject to ERISA section 4204, without exposing plans to any significant risk of financial loss. Variances under this regulation will eliminate unnecessary burdens on normal business transactions, reduce the costs of doing business, and will free assets that would otherwise be used to post the bond or establish the escrow.

Under the Paperwork Reduction Act and 5 CFR 1320.13(g), PBGC has submitted the information collection requirements contained in the regulation for review by the Office of Management and Budget. OMB has approved the information collection requirements and assigned OMB Control No. 1212-0021 approved through October 31, 1984.

Under section 605(b) of the Regulatory Flexibility Act of 1980, the PBGC hereby certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will not have such an impact because, as previously discussed, it will relieve financial and administrative burdens that would otherwise be imposed by force of law on small businesses contributing to multiemployer plans. Therefore, pursuant to the above certification, compliance with sections 603 and 604 of the Regulatory Flexibility Act is waived

List of Subjects in 29 CFR Part 2643

Employee benefit plans, pensions and reporting requirements.

PART 2643—[AMENDED]

In consideration of the foregong, Part 2643 of Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

1. In § 2643.1, paragraphs (a) and (b) are revised to read as follows:

§ 2643.1 Purpose and scope.

(a) *Purpose.* The purpose of this subpart is to establish procedures under which the purchaser or seller in a sale of assets may, when the conditions set forth in Subpart B of this part are not satisfied or when the parties decline to provide to the plan privileged or confidential financial information within the meaning of section 552(b)(4) of the Freedom of Information Act (5 U.S.C. 552), request the PBGC to grant individual or class variances or exemptions from the requirements of section 4204(a)(1) (B) and (C) of the Act.

(b) *Scope.* Except as provided in paragraph (c) of this section, this subpart applies to any sale of assets occurring after April 28, 1980 (May 2, 1979 for certain employers in the seagoing industry), which is a sale desicribed in section 4204(a)(1) of the Act, if the transaction meets the conditions described in § 2643.15 of this part.

* * * * *

2. In § 2643.2, paragraphs (a), (b), (d)(6) and (d)(7) are revised, as follows:

§ 2643.2 Requests to PBGC for variances and exemptions.

(a) *General.* If a transaction covered by this part does not satisfy the conditions set forth in Subpart B of this part, or if the parties decline to provide to the plan privileged or confidential financial information within the meaning of section 552(b)(4) of the Freedom of Information Act (5 U.S.C. 552), the purchaser or seller may request from the PBGC an exemption or variance from the requirements of section 4204(a)(1)(B) and (C) of the Act.

(b) *Who may request.* A purchaser or a seller may file a request for a variance or exemption. The request may be submitted by a duly authorized representative(s) acting on behalf of the party or parties. When a contributing employer withdraws from a plan as a result of related sales of assets involving several purchasers, or withdraws from more than one plan as a result of a single sale, the application may request a class variance or exemption for all the transactions.

* * * * *

(d) * * *

(6) A statement explaining why the requested variance or exemption would not significantly increase the risk of financial loss to the plan, including evidence, financial or otherwise, that supports that conclusion.

(7) When the request for a variance or exemption is filed by the seller alone, a statement signed by the purchaser indicating its intention that section 4204 of the Act apply to the sale of assets.

* * * * *

3. Part 2643 is amended by adding a new Subpart B at the end as follows:

Subpart B—Variance of the Statutory Requirements

Sec.

2643.10 Purpose and scope.
2643.11 Variance of the bond/escrow and sale-contract requirements.
2643.12 Pre-January 1, 1981 sales.
2643.13 *De minimis* transactions.
2643.14 Net income and net tangible assets tests.
2643.15 Variances based on other criteria.

Subpart B—Variance of the Statutory Requirements

§ 2643.10 Purpose and scope.

(a) *Purpose.* The purpose of this subpart is to provide variances and exemptions from the requirements of section 4204(a)(1) (B) and (C) of the Act for certain sales of assets by employers that contribute to multiemployer plans. Under section 4204(a) of the Act, a seller that ceases covered operations or ceases to have an obligation to contribute for such operations because of a *bona fide*, arm's-length sale of assets to an unrelated purchaser does not incur withdrawal liability if certain conditions are met. One condition, set forth in section 4204(a)(1)(C), is that the contract of sale between the seller and the purchaser provide that the seller will be secondarily liable for its withdrawal liability if the purchaser withdraws from the plan within five years after the sale and does not pay its withdrawal liability. Another condition, set forth in section 4204(a)(1)(B), is that the purchaser post, for a period of five plan years following the sale, a bond or an amount in escrow equal to the greater of: the average annual contribution that the seller was required to make to the plan with respect to the operations for the three plan years preceding the plan year in which the sale of assets occurs (section 4204(a)(1)(B)(i)); or the annual contribution that the seller was required to make to the plan with respect to the operations for the last plan year before the plan year in which the sale of assets occurs (section 4204(a)(1)(B)(ii)). The amount of the bond or escrow required under section 4204(a)(1)(B) is doubled if the plan is in reorganization (section 4204(b)(2)).

(b) *Scope.* Except as provided in paragraph (c) of this section, this subpart applies to any sale of assets occurring after April 28, 1980 (May 2, 1979 for certain employers in the seagoing industry), which is a sale described in section 4204(a)(1) of the Act.

(c) *Special rule.* Unless the plan is amended to provide otherwise, this subpart does not apply to a sale of assets involving operations for which an employer is obligated to contribute to a plan described in section 404(c) of the Internal Revenue Code (a plan established prior to January 1, 1954 as a result of an agreement between employee representatives and the United States during a period of government operation, under seizure of powers, of a major part of the productive facilities of an industry), or a continuation of such a plan.

§ 2643.11 Variance of the bond/escrow and sale-contract requirements.

(a) *General rule.* A purchaser's bond or escrow under section 4204(a)(1)(B) of the Act and the sale-contract provision under section 4204(a)(1)(C) are not required if the parties to the sale inform the plan in writing of their intention that the sale be covered by section 4204 of the Act and demonstrate to the satisfaction of the plan that at least one of the criteria contained in §§ 2643.12, 2643.13 or 2643.14(a) is satisfied.

(b) *Requests after posting of bond/establishment of escrow.* A request for a variance may be filed at any time. If, after a purchaser has posted a bond or placed money in escrow pursuant to section 4204(a)(1)(B) of the Act, the purchaser demonstrates to the satisfaction of the plan that the criterion in either § 2643.14 (a)(1) or (a)(2) is satisfied, then the bond shall be cancelled or the amount in escrow shall be refunded. For purposes of considering a request after the bond/escrow is in place, the words "the year preceding the date of the variance request" shall be substituted for "the date of determination" for the first mention of that term in both § 2643.14 (a)(1) and (a)(2). In addition, in determining the purchaser's average net income after taxes under § 2643.14 (a)(1), for any year included in the average for which the net income figure does not reflect the interest expense incurred with respect

to the sale, the purchaser's net income shall be reduced by the amount of interest paid with respect to the sale in the fiscal year following the date of determination.

(c) *Information required.* A request for a variance shall contain financial or other information that is sufficient to establish that one of the criteria in §§ 2643.12, 2643.13 or 2643.14(a) is satisfied. A request on the basis of either § 2643.14 (a)(1) or (a)(2) shall also include a copy of the purchaser's audited (or if not available, unaudited) financial statements for the specified time period.

(d) *Limited exemption during pendency of request.* Provided that all of the information required to be submitted is submitted prior to the first day of the first plan year beginning after the sale, a plan may not pending its decision on the variance require a purchaser to post a bond or place an amount in escrow pursuant to section 4204(a)(1)(B). In the event a bond/escrow is not in place pursuant to the preceding sentence, and the plan determines that the request does not qualify for a variance, the purchaser shall comply with section 4204(a)(1)(B) within 30 days after the date on which it receives notice of the plan's decision.

(OMB Control No. 1212–0021 approved through 10/31/86)

§ 2643.12 Pre-January 1, 1981 sales.

The sale of assets was consummated or a legally enforceable contract containing all of the terms and conditions of the sale was signed by the parties, prior to January 1, 1981.

§ 2643.13 De minimis transactions.

The amount of the bond or escrow does not exceed the lesser of $250,000 or two percent of the average total annual contributions made by all employers to the plan, for the purposes of section 412(b)(3)(A) of the Internal Revenue Code, for the three most recent plan years ending before the date of determination. "Contributions made" shall have the same meaning as the term has under § 2642.6(a) of this subchapter. For the purposes of this section, "date of determination" means the date on which the seller ceases covered operations or ceases to have an obligation to contribute for such operations as a result of a sale of assets within the meaning of section 4204(a) of the Act.

§ 2643.14 Net income and net tangible assets tests.

(a) *General.* A variance under this section must satisfy the conditions described in either paragraph (a)(1) or (a)(2).

(1) *Net income test.* The purchaser's average net income after taxes, as defined in paragraph (d) of this section, for its three most recent fiscal years ending before the date of determination (as defined in § 2643.13), reduced by any interest expense incurred with respect to the sale which is payable in the fiscal year following the date of determination, equals or exceeds 150 percent of the amount of the bond or escrow required under section 4204(a)(1)(B).

(2) *Net tangible assets test.* The purchaser's net tangible assets, as defined in paragraph (d) of this section, at the end of the fiscal year preceding the date of determination (as defined in § 2643.13), equal or exceed—

(i) If the purchaser was not obligated to contribute to the plan prior to the sale, the amount of unfunded vested benefits allocable to the seller under section 4211 (with respect to the purchased operations), as of the date of determination; or

(ii) If the purchaser was obligated to contribute to the plan prior to the sale, the sum of the amount of unfunded vested benefits allocable to the purchaser and to the seller under section 4211 (with respect to the purchased operations), each as of the date of determination.

(b) *Special rule when more than one plan is covered by request.* For the purposes of paragraphs (a)(1) and (a)(2), if the transaction involves the assumption by the purchaser of the seller's obligation to contribute to more than one multiemployer plan, then the total amount of the bond/escrow or unfunded vested benefits, as applicable, for all of the plans with respect to which the purchaser has not posted a bond/escrow shall be used to determine whether the applicable test is met.

(c) *Non-applicability of tests in event of purchaser's insolvency.* A purchaser will not qualify for a variance under this subpart pursuant to paragraphs (a)(1) or (a)(2) of this section if, as of the earlier of the date of the plan's decision on the variance request or the first day of the first plan year beginning after the date of determination, the purchaser is the subject of a petition under Title 11, United States Code, or of a proceeding under similar provisions of state insolvency laws.

(d) *Definitions.* For the purposes of this section—

(1) "Net income after taxes" means revenue minus expenses after taxes (excluding extraordinary and non-recurring income or expenses), as presented in an audited financial statement or, in the absence of such statement, in an unaudited financial statement, each prepared in conformance with generally accepted accounting principles; and

(2) "Net tangible assets" means tangible assets (assets other than licenses, patents copyrights, trade names, trademarks, goodwill, experimental or organizational expenses, unamortized debt discounts and expenses and all other assets which, under generally accepted accounting principles, are deemed intangible) less liabilities (other than pension liabilities). Encumbered assets shall be excluded from "net tangible assets" only to the extent of the amount of the encumbrance.

§ 2643.15 Variances based on other criteria.

When the conditions set forth in Subpart B of this part are not satisfied or when the parties decline to provide to the plan privileged or confidential financial information within the meaning of section 552(b)(4) of the Freedom of Information Act (5 U.S.C. 552), the purchaser or seller may apply to the PBGC for a variance or exemption from the purchaser's bond/escrow and the sale-contract requirements pursuant to Subpart A of this part.

Effective date. This part is effective July 2, 1984.

Authority: Secs. 4002(b)(3) and 4204(c), Pub. L. 93–406, 88 Stat. 829, (1974), as amended by secs. 403(1) and 104 (respectively), Pub. L. 96–364, 94 Stat. 1302, and 1221 (1980) (29 U.S.C. 1302(b)(2) and 1384(c)).

Issued at Washington, D.C. on this 25th day of May 1984.

Raymond Donovan,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving this regulation and authorizing its Chairman to issue same.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 84–14476 Filed 5–30–84; 8:45 am]

BILLING CODE 7708–01–M

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29 CFR Part 2644

Notice and Collection of Withdrawal Liability

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This regulation establishes the interest rate to be charged by multiemployer plans on overdue and defaulted withdrawal liability. Under

section 4219(c)(6) of the Employee Retirement Income Security Act, the interest charged on withdrawal liability payments that are overdue or withdrawal liability in default must be at rates based on prevailing market rates for comparable obligations, in accordance with regulations prescribed by the Pension Benefit Guaranty Corporation. The rate set forth in the regulation is based on the average prime rate on short-term commercial loans, as published by the Federal Reserve Board. The effect of this regulation is to prescribe a method for determining interest on withdrawal liability payments that are overdue, withdrawal liability in default and overpayments of withdrawal liability. The regulation also gives plans the authority to adopt alternative rules concerning assessment of interest.

EFFECTIVE DATE: July 2, 1984.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Attorney, Corporate Planning and Program Development Department (140), 2020 K Street, NW., Washington, D.C. 20006; 202–254–4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Background

On February 14, 1983, the Pension Benefit Guaranty Corporation ("PBGC") published a proposed regulation on Notice and Collection of Withdrawal Liability (48 FR 6559). The regulation proposed the interest rate to be charged by multiemployer plans on overdue and defaulted withdrawal liability under section 4219(c)(6) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). The regulation also proposed to give plans the authority to adopt another interest rate, as well as certain alternative rules on the asessment of interest. Four written comments were received on the proposal. These comments have been reviewed by PBGC, and PBGC has made changes in the regulation based on some of these comments. In addition, PBGC has made some other changes in the regulation. A discussion of the comments received and the changes made in the final regulation follows.

ERISA section 4219 establishes the rules for notice and collection of withdrawal liability due to a multiemployer plan, including the assessment of interest for overdue and defaulted liability payments. Under section 4219(b) a plan sponsor assesses withdrawal liability by notifying the employer of the amount of the liability and schedule of payments and demanding payment in accordance with the schedule. The first payment is payable no later than 60 days after the date of the demand, even if the employer requests a review of or appeals the amount of the liability or the schedule of payments (section 4219(c)(2)). Payments are made quarterly or at other intervals specified by plan rules (section 4219(c)(3)).

For overdue withdrawal liability payments, ERISA section 4219(c)(3) requires that interest be assessed from the due date until the date on which the payment is made. In the event of a default, a plan sponsor may, pursuant to section 4219(c)(5), require immediate payment of the outstanding balance of the employer's withdrawal liability plus accrued interest on the total outstanding liability from the due date of the first missed payment. Under section 4219(c)(5)(A), a default occurs if the employer fails to make a withdrawal liability payment within 60 days after notice from the plan sponsor that the payment is overdue. Section 4219(c)(5)(B) provides that plan rules may define "default" to include additional events that indicate a "substantial likelihood that an employer will be unable to pay its withdrawal liability."

ERISA section 4219(c)(6) provides that interest on both overdue and defaulted withdrawal liability is at "rates based on prevailing market rates for comparable obligations" in accordance with PBGC regulations.

The Regulation

Section 2644.2 (a) and (b) of the regulation restates the statutory rules on when a withdrawal liability payment is overdue and when a default occurs. Under § 2644.2(c)(1), no default for non-payment may be declared until the 61st day after the last of: (1) The expiration of the period for requesting plan review; (2) if an employer requests plan revew, expiration of the period for requesting arbitration; or (3) when arbitration is timely initiated either by the plan or the employer or both, issuance of the arbitrator's final decision. This limitation does not apply to a default for a reason other than non-payment.

PBGC has selected short-term commercial loans as the "comparable obligations" on which to base the interest rate. Under § 2644.3(b) of the regulation, the interest rate is based on the average prime rate on short-term business loans quoted by large banks, as published by the Federal Reserve Board ("prime rate"). The interest rate for all amounts overdue or in default during each calendar quarter is the prime rate on the fifteenth day of the month (or the next business day, if the fifteenth is not a business day) preceding the beginning of the quarter. The daily prime rates for a week are reported by the Federal Reserve Board in Statistical Release H.15 ("Selected Interest Rates"), published the following Monday. Section 2644.3(b) provides that the interest rate changes quarterly because, typically, withdrawal liability payments will be made quarterly (ERISA section 4219(c)(3)). PBGC will issue the quarterly interest rates in notices published in the **Federal Register**, as well as in press releases.

The following chart illustrates what the rates would have been under the regulation for each quarter of 1982 and the first three quarters of 1983 (and the date as of which the prime rate was determined):

Quarter in which applicable	Rate	Date of prime
Jan. to Mar. 31, 1982	15.75	Dec. 15, 1981.
Apr. 1 to June 30, 1982	16.5	Mar. 15, 1982.
July 1 to Sept. 30, 1982	16.5	June 15, 1982.
Oct. 1 to Dec. 31, 1982	13.5	Sept. 15, 1982.
Jan. 1 to Mar. 31, 1983	11.5	Dec. 15, 1982.
Apr. 1 to June 30, 1983	10.5	Mar. 15, 1983.
July 1 to Sept. 30, 1983	10.5	June 15, 1983.

Section 2644.2(d) provides that if an overpayment has occurred, the overpayment must be refunded with interest at the same rate as the rate for overdue withdrawal liability payments.

Section 2644.4 provides that plans may adopt rules which provides for interest on overdue and defaulted withdrawal liability at rates other than that specified in § 2644.3. These rates must reflect "prevailing market rates for comparable obligations." This section also restates the plan's authority to adopt additional grounds for default.

Discussion of Public Comments

One comment expressed support for § 2644.2(c) of the regulation, which provides that no default for non-payment may be declared until the 61st day after the expiration of the time in which plan review may be requested, the expiration of the time in which arbitration may be initiated, or the issuance of an arbitrator's decision, whichever occurs latest. The comment noted that during this interim period of time plans are "well protected" by the accrual of interest on the unpaid amounts.

However, another comment asserted that under the statutes plans have the authority to accelerate the payment of withdrawal liability if there is a default, even though it occurs during arbitration. The comment thus took exception to the provisions of § 2644.2(c). PBGC disagrees with this view. PBGC believes that declaring a default, and thus requiring immediate payment of

withdrawal liability plus interest, is a very serious remedy which ought not to be invoked while an employer is exercising its statutory right to contest the plan's determination. Moreover, the legislative history of the Multiemployer Pension Plan Amendments Act indicates that acceleration should not be allowed during the arbitration process:

> Pending the resolution of the dispute [involving a plan's determination of withdrawal liability], the employer is required to pay withdrawal liability as originally determined by the plan, *but the failure to pay an installment before the arbitration is concluded would not accelerate payment of future installments*. Senate Labor and Human Resources Committee and Finance Committee, Joint Explanation of S. 1076: Multiemployer Pension Plan Amendments Act of 1980, 126 Cong. Rec. S. 10120 (daily ed. July 29, 1980) (emph. added).

However, as one comment pointed out, the regulation does authorize a plan to declare a default prior to the expiration of the time described in § 2644.2(c)(1) for events other than non-payment which the plan has by plan rule determined indicate a "substantial likelihood that an employer will be unable to pay its withdrawal liability" (§ 2644.4). The comment stated that the proposed regulation does not make clear what distinguishes an actual failure to make payment from a "substantial likelihood" of failure to make payment. This comment also requested that PBGC provide guidance to plans on the meaning of "substantial likelihood."

PBGC agrees that some additional guidance on this matter is needed. In terms of a plan's authority to declare a default during arbitration, the regulation distinguishes between an employer's failure to make a payment and a plan determination that there is a substantial likelihood of the employer's inability to pay *its total withdrawal liability*. Such a substantial likelihood would exist, for example, when an employer declares bankruptcy, makes an assignment for the benefit of creditors, or begins liquidating all of its assets; mere failure to make a payment would not necessarily indicate this substantial likelihood of inability to pay the full liability. In the former situations, unlike in the case of a missed payment, a plan's ability to collect withdrawal liability may very well depend on its power to declare a default and accelerate the full liability. Therefore, PBGC believes it is important for the protection of plans that they be able to exercise this power at any time, even during plan review or arbitration. PBGC emphasizes, however, that plan rules establishing additional grounds for default may only include those events that indicate a substantial likelihood that the employer will be unable to pay its full liability.

A separate comment raised two related issues. First, the comment requested clarification of whether during the pendency of arbitration overdue payments may, for the purposes of section 502(g) of the Act, be considered delinquent contributions under section 515. The comment observed that under section 4221(d), only missed payments after a final arbitration decision are treated as delinquent contributions, but that under section 4301(b), it appears that missed withdrawal liability payments at any time are treated as delinquent contributions. Second, the comment questioned whether it is advisable to permit a plan to sue an employer for missed payments under its payment schedule prior to the conclusion of arbitration. The comment pointed out that there are cases when employers, alleging plan mistake, refuse to pay the amounts due believing that they will be vindicated in arbitration or in court. Thus, the comment argued that the mere deferral of acceleration would be meaningless unless the regulation also prohibited plans from suing employers during the period of arbitration. Another comment also urged PBGC to take a position on this matter, but this comment argued that the regulation should authorize plans to sue to collect scheduled payments during the pendency of arbitration.

PBGC agrees that some clarification is needed concerning the ability of plans to sue during the pendency of arbitration for missed withdrawal liability payments. Under ERISA sections 4219(c)(2) and 4221(d), employers are required to make scheduled payments while a dispute is in arbitration. This requirement protects plans against financial loss with respect to employers who have ceased contributing to a plan. While the provisions of sections 4219 and 4301 are not entirely clear on this point, PBGC believes that it was the intent of Congress to give plans a legal remedy to enforce this requirement, for without a means of enforcement, this protection may be largely illusory. This position is supported by recent court decisions (see, *Commission Drivers Local 187 Pension Fund* v. *Hertz*, 3 EBC 1801 (E.D. Pa. 1982); *Republic Industries, Inc.* v. *Central Pa. Teamsters Pension Fund*, 693 F.2d 290, 298 (3rd Cir. 1982)). As to the other legal questions involved in this matter (*e.g.*, whether courts may assess penalties under section 502(g) on missed payments during the pendency of arbitration), those issues do not relate to the amount of the withdrawal liability due or the rate of interest to be charged thereon, and thus are beyond the scope of this regulation.

There is an issue, not dealt with in the proposed regulation, concerning how the statutory requirement under ERISA section 4219(c)(5)(A) for a notice of delinquency prior to default operates in the case of joint obligors, *e.g.*, is a notice of delinquency to a subsidiary also notice to the parent corporation? PBGC notes that section 4001(b)(1) provides that all trades or businesses under common control are treated as a single employer for the purposes of Title IV of ERISA. This provision indicates that under ERISA there is a unity of interest in the case of a controlled group of corporations, since the entire group is considered to be a single employer for withdrawal liability and other purposes. Therefore, PBGC believes that a notice of default sent to the contributing entity which is a member of a controlled group of corporations, within the meaning of section 4001(b)(1), constitutes constructive notice to the other members of the same controlled group. Thus, PBGC finds that section 4219(c)(5)(A) does not require notice to the other members of a controlled group.

One comment expressed concern that the proposed regulation would establish only one rate of interest to be charged on overdue and defaulted withdrawal liability payments. The comment stated that "relying almost exclusively" on the prime rate was "inappropriate and contrary to the overall purposes of the statutory provisions." In the opinion of the comment, plans ought not to be tied to a single rate and PBGC should identify other possible variations from that rate. The comment further stated that the prime rate was not the appropriate rate because its use would provide incentive for employers to delay making withdrawal liability payments by providing a generally better interest rate than most employers, especially smaller employers, can get in the marketplace. For that reason, the comment stated that the prime rate would effectively provide "favorable financing terms to delinquent employers." The comment also urged PBGC to identify general economic and financial factors to guide plans in setting alternative interest rates. According to the comment, absent this guidance, a plan would be "unfairly penalized in trying to demonstrate that its interest rate meets the statutory test of 'prevailing.' " On this point, the comment concluded by expressing its support for allowing plans to set their own rules with respect to the rate to be charged.

In response to this comment, PBGC first points out that the regulation does not limit a plan to the rate of interest specified in the regulation. Under § 2644.4 of the regulation, plans are given express authority to adopt rules that provide for interest on overdue and defaulted withdrawal liability at rates other than that specified in §2644.3. (In addition, PBGC has modified §§ 2644.2(d) and 2644.4 to clarify that plans also have the authority to establish alternative rates of interest for overpayments of withdrawal liability; the rate for overpayments must be the same rate of interest as that established by the plan for overdue withdrawal liability payments.) PBGC disagrees with the implication in this comment that, by establishing the prime rate in the regulation, PBGC has given that rate a certain bias that must be overcome by plans if they desire to establish a different rate. The fact that PBGC has determined that the prime rate satisfies the statutory standards for the interest rate does not constitute a finding that another rate does not satisfy those standards.

Further, PBGC notes that the regulation authorizes plans to establish more than one interest rate. Section 2644.4 provides that plans may vary the rate according to employer creditworthiness. Thus, if there is concern that a particular rate might prove to be unduly favorable to a certain risk class of employers, *i.e.*, employers who would ordinarily have to borrow at a higher rate, then the plan could by rule establish a different rate for that class of employers.

On the point of providing plans with more guidance on the rates they may adopt, PBGC believes that the statutory standards, coupled with the PBGC's interpretation of those standards in the preamble to the proposed regulation, provide plans with sufficient guidance to establish different rates if they so desire.

PBGC disagrees with the assertion that the prime rate is too low. In recent years, the prime rate has come to mean the average rate at which banks loan money to their commercial customers. As PBGC pointed out in the preamble to the proposed regulation, according to the Federal Reserve Board's quarterly survey of Terms of Bank Lending (Statistical Release E.2 (111)) for the past four years, the rates which banks actually charge on short-term (less than one year) commercial and industrial loans are only slightly higher than the prime rate at any given period. While it may prove to be favorable for some employers, PBGC believes that the prime rate approximates the prevailing market rate for most borrowers.

A question has also been raised on whether the interest rate prescribed by the regulation is a nominal rate or an effective rate. In order to clarify this issue, PBGC has added a new paragraph (c) to § 2644.3 (paragraphs (c) and (d) of the proposed regulation have been redesignated (d) and (e)), which provides that the rate under § 2644.3(b) is a nominal rate and gives an explicit rule for calculating the amount of interest due.

In order to clarify a potential ambiguity, PBGC has revised § 2644.3(b) which concerns the date from which interest accrues on overdue and defaulted withdrawal liability payments. As proposed, the provision was subject to an interpretation that in the case of an overdue payment, interest would run from the due date of the payment, but in the case of a default, interest would run from the date of default rather than from the due date of the payment. PBGC did not intend that result. Therefore, PBGC has revised § 2644.3(d) to clarify that in the case of both overdue and defaulted withdrawal liability payments, interest will run from the date on which the payment was originally due.

One comment pointed out an apparent inconsistency between the PBGC proposed regulation and an Internal Revenue Service ("IRS") proposed rule on the question of whether a plan must credit an employer with interest on an overpayment of withdrawal liability. The IRS proposed rule on Refund of Mistaken Contributions (48 FR 10374, March 11, 1983), which was published after the PBGC proposed regulation, provided in relevant part—

> Any earnings attributable to the excess contribution or overpayment as a return on investment to the trust may not be returned to the employer. Losses attributable to the excess contribution or overpayment must reduce the amount to be returned (§ 1.401(a)-(3)(2)(ii)(A)).

In contrast, § 2644.2(d) of PBGC's proposed regulation provided that an overpayment must be refunded with interest to the employer. The comment urged that PBGC and IRS coordinate their rulemaking to ensure consistency on this issue.

Both PBGC and IRS recognize the need for consistency on this matter. In a comment filed with the IRS, PBGC indicated that the courts have sustained PBGC's position that interest should accompany a refund to an employer of an overpayment of withdrawal liability (see, *Terson Co.* v. *PBGC*, 3 EBC 2368, 2371 (N.D. Ill. 1982)). PBGC also noted that this position furthers the Congressional purpose of encouraging payment of withdrawal liability even when the amount of the liability may be in dispute. In response to PBGC's comment, IRS has indicated that it intends to revise its rule to adopt the approach taken in PBGC's regulation.

This same comment went on to state that neither the PBGC nor the IRS approach is appropriate. The comment suggested that a distinction be drawn depending on whether the plan or the employer was responsible for the overpayment. The comment stated that, for example, when the overpayment results from an employer error, there is no justification for requiring the plan to refund the overpayment with interest. However the comment conceded that when the amount of liability assessed by a plan is disputed by an employer, paying interest as part of the refund might be less expensive for the plan than having to go to court to collect the payment. The same comment further stated that if there is interest charged on overpayments, the rate should not be the same as the interest rate for delinquent withdrawal liability, as required by § 2644.2(d); that "the equities are different in the two situations and may require different treatment."

PBGC disagrees with these suggestions. PBGC is not aware of any practical reason for distinguishing between overpayments resulting from employer error as opposed to plan mistake; in either event, the plan has money to which it is not entitled. Further, since the plan presumably has at its disposal all of the information necessary to make the calculations, overpayment will almost always be the result of plan error. In addition, drawing distinctions along the lines suggested by this comment could increase administrative burdens and give rise to costly disputes between employers and plans. Finally, PBGC points out that if an employer pays amounts in excess of what is required under the schedule of payments, the employer is not entitled to any interest on the overpayment. The requirement for interest on overpayments in § 2644.2(d) applies only to "payments made in accordance with the schedule of payments established by the plan sponsor."

PBGC also disagrees with the suggestion that a different interest rate should be charged depending on whether the plan is making or receiving payments. PBGC finds the equities are the same, and that employers are entitled to receive the same rate of interest on refund of overpayments as

they pay on delinquent or defaulted payments. Moreover, paying the same rate of interest on refunds will be an incentive to employers to make prompt payment of withdrawal liability, which is obviously in the plan's best interests.

Another comment disagreed with § 2644.2(d)(2) of the proposed regulation, which permitted the plan to refund an overpayment by applying it against future payments instead of returning it in a lump sum. The comment stated that in any other commercial field, a creditor who overbilled and was paid would be required to refund the excess at once and would not be permitted to apply the amount against future billings. According to the comment, the payment of withdrawal liability will often adversely affect the employer's cash flow, a problem that is not necessarily resolved by payment of interest under § 2644.2(d) since the interest rate may be "substantially lower" than the cost to the withdrawn employer. The comment concluded this point by stating that a plan should not be given the choice of refund method when the plan itself is responsible for the overcharge.

PBGC agrees with this suggested change. Under § 2644.2(d)(1) of the proposed regulation, a lump sum payment was required when an employer overpaid the total amount of withdrawal liability. A revision of the schedule of payments was permitted under § 2644.2(d)(2) only when there was an outstanding balance owed to the plan. However, the annual payment is specifically set by statute (ERISA section 4219(c)(1)(C)(i)), and PBGC finds there is no justification for any change in that payment. If overpayment does occur in connection with the annual payment, the amount overpaid should be refunded to the employer in a lump sum, rather than by changing the amount of future payments.

Moreover, it is the plan and not the employer who calculates the amount of the annual payment. Because an overpayment regarding the annual payment will typically result from plan rather than employer error, the plan ought not to benefit from the mistake by being permitted to revise the schedule of payments rather than provide a lump sum payment. For those reasons, PBGC has dropped paragraphs (d)(1) and (d)(2), and has revised § 2644.2(d) to provide that in the event of overpayment, whether in connection with the total withdrawal liability owed or the annual payment amount, the plan sponsor must refund the overpayment in a lump sum (plus interest).

Another comment characterized as reasonable the provisions of § 2644.4, which would authorize plans to adopt other rules relating to the collection of overdue and defaulted withdrawal liability if they are consistent with ERISA and operate uniformly with respect to each employer except for variations based on creditworthiness. The comment noted that the section further provides that any variations that plans choose to make based on creditworthiness must themselves be outlined in specific rules, including criteria for measuring creditworthiness. However, according to the comment, many plans negotiate settlements with individual employers on a case-by-case basis and include features such as payments into escrow pending the outcome of litigation and revised interest rates. The comment also pointed out that in other cases, an arbitrator may order that liability be paid in a different way. For those reasons, the comment urged that the regulation provide that the uniformity requirement for plan rules not apply to individual settlements of specific disputes.

PBGC believes that the change suggested by the comment is unnecessary. First, ERISA section 4214(b), which requires that plan rules operate and be applied uniformly, does not apply to a decision in a specific case by an arbitrator under section 4221. Second, nothing in sections 4219(c)(7) and 4224, both of which authorize plans to adopt rules for the satisfaction of an employer's withdrawal liability, prohibits a plan from making an individual settlement with an employer pursuant to a plan rule adopted for that purpose which is consistent with ERISA. Indeed, the legislative history of section 4224 envisions such "practical collection decisions". See, *Congressional Record*, H7899 (Aug. 26, 1980).

Finally, one comment objected to the requirement under § 2644.4(b) of the proposed regulation that plans notify employers and employee organizations of the adoption of plan rules under this regulation. The comment stated that ERISA section 4214(b), which is cited by the proposed regulation as authority for this requirement, is subject to the interpretation that a notice is required only if a plan adopts special rules for allocating liability under section 4211(c) or changing the *de minimis* rule under section 4209. Citing the burden entailed in the special mailing of a notice concerning the delinquent/defaulted liability interest rate and similar items, the comment urged that the notice requirement be deleted. The comment instead suggested that plans be required to notify employers only at the time they withdraw or upon request, and in no event should there be any general notice required if the plan rules "simply incorporate the presumptive rules of the law and PBGC regulation." Contrary to the comment's opinion, PBGC believes that section 4214(b) requires plans to give notice to employee organizations and contributing employers of any plan rule or amendment adopted pursuant to that provision. Because of this express statutory provision, PBGC has concluded that there is no need to restate the notice requirement and therefore has dropped § 2644.4(b) from the regulation.

Executive Order 12291 and Regulatory Flexibility Act

The PBGC has determined that this regulation is not a "major rule" for the purposes of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. ERISA requires that interest be assessed on overdue and defaulted withdrawal liability at rates based on prevailing market rates for comparable obligations. This regulation merely specifies one such rate. Moreover, this regulation does not mandate the use of that particular interest rate; plans may adopt other rates by plan rule.

Under section 605(b) of the Regulatory Flexibility Act, the Pension Benefit Guaranty Corporation certifies that this rule will not have a significant economic impact on a substantial number of small entities. Pension plans with fewer than 100 participants have traditionally been treated as small plans. The proposed regulation affects only multiemployer plans covered by PBGC. Defining "small plans" as those with under 100 participants, such plans represent less than 14 percent of all multiemployer plans covered by PBGC (346 out of 2485). Further, small multiemployer plans represent only .4 percent of all small plans covered by the PBGC (346 out of 84,288). Approximately 500,000 employers contribute to multiemployer plans, most of them small employers (under 100 employees). PBGC estimates that fewer than 25,000 (5 percent) of these employers will be required to pay withdrawal liability in any year, and an even smaller percentage will have overdue or defaulted withdrawal liability. Therefore compliance with sections 603 and 604 of the Regulatory Flexibility Act is waived.

List of Subjects in 29 CFR Part 2644

Employee benefit plans and pensions.

In consideration of the foregoing, Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations is amended by adding a new Part 2644 as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

Sec.

2644.1 Purpose and scope.
2644.2 Overdue and defaulted withdrawal liability; overpayment.
2644.3 Interest on overdue, defaulted and overpaid withdrawal liability.
2644.4 Plan rules concerning overdue and defaulted withdrawal liability.

Authority: Secs. 4002(b)(3) and 4219(c), Pub. L. 93-406, as amended by secs. 403(1) and 104 (respectively), Pub. L. 96-364, 94 Stat. 1208, 1302 and 1236-1238 (1980) (29 U.S.C. 1302(b)(3) and 1399(c)(6)).

§ 2644.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to establish the interest rate to be charged on overdue, defaulted and overpaid withdrawal liability under section 4219(c)(6) of the Act, and to authorize multiemployer plans to adopt alternative rules concerning assessment of interest and related matters.

(b) *Scope.* This part applies to multiemployer plans covered under section 4021(a) of the Act and not excluded by section 4021(b), and to employers who have withdrawn from such plans after April 28, 1980 (May 2, 1979 for certain employers in the seagoing industry).

§ 2644.2 Overdue and defaulted withdrawal liability; overpayment.

(a) *Overdue withdrawal liability payment.* Except as otherwise provided in rules adopted by the plan in accordance with § 2644.4, a withdrawal liability payment is overdue if it is not paid on the date set forth in the schedule of payments established by the plan sponsor.

(b) *Default.* (1) Except as provided in paragraph (c)(1), "default" means—

(i) The failure of an employer to pay any overdue withdrawal liability payment within 60 days after the employer receives written notification from the plan sponsor that the payment is overdue; and

(ii) Any other event described in rules adopted by the plan which indicates a substantial likelihood that an employer will be unable to pay its withdrawal liability.

(2) In the event of a default, a plan sponsor may require immediate payment of all or a portion of the outstanding amount of an employer's withdrawal liability, plus interest. In the event that the plan sponsor accelerates only a portion of the outstanding amount of an employer's withdrawal liability, the plan sponsor shall establish a new schedule of payments for the remaining amount of the employer's withdrawal liability.

(c) *Plan review or arbitration of liability determination.* The following rules shall apply with respect to the obligation to make withdrawal liability payments during the period for plan review and arbitration and with respect to the failure to make such payments:

(1) A default as a result of failure to make any payments shall not occur until the 61st day after the last of—

(i) Expiration of the period described in section 4219(b)(2)(A) of the Act;

(ii) If the employer requests review under section 4219(b)(2)(A) of the Act of the plan's withdrawal liability determination or the schedule of payments established by the plan, expiration of the period described in section 4221(a)(1) of the Act for initiation of arbitration; or

(iii) If arbitration is timely initiated either by the plan, the employer or both, issuance of the arbitrator's decision.

(2) Any amounts due before the expiration of the period described in paragraph (c)(1) shall be paid in accordance with the schedule established by the plan sponsor. If a payment is not made when due under the schedule, the payment is overdue and interest shall accrue in accordance with the rules and at the same rate set forth in § 2644.3.

(d) *Overpayments.* If the plan sponsor or an arbitrator determines that payments made in accordance with the schedule of payments established by the plan sponsor have resulted in an overpayment of withdrawal liability, the plan sponsor shall refund the overpayment, with interest, in a lump sum. The plan sponsor shall credit interest on the overpayment from the date of the overpayment to the date on which the overpayment is refunded to the employer at the same rate as the rate for overdue withdrawal liability payments, as established under § 2644.3 or by the plan pursuant to § 2644.4.

§ 2644.3 Interest on overdue, defaulted and overpaid withdrawal liability.

(a) *Interest assessed.* The plan sponsor of a multiemployer plan—

(1) Shall assess interest on overdue withdrawal liability payments from the due date, as defined in paragraph (d) of this section, until the date paid, as defined in paragraph (e); and

(2) In the event of a default, may assess interest on any accelerated portion of the outstanding withdrawal liability from the due date, as defined in paragraph (d) of this section, until the date paid, as defined in paragraph (e).

(b) *Interest rate.* Except as otherwise provided in rules adopted by the plan pursuant to § 2644.4, interest under this section shall be charged or credited for each calendar quarter at a rate equal to the average quoted prime rate on short-term commercial loans for the fifteenth day (or next business day if the fifteenth day is not a business day) of the month preceding the beginning of each calendar quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

(c) *Calculation of interest.* The interest rate under paragraph (b) of this section is the nominal rate for any calendar quarter or portion thereof. The amount of interest due the plan for overdue or defaulted withdrawal liability, or due the employer for overpayment, shall be computed for the number of full quarters, months and days from the due date (or date of overpayment) to the date paid (or date of refund), as follows:

$$\text{(1) Number of full quarters} \times \frac{\text{interest rate for quarter}}{4}$$

$$\text{(2) Number of full months in partial quarter} \times \frac{\text{interest rate for quarter}}{12}$$

$$\text{(3) Number of days in partial month} \times \frac{\text{interest rate for quarter}}{360}$$

(4) Interest due = ((1) + (2) + (3)) × overdue/defaulted amount or overpayment

(d) *Due date.* Except as otherwise provided in rules adopted by the plan, the due date from which interest accrues shall be, for an overdue withdrawal liability payment and for an amount of withdrawal liability in default, the date of the missed payment that gave rise to the delinquency or the default.

(e) *Date paid.* Any payment of withdrawal liability shall be deemed to have been paid on the date on which it is received.

§ 2644.4 Plan rules concerning overdue and defaulted withdrawal liability.

Plans may adopt rules relating to overdue and defaulted withdrawal liability, provided that those rules are consistent with the Act. These rules may include, but are not limited to, rules for

determining the rate of interest to be charged on overdue, defaulted and overpaid withdrawal liability (provided that the rate reflects prevailing market rates for comparable obligations); rules providing reasonable grace periods during which late payments may be made without interest; additional definitions of default which indicate a substantial likelihood that an employer will be unable to pay its withdrawal liability; and rules pertaining to acceleration of the outstanding balance on default. Plan rules adopted under this section shall be reasonable. Plan rules shall operate and be applied uniformly with respect to each employer, except that the rules may take into account the creditworthiness of an employer. Rules which take into account the creditworthiness of an employer shall state with particularity the categories of creditworthiness the plan will use, the specific differences in treatment accorded employers in different categories, and the standards and procedures for assigning an employer to a category.

Effective date. This part is effective July 2, 1984.

Issued at Washington, D.C. on this 25th day of May 1984.

Raymond Donovan,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving this regulation and authorizing its Chairman to issue same.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 84-14475 Filed 5-30-84; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Parts 1000, 1001, 1003, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1016, 1017, 1018, 1030, and 1031–1199

Air Force Procurement Regulations; Removal of Subchapter

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending Chapter VII, Title 32 by removing Subchapter W—Air Force Procurement and the following parts: Part 1001—General provisions; Part 1003—Procurement by negotiation; Part 1006—Foreign purchases; Part 1007—Contract clauses; Part 1008—Funding contract overruns; Part 1009—Patents, data and copyrights; Part 1011—Taxes; Part 1012—Labor; Part 1013—Government property; Part 1016—Procurement forms; Part 1017—Extraordinary contractual actions to facilitate the national defense; Part 1018—Procurement of construction and contracting for architect-engineer services; Part 1030—Appendixes to Headquarters U.S. Air Force Armed Services procurement regulations supplement; and Parts 1031–1199 [Reserved]. These documents are now obsolete. The Federal Acquisition Regulation (FAR) establishes (i) a single regulation for use by all executive agencies in their acquisition of supplies and services with appropriated funds; and (ii) the Federal Acquisition Regulation System consisting of the FAR agency acquisition regulations that implement or supplement the FAR. The FAR and the DOD FAR Supplement (49 FR 11302, March 26, 1984) replaced the Defense Acquisition Regulation (DAR). This action is a result of departmental review in an effort to insure that only current regulations are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: May 31, 1984.

FOR FURTHER INFORMATION CONTACT: Col. McChesney, HQ USAF/RD, Washington, D.C. 20330, telephone (202) 697-9441.

List of Subjects in 32 CFR Parts 1000, 1001, 1003, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1016, 1017, 1018, 1030, and 1031–1199

Government procurement, Small business, Canada, Foreign trade, Research, Foods, Safety, Freight, Federal building and facilities, Copyright, Inventions and patents, Tapes, State-Federal relations, Government property, National defense, Labor, Architects, Engineers.

SUPPLEMENTARY INFORMATION: Accordingly, 32 CFR is amended by removing Parts 1000, 1001, 1003, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1016, 1017, 1018, 1030, 1031–1199 by removing the Subchapter W heading and by reserving Subchapter W.

Authority: 10 U.S.C. 8012.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-14465 Filed 5-30-84; 8:45 am]

BILLING CODE 3910-01-M

POSTAL SERVICE

39 CFR Part 233

Inspection Service Authority; Mail Covers; Correction

AGENCY: Postal Service.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on the mail cover authority of postal inspectors that appeared at page 56215 in the Federal Register of Tuesday, December 20, 1983 (48 FR 56215). The action is necessary to correct an error in redesignating a paragraph.

EFFECTIVE DATE: January 20, 1984.

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

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 83-33667 appearing on 56215, in the issue of December 20, 1983:

On page 56215, in the middle of column two, in the amendatory language, the clause "redesignate paragraphs (f), (g), (h), and (i) as paragraphs (g), (h), (i), and (j), respectively," is corrected to read "redesignate paragraphs (f), (g), (h), (i), and (j) as paragraphs (g), (h), (i), (j), and (k), respectively,".

(39 U.S.C. 401, 403, 404, 410, 411)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 84-14516 Filed 5-30-84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2E2738/R676; PH-FRL 25964]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide diflubenzuron in or on the raw agricultural commodity pasture grass. This regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: May 31, 1984.

ADDRESS: Written objections, identified by the document control number [PP 2E2738/R676], may be submitted to the: Hearing Clerk (A–110, Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Donald Stubbs, Registration Support and Emergency Response Branch, Registration Division (TS–767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of April 18, 1984 (49 FR 15232), which announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2738 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the Agricultural Experiment Station of California, proposing the establishment of a tolerance for residues of the insecticide diflubenzuron (*N*-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide) in or on the raw agricultural commodity pasture grass at 3.0 parts per million (ppm). The petition was later amended to propose a tolerance of 1.0 ppm.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

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

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: May 17, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.377 is amended by adding and alphabetically inserting the raw agricultural commodity pasture grass, to read as follows:

§ 180.377 Diflubenzuron; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Grass, pasture	1.0
* * * * *	

[FR Doc. 84–14487 Filed 5–30–84; 8:45 am]

BILLING CODE 6560–5–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6541

[NEV–051745, 054523]

Nevada; Public Land Order No. 6505; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct an error in the land description in Public Land Order No. 6505 of January 24, 1984.

EFFECTIVE DATE: May 31, 1984.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702–784–5703.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination of the Federal Energy Regulatory Commission in DA–26–Nevada, it is ordered as follows:

A description of lands in Public Land Order No. 6505 of January 24, 1984, in FR Doc. 84–2606 appearing on pages 3858–9 in the issue of Tuesday, January 31, 1984, in paragraph 3, read "T. 16 S., R. 68 W.", and should read, "T. 16 S., R. 68 E."

Dated: May 22, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84–14515 Filed 5–30–84; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6603]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

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

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

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that

statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

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

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard areas
Region I					
Connecticut: Middlesex	Clinton, town of	090081D	Mar. 2, 1973, emergency; Sept. 30, 1980, regular; June 1, 1984 suspended.	Feb. 1, 1974, Mar. 4, 1977, Sept. 30, 1980, and Oct. 1, 1983.	June 1, 1984.
Region II					
New Jersey:					
Bergen	Edgewater, borough of	340029D	Sept. 25, 1975, emergency; Apr. 1, 1983, regular; June 1, 1984, suspended.	Aug. 2, 1974, Oct. 10, 1980, and Apr. 1, 1983.	Do.
Bergen	Paramus, borough of	340062C	Feb. 11, 1972, emergency; June 1, 1984, regular; June 1, 1984 suspended.	Aug. 31, 1973, Feb. 22, 1980 and Jan. 23, 1981.	Do.
Cape May	Upper, township of	340159B	Jan. 29, 1971, emergency; Dec. 10, 1976, regular; June 1, 1984, suspended.	Dec. 6, 1974 and Dec. 10, 1976	Do.
New York:					
Saratoga	Ballston, town of	360711B	Dec. 19, 1975, emergency; June 1, 1984, regular; June 1, 1984, suspended.	Aug. 2, 1974 and Aug. 6, 1976	Do.
Do	Ballston Spa, village of	360710B	July 7, 1975, emergency; June 1, 1984, regular; June 1, 1984, suspended.	May 31, 1974 and Mar. 26, 1976	Do.
Dutchess	Fishkill, town of	361337A	Sept. 19, 1975, emergency; June 1, 1984, regular; June 1, 1984, suspended.	Dec. 20, 1974	Do.
Schenectady	Glenville, town of	360738B	Aug. 2, 1974, emergency; June 1, 1984, regular; June 1, 1984 suspended.	Aug. 2, 1974 and June 25, 1976	Do.
Oneida	Marcy, town of	360533B	Apr. 23, 1975, emergency; June 1, 1984, regular; June 1, 1984, suspended.	Sept. 20, 1974 and Apr. 30, 1976	Do.
Saratoga	Stillwater, town of	360731B	July 9, 1975, emergency; June 1, 1984, regular; June 1, 1984, suspended.	June 21, 1974 and June 18, 1976	Do.
Oneida	Sylvan Beach, village of	361042C	Apr. 29, 1975, emergency; June 1, 1984, regular; June 1, 1984, suspended.	May 31, 1974, Jan. 16, 1976, and May 14, 1976.	Do.
Region III					
Pennsylvania:					
Bucks	Doylestown, borough of	421410B	Feb. 17, 1977, emergency; June 1, 1984, regular; June 1, 1984, suspended.	June 3, 1977	Do.
Chester	Kennett, township of	422586A	Dec. 8, 1975, emergency; June 1, 1984, regular; June 1, 1984, suspended.	Dec. 6, 1974	Do.
Berks	Washington, township of	4211383A	Sept. 12, 1977, emergency; June 1, 1984, regular; June 1, 1984, suspended.	Nov. 22, 1974	Do.
Virginia: Accomack	Unincorporated areas	510001B	Jan. 10, 1974, emergency; June 1, 1984, regular; June 1, 1984, suspended.	Dec. 13, 1974 and Oct. 1, 1983	Do.
Region IV					
Georgia:					
Camden	Unincorporated areas	130262B	Jan. 20, 1976, emergency; June 1, 1984, regular; June 1, 1984, suspended.	Apr. 2, 1976 and Oct. 1, 1983	Do.
Bibb	City of Macon and Bibb County.	130011C	June 11, 1971, emergency; Sept. 28, 1979, regular; June 1, 1984, suspended.	May 24, 1974, Apr. 8, 1977, and Sept. 28, 1979.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard areas
Kentucky: Logan	Russellville, city of	120150B	July 24, 1974, emergency; June 1, 1984, regular; June 1, 1984, suspended.	May 17, 1974 and July 9, 1976	Do.
Region V					
Illinois: Hancock	Warsaw, city of	170273B	Nov. 26, 1974, emergency; June 1, 1984, regular; June 1, 1984, suspended.	Dec. 17, 1973 and July 9, 1976	Do
Region X					
Oregon: Umatilla	Helix, city of	410208C	Jan. 13, 1976, Emergency; June 1, 1984, regular; June 1, 1984, suspended.	Dec. 20, 1974, Aug. 26, 1979, and Aug. 18, 1981.	Do.

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

Issued: May 24, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-14470 Filed 5-30-84; 8:45 am]

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LEGAL SERVICES CORPORATION

45 CFR Part 1612

Restrictions on Lobbying and Certain Other Activities

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This rule implements the provisions of Pub. L. 98–166 concerning the use of the Legal Services Corporation's 1984 appropriation for communication with elected officials and agencies or the dissemination of information on public policies, demonstrations and labor activities at training events. In addition, the regulations governing these activities in the absence of special appropriations language are clarified to meet problems of compliance with the law on lobbying activities noted by the General Accounting Office and the Senate Labor and Human Resources Committee in 1983 oversight hearings. Regulations to enforce the provisions of the Legal Services Corporation Act on training and organizing are likewise proposed to prevent a recurrence of violations of the Act reported by the General Accounting Office.

EFFECTIVE DATE: July 2, 1984.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Assistant General Counsel, (202) 272–4010.

SUPPLEMENTARY INFORMATION: On February 24, 1984, the Legal Services Corporation published in the **Federal Register** (49 FR 6943) a proposed rule revising Part 1612—Restrictions on Certain Activities. Interested parties were given 30 days, until March 26, 1984, in which to submit comments. A total of 218 comments were received and considered. Of these, 144 were received within the comment period, and the remainder thereafter. Of the comments, 56 were from programs funded by LSC; 13 from Congress; 20 from bar associations; 20 from state officials; 63 from legal and political foundations and coalitions; 12 from government agencies; and 34 from private attorneys, firms and citizens.

This revision of Part 1612 is partially a result of reports and opinions of the General Accounting Office (GAO) with reference to the Corporation's lobbying regulations dating back to August, 1980. In response to a request from a member of Congress in February, 1981, the GAO reviewed certain memoranda obtained from the Corporation to determine whether it had violated Federal anti-lobbying laws.

In its opinion, dated May 1, 1981, the GAO held that the memoranda indicated that the Corporation had itself engaged, and had allowed its grant recipients to engage, in lobbying activities prohibited by Federal law. It recommended for the third time that the Corporation revise its regulations to prohibit such activity. In a letter dated May 11, 1981, LSC's president at that time stated that immediate steps would be undertaken to comply with the GAO recommendation. No new regulations were considered, however, until 1982, and regulations governing grassroots lobbying were finally promulgated in March, 1983.

In 1983, Congress again asked the GAO to render an opinion as to whether the Corporation and its recipients had violated restrictions imposed by Congress on training and coalition building activities, and on advocating or opposing ballot measures, initiatives and referenda. An interim report was rendered dated September 19, 1983, indicating that such violations had in fact occurred. The finding of that report were confirmed in GAO testimony before the Senate Labor and Human Resources Committee, April 11, 1984. Significantly, that report found the violative activity reached a sufficiently high level in 1981 as to result in a reduction in the number of cases handled by some program attorneys.

The GAO in its report stated that it was recommending to the Corporation that it take appropriate action to amend its regulations governing the activities of fund recipients and corporate officials in order to prohibit expenditures on the activities which it found to violate the lobbying restrictions.

The regulation also results from certain restrictions imposed on recipients in Pub. L 98–166 in terms of lobbying activities. These restrictions grew out of oversight hearings conducted by the Senate Committee on Labor and Human Resources. First, it adopted restrictions to bar the Corporation and its recipients from using Federal funds for publicity or propaganda intended to influence a legislative or administrative decision. Specifically, Congress sought to prohibit grassroots campaigns.

Secondly, the restrictions were intended to bar communications or services intended to influence a decision by an administrative agency except in the provision of legal assistance with respect to a particular claim, application or case.

Third, the language was to bar any lobbying in support of or in opposition

to any referendum, initiative, constitutional amendment or similar procedure. This represented a reemphasis of what the Congress had deemed to be explicitly prohibited under previous law. Similarly, all attempts to influence an authorization or appropriation of legal services funding, or oversight of the Corporation or a recipient is prohibited.

Fourth, the restrictions were designed to prohibit communications to Federal, State and local legislatures to influence legislation except (1) where the purpose of the communication was to bring a specific problem to the attention of the legislators after exhaustion of judicial and administrative relief, subject to certain conditions; (2) in response to requests from a Federal, State or local official; or (3) as a communication requesting introduction of a private relief bill.

Finally, Pub. L. 98–166 required records of time spent on lobbying and prohibited Corporation funds from being used to pay for administrative or related costs of an activity prohibited by the restriction. In other words, the prohibitions that Congress had set out could not be circumvented by a claim that all lobbying was being funded by other sources of funds, while ignoring the fact that the rent or other overhead supporting a prohibited activity were paid from LSC funds.

This rule establishes new subsections concerning prohibited organizing activity (§ 1612.3), activity prohibited in connection with training (§ 1612.4), administrative representation under Pub. L. 98–166 (§ 1612.6), legislative representation under Pub. L. 98–166 (§ 1612.7) and the posting of notices concerning these restrictions (§ 1612.9). Former § 1612.3 concerning the attorney-client relationship has been renumbered 1612.2(c) since it solely relates to the activities proscribed by that section. The regulation on public demonstrations (§ 1612.2), legislative and administrative representation (formerly § 1612.4, renumbered § 1612.5) and enforcement (formerly § 1612.5, renumbered § 1612.8) are modified to better achieve the statutory purpose of strictly limiting the use of Legal Services Corporation funds for these activities. The significant changes effected by the regulation are summarized below:

Title

The title of Part 1612 is changed to specifically mention lobbying so as to facilitate the reader's finding the regulations governing legislative and administrative representation.

Definitions

The definition of "legal assistance activities" is modified to clarify that the term covers the use of Corporation or recipient resources by a subrecipient. In response to comments requesting clarification, the phrase "or while on official travel" has been added to § 1612.1(a)(1).

The Term "legislation" is defined to make clear that it encompasses all potential actions (whether formally pending or not) of the Congress and any other body of elected officials acting in a legislative capacity as opposed to their actions as an adjudicatory body. Specifically mentioned is action on constitutional amendments, treaties and intergovernmental agreements, approval of appointments or budgets proposed by an executive branch official, simple resolutions not having the force of law, and approval or disapproval of executive action. In response to comments, Indian Tribal Councils are excluded from the term "legislative."

Public Demonstrations, Boycotts, Strikes, Etc.

Sections 1612.2 and 1612.3 are combined and the following statement of old ¶ 1612.3(b) is deleted: "Nothing in this part shall prohibit an attorney from * * * attending a public demonstration, picketing, boycott or strike for the purpose of providing legal assistance to a client". Section 1612.2(c)(2) makes clear that the prohibition on participation in demonstrations, strikes, etc. does not prohibit an attorney from fulfilling his professional responsibilities to a client. Thus, the deletion of old ¶ 1612.3(b) does not impose an additional prohibition upon attorneys—it merely removes an express permission to attend such demonstrations, etc., when unnecessary to fulfill professional responsibilities to a client.

Organizing

A new § 1612.3 implements the restrictions of section 1007(b)(7) of the Act on the use of Corporation funds to initiate the formation, or act as an organizer, of any association, federation or similar entity. The regulation makes clear that no funds may be used for publicizing an organization or defraying the costs of any meeting at which persons are urged to form or join any organization. The regulation does not restrict a recipient from providing advice or assistance to eligible clients concerning the laws applicable to formation or operation of an organization, as long as the organization does not have as a substantial purpose the exercise of influence with respect to legislation, elections or ballot propositions. Language has been inserted in response to comments to indicate that organizations of legal service delivery personnel or of eligible clients solely organized for the improvement of legal services delivery are not covered by the prohibition. The last provision implements the restrictions of section 1006(e) and 1007 (a)(5), (a)(6), (b)(6) and (b)(7) concerning political or lobbying activity.

Training

A new § 1612.4 is adopted to implement § 1007(b)(5) and the related provision of Pub. L. 98–166 prohibiting the conduct of training programs for the purpose of advocating particular public policies or encouraging political activities, labor activities, etc. In accordance with Pub. L. 98–166, the conduct of training programs for the purpose of disseminating information about public policies, labor or political activities, etc. is likewise prohibited. New language has been inserted in ¶ 1612.4(a)(2)(v) to clarify that this provision applies to all funds made available by the Corporation under authority of Pub. L. 98–166. Training programs whose purpose is to encourage the formation of coalitions or organizations to advocate particular public policies or which involve the development of legislative strategy are specifically prohibited, in accordance with the Comptroller General's legal opinion of September, 1983. The limitations of § 1612.7(b)(2) on the use of Corporation grant proceeds to pay for outside training for activities which are prohibited or severely limited by law is extended to inhouse training events. The regulation incorporates the provisions of Pub. L. 98–166 making clear that it does not prohibit the training of attorneys or paralegals to prepare them to advise an eligible client of his or her rights under a statute or regulation already enacted, or to explain the nature of the legislative process to an eligible client. Subsection 1612.4(b)(2) is modified to clarify that advice concerning the nature of the legislative process does include discussion of a lobbying strategy for a particular bill.

Legislative and Administrative Representation

Two new sections are created to describe the rules peculiar to the use of 1984 appropriated funds in legislative (§ 1612.7) and administrative representation (§ 1612.6). The rules applicable otherwise are retained in § 1612.5 (formerly § 1612.4). The revisions in § 1612.5 summarized below

are made in recognition that the general rule of section 1007(a)(5) is that the use of Legal Services Corporation funds for legislative and administrative lobbying is prohibited unless it falls within one of three carefully defined exceptions. Congress has repeatedly indicated since 1977 through oversight hearings and appropriations riders containing reference to the language of the Kramer amendment to H.R. 3480 that it believes legal services programs have interpreted section 1007(a)(5) as authorizing more lobbying activity than intended.

First, § 1612.5 is made applicable to the introduction, amendment, enactment, defeat, repeal or signing of any legislation. Subsection 1612.5(a)(1) is amended to conform to 1612.5(f)(2) which provides that a recipient's employee is not to solicit or arrange a request from a governmental agency or public official in order to create a right to make representations to that agency or official. Further, in conformance with 1612.5(f), the authority to respond to official requests is limited to requests concerning "a specific matter" and does not authorize communications with persons other than the requesting party, or agents or employees of such party.

Subsection 1612.5(a)(2) is revised to make it clear that legislative or administrative representation of a client is only authorized where it is necessary to secure relief concerning a particular legal right or responsibility with respect to which the client has sought legal representation.

The documentation requirements of 1612.5(b) are modified to conform to the language of 1612.5(g) so as to reduce the number of different forms and procedures with which a recipient must comply. The client retainer required by 1612.5(b)(2) is modified to include a statement in the client's own words of the legal problem on which he or she seeks representation. The purpose of requiring a retainer is to insure that the work done conforms to the desires of the client and to facilitate Corporation auditing of grantee compliance with the strict terms of section 1007(a)(5)(A). The retainer will be more useful for these purposes if there is a clear record at the commencement of representation of the client's description of the legal problem for which the attorney finds it necessary to seek relief from the legislature or administrative agency.

In response to comments which indicated that the requirement as proposed would necessitate a more sophisticated knowledge of the law than could reasonably be expected of eligible clients, the Corporation has modified the subsection to limit the matter which must be expressed in the client's own words to "the matter on which relief is sought."

A new requirement is added, as required by Pub. L. 98–166, that the recipient maintain records of the time and the direct and indirect expenses associated with lobbying activity. Such activity includes time spent formulating positions and strategy as well as time spent in direct communication with officials. These records are required with respect to legislation and rulemaking matters, but not with respect to representation in adjudicatory proceedings. The records are required regardless of the source of funds involved and must specify the source. For all employees who are registered lobbyists, or who spend over ten percent of their time lobbying, full time logs will be required. These time logs are necessary to ensure the completeness of the records furnished pursuant to the terms of Pub. L. 98–166 and to enable the Corporation to enforce section 1010(c) of the Act which prohibits the use of private non-Corporation funds for purposes prohibited by the Act.

The authorization for full time legislative offices is deleted in light of the fact that lobbying activity is an exceptional, rather than a routine, function of a legal services program.

Section 1612.5(c) makes it clear that no Corporation funds are to be used to pay dues to organizations a substantial purpose of which is to take positions on pending legislative or administrative matters. To make it clear that the provision is not intended to prevent the payment of dues to bar associations, an express exception is stated. The circumstances in which advocating the support or defeat of legislative or administrative measures is authorized are strictly limited under the Act. It is not appropriate for recipients to pay dues to others to engage in lobbying outside those parameters, nor is it appropriate for a recipient to delegate to another organization its limited authority to lobby under section 1007(a)(5). It should be noted that the provision does not address the payment of dues to organizations for whom policy advocacy is a minor purpose.

The regulation also clarifies that LSC grant funds may not be used to pay for transportation to legislative or administrative proceedings of persons other than witnesses entering formal appearances on behalf of the recipient's client or attorneys or other employees engaged in permitted representational activities. In response to comments, the exception is extended to clarify that when necessary, it is appropriate to pay transportation costs for the client's attendance. Payment of administrative costs associated with a prohibited activity is an unauthorized use of LSC grant funds. The regulations also prevent expenditure of LSC grant funds for an event if a primary purpose of the expenditure is to facilitate lobbying activity that would be prohibited if conducted with LSC funds. This is simply an elaboration of the basic rule that only those costs which further the purpose of legal assistance to eligible clients within the guidelines of the Act may be charged against the LSC grant. If the primary purpose of the expenditure is furtherance of an objective that is not an authorized use of LSC funds, the expenditure is not an authorized cost of the LSC grant. The Corporation gives deference to the recipient's characterization of the purpose of all expenditures but recipients must document fully the purpose of any expenditure associated with attendance at a conference if the attending employee takes leave while out of town to engage in lobbying activities. Costs associated with an event that gives participants a block of time to engage in lobbying activities will be questioned.

Finally, § 1612.5(c) prohibits the use of LSC grant proceeds to assist others to attempt to influence legislation through providing those so engaged with the benefit of legislative liaison activities. This follows General Services Administration Contract Cost Principles and Procedures which disallow the expense of legislative liaison activities "except to the extent that such activities do not relate to lobbying or related activities * * *" It should be noted that the Defense Acquisition Regulations disallow as a cost of defense contracts "any legislative liaison activities." The language of this subsection has been revised to clarify that assisting others to influence legislation is the prohibited activity, and not legislative liaison *per se*.

Publicity or Propaganda

This section of the regulations was added in March 1983, in response to recommendations from the Comptroller General dating back to late 1980. As the Comptroller General stated clearly in his May 1, 1981, opinion, section 1007(a)(5) of the Legal Services Corporation Act does not authorize recipient employees to engage in indirect or grassroots lobbying activity. That section authorizes direct communication with public officials in three defined circumstances, but does not authorize other lobbying activity such as organizing coalitions or engendering communications from the public favoring or opposing changes in public

policy. Such activity is not "* * * necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities * * *."

Section 1612.5(d) extends the prohibition against publicity or propaganda to that designed to support proposed rules or regulations under consideration by an administrative agency or legislation under consideration by a county or municipal legislative body. This change is required by Pub. L. 98–166 and would, in any case, serve to conserve scarce legal services resources for legal representation as opposed to public relations. The regulation is also modified to prohibit communications containing a suggestion that the reader participate in or contribute to a demonstration, march, rally, fundraising drive, lobbying, letter writing or telephone campaign to influence legislation or rulemaking. This, too, follows the Defense and Federal Procurement Regulations. The objective of the proscription against publicity or propaganda is to prevent the use of federal funds to stimulate grassroots lobbying. Accomplishing this objective requires that the prohibition extend beyond solicitation of letters to legislators to solicitation of other efforts to persuade a legislator such as through participation in a march, rally or fundraising to support advertising. In either case, public funds are being used artificially to stimulate public pressure on the legislative process.

Section 1612.5(e) is modified to limit the distribution of publications concerning legislative proposals to attorneys, recipient staff and eligible clients who have sought representation in a matter relating to the proposed legislation. The emphasis is on representation of eligible clients who request representation on a specific matter, rather than distribution to all eligible clients in a service area, using limited resources for other than direct representation.

Administrative Representation

Sections 1612.5(f) and 1612.6, concerning administrative representation under Pub. L. 97–377 and 98–166 respectively, have been revised in response to numerous comments to allow for provision of legal assistance in limited categories of rulemaking. Administrative representation is authorized in adjudicatory proceedings affecting an eligible client's legal rights with respect to particular applications, claims and cases. A number of comments indicated that, in some cases, rulemaking and adjudicatory functions overlap in administrative proceedings. Others indicated that certain rulemaking functions were carried on in response to decisions in specific adjudications, and others pointed to the need to bring the peculiar impact of a rule on a particular client to the attention of the rulemaker. The revision was made in § 1612.5(f)(2)(c) to permit representation in a rulemaking proceeding in such circumstances, but not in instances in which the rulemaking affects the client, in a manner similar to a significant segment of the public whose interests have probably already been articulated to the rulemaker. It is not intended to provide a blanket permission for the provision of legal assistance in all rulemaking proceedings, but only to permit the assertion of the specific claim, application or case by a specific client concerning a legal right or responsibility.

Section 1612.6 was further amended in response to comments to make clear that informal negotiations to resolve a particular claim, application or case and response to requests from an official concerning a matter before an agency is authorized.

The requirement of old § 1612.4(g)(1) for a special retainer agreement in administrative cases funded under Pub. L. 97–377 is deleted in light of the new client retainer requirement of Part 1611 applicable to all forms of representation. In addition, the reference in § 1612.5(g)(2) to requests for legislative drafting is deleted since such time-consuming work for a public official, as opposed to an eligible client, is not contemplated by § 1612.5(f).

Subsection 1612.5(h)(4) concerning direct contact with elected officials is deleted in light of the substantial restrictions imposed on such contact. Subsection 1612.5(h)(3) is modified to make clear that it does not authorize unsolicited advice, advice to groups on communications with officials, the composition of communications for the client's use, or publications or training on lobbying techniques. Such restrictions are necessary to avoid the abuse of the authority to offer advice that has occurred in the past. Further, these are matters dealt with elsewhere in the regulations depending upon which appropriations are utilized, and those provisions are not overridden by the provisions of § 1612.5(h).

Proposed subsection 1612.5(h)(5) has been deleted from the final rule on the basis that it was confusing and unnecessary. No substantive conclusion should be drawn from the fact of its deletion. The permissibility of communication with a governmental agency to request funding depends on the terms of the applicable appropriations law.

Legislative Representation under Pub. L. 98–166

Section 1612.7 is a new section to implement the provisions of Pub. L. 98–166 with respect to communication with elected officials. No such communications are permitted in connection with (1) authorizations or appropriations for the Corporation or a recipient; (2) oversight proceedings concerning the Corporation or any recipient; or (3) any referenda, initiative, constitutional amendment of similar procedure while under consideration by a legislative body. The regulation defines "similar procedure" to mean legislative consideration of any measure requiring subsequent ratification by the electorate or a measure concerning the structure of government itself (such as a constitutional amendment or a reapportionment measure). There are no exceptions for communications in this area.

Subsection 1612.7(b) prohibits communication concerning legislation (other than that specified in § 1612.7(a)) except for the sole purpose of bringing a specific and distinct legal problem to the official's attention after exhaustion of administrative and judicial relief. As required by Pub. L. 98–166, § 1612.7(c) requires a project director's written approval of the communication, a statement of each client's specific legal interest, and the director's determination that the communication is authorized by his or her governing board's policy and has not resulted from participation in a coordinated effort to contact officials on the subject. The regulation requires the director to certify that the communication was prepared by the attorney and client without consulting with persons "who are participating in a coordinated effort to influence legislation." The indicated language was included on the basis of comments which stated that the language of the proposed rule would have the effect of prohibiting programs from taking advantage of outside expertise. The new language makes it clear that the intent is to prohibit recipient employees from drafting communications to elected officials in consultation with persons engaged in organized efforts to influence legislation.

Section 1612.7(d) implements the requirement of Pub. L. 98–166 that the recipient's governing body adopt policies to guide the director in his or her approval of communications bringing legal problems to the attention

of officials. The regulation stipulates that such policies shall require periodic reports to the governing body, take into account the recipient's priorities determined under Part 1620 and prohibit solicitation of client requests to communicate with elected officials. Subsection 1612.7(e) permits requests to introduce private relief bills allowing claims against a government and ¶ 1612.7(f) permits responses to requests from officials to comment on proposed legislation subject to the requirements of ¶ 1612.5(f). In response to comments, that section has been changed from the proposed rule to delete the one percent ceiling on resources expended in response to requests from officials, and substitute language making such responses subject to the program's priorities and demands of client service on the program's time. This limitation recognizes that the primary purpose of LSC grants is to respond to client requests for representation rather than requests from elected officials. Legal services attorneys must avoid becoming staff to elected officials.

Subsection 1612.7(g) makes clear that the requirements of § 1612.5 apply to the use of funds made available under Pub. L. 98–166.

Miscellaneous

Section 1612.8 concerning enforcement is amended to make clear that a less drastic remedy than termination of funding or denial of refunding may be imposed as a sanction for violation of this part, such as recovery of questioned costs. The language of the section is reorganized to clarify that suspension or termination of employment of a Corporation employee is not subject to the requirements of § 1011 of the Act.

In response to comments the requirements of § 1612.8(c)(3) (previously § 1612.5(b)(3)) that a recipient consult with the Corporation's General Counsel before determining the appropriate sanction to be imposed for violation of this part has been changed to a requirement that the Corporation's Office of Compliance and Review be informed within 30 days of any sanction imposed for violation of this Part. This clarifies that the Corporation is not directly involved in personnel decisions of programs, but only is concerned with assuring that programs comply with the Act and regulations. A new section, 1612.8(c)(4), is added to require programs to submit records of the investigation of alleged violations on a quarterly basis to the Office of Compliance and Review.

Finally, a new § 1612.9 is added which would require each recipient to post a notice prepared by the Office of Compliance and Review summarizing the restrictions of this part and stating that complaints of violations may be reported to the Office of Compliance and Review.

List of Subjects in 45 CFR Part 1612

Administrative representation, Legal services, Legal Services Corporation, Lobbying, Publicity, Reporting and recordkeeping requirements.

For the reasons set out above, Part 1612 is revised as follows:

PART 1612—RESTRICTIONS ON LOBBYING AND CERTAIN OTHER ACTIVITIES

Sec.

1612.1 Definitions.
1612.2 Public demonstrations and activities.
1612.3 Organizing.
1612.4 Training.
1612.5 Legislative and administrative representation.
1612.6 Administrative representation under Pub. L. 98–166.
1612.7 Legislative representation under Pub. L. 98–166.
1612.8 Enforcement.
1612.9 Posting of Notices.

Authority: Secs. 1006(b)(5), 1007(a) (5), (6) and (7), 1011, 1008(e), Legal Services Corporation Act of 1974, as amended (42 U.S.C. 2996e(b)(5), 2996f (a) (5), (6) and (7), 2996j, 2996g(e)); Pub. L. 94–431, 92 Stat. 1021; Pub. L. 96–68, 93 Stat 416; Pub. L. 96–536, 94 Stat. 3166; Pub. L. 97–161, 96 Stat. 22; Pub. L. 97–377, 96 Stat. 1874; Pub. L. 98–166, 97 Stat. 1071.

§ 1612.1 Definitions.

(a) "Legal assistance activities," as used in this part, means any activity:

(1) Carried out during an employee's working hours or while on official travel;

(2) Using resources provided by the Corporation or a recipient, directly or through a subrecipient; or

(3) That, in fact, provides legal advice or representation to an eligible client.

(b) "Legislation", as used in this part, means any potential action of the Congress, any State legislature or other body of elected officials acting in a legislative capacity (including action on constitutional amendments, the ratification of treaties and intergovernmental agreements, approval of appointments and budgets, adoption of resolutions not having the force of law, and approval or disapproval of actions of the executive). The term includes proposals for legislative action but it does not include those actions of a legislative body which adjudicate the rights of individuals under existing laws (such as action taken by a local council sitting as a Board of Zoning Appeals). "Legislature" as used herein does not include any Indian Tribal Council.

§ 1612.2 Public demonstrations and activities.

(a) While carrying out legal assistance activities under the Act no employee shall:

(1) Knowingly participate in any public demonstration, picketing, boycott, or strike, except as permitted by law in connection with the employee's own employment situation; or

(2) Intentionally exhort, direct, or coerce others to engage in such activities, or otherwise usurp or invade the rightful authority of a client to determine what course of action to follow.

(b) While employed under the Act, no employee shall, at any time:

(1) Knowingly participate in any rioting or civil disturbance activity in violation of an outstanding injunction of any court of competent jurisdiction or any other illegal activity that is inconsistent with an employee's responsibilities under the Act, Corporation regulations, or the Code of Professional Responsibility; or

(2) Intentionally exhort, direct, or coerce others to engage in such activities, or otherwise usurp or invade the rightful authority of a client to determine what course of action follows.

(c) Nothing in this section shall prohibit an attorney from:

(1) Informing and advising a client about legal alternatives to litigation or the lawful conduct thereof; or

(2) Fulfilling the professional responsibilities of an attorney to a client.

§ 1612.3 Organizing.

No funds made available by the Corporation may be used to initiate the formation, or to act as an organizer of any association, federation, coalition, network, alliance, or any similar entity. No funds may be employed for any publicity or any meeting to advocate that anyone organize or join any organization. This section shall not be interpreted to prevent recipients and their employees from providing legal advice or assistance to eligible clients who desire to plan, establish or operate organizations, such as by preparing articles of incorporation and by-laws. This section shall not apply to organizations composed solely of persons engaged in the delivery of legal services to the indigent organized solely for the purpose of improving the effectiveness of such legal services; nor shall it apply to organizations composed exclusively of eligible clients formed

solely to advise a legal services program about the delivery of legal services. Such legal advice or assistance may not be provided, however, in the formation of an organization, a substantial purpose of which is to influence legislation, elections, or ballot propositions.

§ 1612.4 Training.

(a) No funds made available by the Corporation may be used to support or conduct training programs for the purpose of:

(1) Advocating or opposing particular public policies; or

(2) Encouraging of facilitating:

(i) Political activities (including formation of organizations or coalitions, a substantial purpose of which is to advocate or oppose particular public policies);

(ii) Labor or antilabor activities;

(iii) Boycotts, picketing, strikes or demonstrations;

(iv) Development of strategies to influence legislation or rulemaking; or

(v) With respect to funds made available by the Corporation under the authority of Pub. L. 98–166, the dissemination of information about such activities or public policies.

(b) Nothing in this section shall be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to:

(1) Provide adequate legal assistance to eligible clients;

(2) Advise any eligible clients as to the nature of the legislative process, in general, as opposed to discussing a lobbying strategy for a particular bill; or

(3) Inform any eligible client of his rights under any statute, order or regulation already enacted.

(c) No recipient shall expend Corporation funds for training or educational activities or utilize Corporation funds to pay for programs or individuals to participate in outside training or educational activities in areas in which program involvement is prohibited (such as political activities or voter registration, etc.) or in areas wherein only limited and incidental activities are allowed (such as lobbying) under the Act, other applicable Federal law, Corporation regulations, guidelines, or instructions.

§ 1612.5 Legislative and administrative representation.

(a) No funds made available by the Corporation shall be used, at any time, directly or indirectly, to support activities intended to influence the issuance, amendment, or revocation of any executive order or administrative order or regulation of a Federal, State or local agency, or to undertake to influence the introduction, amendment, enactment, defeat, repeal or signing of any legislation or State proposals by initiative petition, except that:

(1)(i) An employee may respond to a request from a governmental agency or a legislative body, committee, or member made to the employee or to a recipient to testify, draft or review measures or to make representation to such agency, body, committee or member on a specific matter;

(ii) The exception for responses to officials does not authorize communication with anyone other than the requesting party or an agent or employee of such party. No employee of the recipient shall, directly or indirectly, solicit or arrange a request from any official to testify or otherwise make representations in connection with legislation.

(2) An employee may engage in such activities at the request of an eligible client of a recipient, to the extent such activities are necessary to the provision of legal advice and representation to a client who has sought such legal advice and representation with respect to particular legal rights and responsibilities which would be affected by particular legislation or administrative measures, but no employee shall solicit a client in violation of professional responsibilities for the purpose of making such representation possible; or

(3) An employee may engage in such activities if a governmental agency, legislative body, committee, or member thereof is considering a measure directly affecting the activities under the Act of the recipient or the Corporation. This exception extends only to appropriations or other measures directed to the Corporation, or the recipient or its employees.

The expenditure of funds appropriated under Pub. L. 97–377 and 98–166 are subject to the further limitations set forth in paragraphs (f) and (g) of this section, and §§ 1612.6 and 1612.7.

(b) Recipients shall adopt procedures and forms to document that the legislative and administrative activities in which they engage fall within the activities permitted in paragraph (a) of this section. Such documentation shall include:

(1) With respect to activities permitted under paragraph (a)(1) of this section, a written request directed to the recipient and signed by an official of the governmental agency or a member of the legislative body or committee making the request which states the type of representation or assistance requested and identifies the executive or administrative order or regulation, or legislation, to be addressed. Such documentation shall also include the written approval of the recipient's project director (or his or her designee) authorizing the communications requested;

(2) With respect to activities permitted under paragraph (a)(2) of this section, a retainer agreement, signed by the client or clients represented, or by an official of the client group in the case of a group client, which agreement shall specify the legislative or administrative measure on which representation is sought, the type of representation sought (appearance at a hearing, legislative drafting, etc.), and which shall include a statement of the client's direct interest in a particular legislative or administrative measure to be addressed and a statement by the client in the client's own words of the matter on which relief is sought; or

(3) With respect to activities permitted under paragraph (a)(3) of this section, a written statement signed by the recipient's project director authorizing the initiation of such activities.

(4) Recipients shall obtain the documentation required by this section prior to undertaking any of the activities permitted by paragraphs (a) or (f) of this section, except that recipients may respond to an oral request made pursuant to paragraphs (a)(1) or (g)(2) of this section in the absence of a written request provided that the fact, nature, and circumstances of the request are subsequently documented in writing signed by the requesting authority.

(5) The recipient shall maintain records, in the manner specified by the Corporation, of the direct and indirect expenses, time spent on, and the sources of the funds supporting, all lobbying or related activity, regardless of the sources of the funds employed. In addition, the recipient shall require all employees who are registered lobbyists or who devote over ten (10) percent of their time to lobbying or related activities to maintain a time log accounting for all working hours.

(6) Recipients shall submit quarterly reports, in a form prescribed by the Corporation, describing their legislative and administrative advocacy activities conducted pursuant to these regulations, together with such supporting documentation as required by the Corporation.

(c) No funds made available by the Corporation shall be used to:

(1) Maintain separate offices for the sole purpose of engaging in legislative activity;

(2) Pay dues to any organization (other than a bar association), a

substantial purpose or function of which is to take positions on matters pending before legislative or administrative bodies;

(3) Pay for transportation to legislative or administrative proceedings of persons other than employees engaged in activities permitted under this section or witnesses entering appearances in such proceedings on behalf of clients of the recipient, except that such funds may be used to transport the client where necessary and appropriate. This subsection does not authorize payment of transportation expenses for employees not actually engaged in permitted representation activities;

(4) Pay, in whole or in part, for the conduct of, or transportation to, an event if a primary purpose of the expenditure is to facilitate lobbying or any other activity which would be prohibited if conducted with funds made available by the Corporation;

(5) Pay for administrative or related costs associated with any activity prohibited by this part; or

(6) Assist others, through legislative liaison activities, to influence legislation in a manner that would be prohibited if undertaken with funds made available by the Corporation. Legislative liaison activities include but are not limited to attending legislative sessions or committee hearings, gathering information regarding pending legislation, and analyzing the effect of pending legislation.

(d) Notwithstanding the provisions of paragraph (a) of this section, recipients shall not use funds made available by the Corporation for publicity or propaganda purposes designed to support or defeat proposed legislation, or rules or regulations under consideration by any Federal, State, county or municipal legislative or administrative body, including any commission, authority or government corporation with rulemaking authority. For purposes of this regulation, "publicity or propaganda" means any oral, written or electronically transmitted communication or any advertisement, telegram, letter, article, newsletter, or other printed or written matter or device which contains a direct suggestion, or, when taken as a whole, an indirect suggestion to the public at large or to selected individuals to contact public officials in support of or in opposition to pending or proposed legislation, rules or regulations, or to contribute to or participate in any demonstration, march, rally, fundraising drive, lobbying campaign, letter writing or telephone campaign for the purpose of influencing such legislation, rules or regulations.

(e) No funds made available by the Corporation shall be used to support the preparation, production, and dissemination of any article, newsletter, or other publication or written matter for general distribution or other form of mass communication which contains any reference to proposed or pending legislation unless:

(1) The publication does not contain any publicity or propaganda prohibited by paragraph (d) of this section;

(2) The recipient has adopted a policy requiring the recipient's project director, or his or her designee, to review each publication produced by the recipient prior to its dissemination for conformity to these regulations;

(3) The recipient provides a copy of any such material produced by the recipient to the Corporation within 30 days after publication; and

(4) Such funds are used only for costs incident to the preparation, production, and dissemination of such publications to recipients, recipient staff and board members, private attorneys representing eligible clients, eligible clients who have sought representation in a matter related to the legislation and the Corporation, as opposed to the public at large, or eligible clients generally.

(f)(1) Notwithstanding the provisions of paragraph (a) of this section, no funds made available to a recipient by the Corporation under the authority of Pub. L. 97–377 shall be used, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except, where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or to influence any Member of Congress or any other Federal, State, or local elected official in connection with any Act, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State Legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official on a specific matter.

(2) None of the funds made available by the Corporation under the authority of Pub. L. 97–377 shall be used, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State or local agency, commission, authority or government corporation, except for:

(i) The provision of legal assistance to an eligible client in an adjudicatory proceeding, or informal negotiations, directly involving that client's legal rights or responsibilities with respect to a particular application, claim or case;

(ii) A response to a request from a Federal, State or local offical made directly to that official or his agent or employee; or

(iii) Such legal assistance to an eligible client in a rulemaking proceeding as is necessary to assert a specific claim, application, or case directly involving the client's legal rights.

(3) The exception for communications to officials does not authorize communication with anyone other than the requesting party or an agent or employee of such party. No employee of the recipient shall, directly or indirectly, solicit, or arrange a request from any official to testify or otherwise make representations in connection with legislation.

(g) Recipients shall adopt procedures and forms to document that the legislative and administrative activities in which they engage utilizing funds made available under the authority of Pub. L. 97–377 fall within the activities permitted under paragraph (f) of this section. With respect to activities in response to a request from a Federal, State, or local elected official, such documentation shall include a written request signed by the official making the request which states the type of communication requested (testimony, legal analysis, etc.) and identifies the legislative measure to be addressed. Such documentation shall also include the written approval of the recipient's project director (or his or her designee) authorizing the communications requested.

(h) Nothing in this section is intended to prohibit an employee from:

(1) Communicating with a governmental agency for the purpose of obtaining information, clarification, or interpretation of the agency's rules, regulations, practices, or policies;

(2) Informing a client about a new or proposed statute, executive order, or administrative regulation consistent with the requirements of paragraphs (d) and (e) of this section;

(3) Responding to an individual client's request for advice only with respect to the client's own communications to officials unless otherwise prohibited by the Act,

Corporation regulations or other applicable law. This provision does not authorize publications or training of clients on lobbying techniques or the composition of a communication for the client's use; or

(4) Making direct contact with the Corporation for any purpose.

§ 1612.6 Administrative representation under Pub. L. 98–166.

None of the funds made available by the Corporation under the authority of Pub. L. 98–166 shall be used, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State or local agency, commission, authority or government corporation, except for:

(a) The provision of legal assistance to an eligible client in an adjudicatory proceeding, or informal negotiations, directly involving that client's legal rights or responsibilities with respect to a particular application, claim or case;

(b) A response to a request from a Federal, State or local official made directly to that official or his agent or employee; or

(c) Such legal assistance to an eligible client in a rulemaking proceeding as is necessary to assert a specific claim, application, or case directly involving the client's legal rights.

§ 1612.7 Legislative representation under Pub. L. 98–166.

(a) None of the funds made available by the Legal Services Corporation under the authority of Pub. L. 98–166 may be used to pay for any personnel service, advertisment, telegram, telephone communication, letter, printed or written matter, or any other device directly or indirectly intended to influence any Member of Congress or any other Federal, State or local elected nonjudicial official:

(1) In connection with any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body acting in a legislative capacity. The term "similar procedure" as used in this part refers to legislative consideration of matters which by law must be ratified by a vote of the electorate or matters relating to the structure of government itself, such as a plan for reapportionment;

(2) In connection with inclusion of any provision in a legislative measure appropriating funds to, or defining or limiting the functions or authority of, the recipient or the Corporation; or

(3) To influence the conduct of oversight proceedings concerning the recipient or the Corporation.

(b) None of the funds made available by the Legal Services Corporation under the authority of Pub. L. 98–166 shall be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State or local elected official in connection with any Act, bill, resolution or similar legislation not described in paragraph (a) of this section, except that an employee of a recipient may, upon the request of a client or clients, communicate directly with a Federal, State or local elected official for the sole purpose of bringing a specific and distinct legal problem to the attention of such official if the project director or chief executive of such recipient has determined, prior to such communication:

(1) That the client or each such client is in need of relief that can be provided by the legislative body with which the official is associated; and

(2) That appropriate judicial and administrative relief have been exhausted and has documented the effort to obtain such judicial and administrative relief.

(c) In connection with each communication authorized by paragraph (b) of this section, the project director shall maintain the following documentation:

(1) The consent of each such communication;

(2) The basis for the two determinations specified in paragraph (b) of this section;

(3) The director's written approval of such communication, setting forth the basis of his determination that such communication is authorized under the policies of the recipient's governing board adopted pursuant to paragraph (d) of this section;

(4) A retainer in the form specified in § 1612.5(b) setting forth the specific legal interest of each client at whose request the communication was undertaken;

(5) The director's determination that such communication is not the result of participation in a coordinated effort to communicate with elected officials on the subject matter. The determination shall include the director's certification that the communication was prepared by the attorney and client without consulting with persons who are participating in a coordinated effort to influence legislation.

(d) The governing body of a recipient shall adopt a policy by July 1, 1984, to guide the director of the recipient in determining when to approve a communication to a Federal, State or local official under paragraph (c) of this section. The policy adopted shall:

(1) Require periodic reports to the governing body on the communications approved, which shall include a report on the exhaustion of judicial and administrative relief;

(2) Ensure that staff does not solicit requests to undertake communications with elected officials nor participate in a coordinated effort to provide communications on a particular subject;

(3) Require that, in determining the amount of effort to be expended in preparing the communication, the director take into account the recipient's priorities in resource allocation.

(e) Notwithstanding the prohibition in paragraph (b) of this section of communications to elected officials that do more than bring a problem to the official's attention, a project director may approve a communication to an elected official requesting introduction of a specific "private relief bill," which for purposes of this part means a bill allowing a claim against a government for which there is no other remedy.

(f) Funds made available by the Corporation under the authority of Pub. L. 98–166 may be used to respond to requests from Federal, State and local officials in accordance with the limitations of § 1612.5(f) to the extent compatible with meeting the demands for client service and priorities set by the recipient pursuant to Part 1620 of these regulations or to the extent compatible with the provision of support services to recipients relating to the delivery of legal assistance.

(g) Funds made available by the Corporation under the authority of Pub. L. 98–166 are subject to the requirements of § 1612.5 (b), (c), (d), (e), (g), and (h) unless inconsistent with the provisions of this section.

§ 1612.8 Enforcement.

(a) The Corporation shall have authority:

(1) To suspend or terminate the employment of an employee of the Corporation who violates the provisions of this part; and

(2) To impose such sanctions as are appropriate (including but not limited to recovery of questioned costs) for the enforcement of this regulation against a recipient which fails to ensure that its employees refrain from activities proscribed by the Act or by this part.

(b) The Corporation shall have authority in accordance with the procedures set forth in Parts 1606, 1623

and 1625 of these regulations to suspend or terminate financial assistance or deny refunding to a recipient which fails to ensure that its employees refrain from activities proscribed by the Act or by this part.

(c) A recipient shall:

(1) Advise employees about their responsibilities under this part; and

(2) Establish procedures, consistent with the notice and hearing requirements of § 1011 of the Act, for determining whether an employee has violated a provision of this part; and shall establish a policy for determining the appropriate sanction to be imposed for a violation, including:

(i) Administrative reprimand if a violation is found to be minor and unintentional, or otherwise affected by mitigating circumstances;

(ii) Suspension and termination of employment; and

(iii) Other sanctions appropriate for the enforcement of this regulation; and

(3) Inform the Office of Compliance and Review within 30 days of imposing any sanction on any person for violation of this part.

(4) Make available to the Corporation the records of its investigation of any allegation of violations whether or not any sanctions were imposed. Such records shall be submitted on a quarterly basis to the Office of Compliance and Review.

§ 1612.9 Posting of notices.

By August 1, 1984 each recipient shall post conspicuously in each of its offices a notice provided by the Corporation's Office of Compliance and Review briefly summarizing the activities prohibited by these regulations. Such notice shall include a statement that apparent violations may be reported to the Office of Compliance and Review and the address and telephone number of that office.

Dated: May 25, 1984.

Alan R. Swendiman,

General Counsel.

[FR Doc. 84-14509 Filed 5-30-84; 8:45 am]

BILLING CODE 6820-35-M

Proposed Rules

Federal Register
Vol. 49, No. 106
Thursday, May 31, 1984

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 402

[Amdt. No. 2]

Raisin Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Supplemental Notice of Proposed Policy Rulemaking and Extension of Comment Period.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith issues this supplemental notice of policy rulemaking and extension of comment period for the purpose of soliciting public comment on its proposed procedure for (1) providing an extension of the time for submitting a claim for indemnity, and (2) providing that raisins damaged by rain, and are reconditioned, must meet Raisins Administrative Committee (RAC) standards for marketable raisins. The intended effect of this supplement notice is to proposed additional changes to the raisin crop insurance policy removing a restriction in the time for filing a claim for indemnity, and qualifying the conditions for allowance for reconditioning of rain-damaged raisins, and to extend the comment period by 30 days from the date of publication of this notice in the **Federal Register.**

Comment date: Written comments, data, and opinions on this supplemental notice of proposed policy rulemaking must be submitted not later than July 2, 1984, to be sure of consideration.

ADDRESS: Written comments on this rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation No. 1512-1 (December 15, 1983). This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under that memorandum. The sunset review date established for these regulations is April 1, 1988.

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

The title and number of the Federal Assistance Program to which this proposed rule applies are: Title—Crop Insurance; Number 10.450.

As set forth in the final rule related notice to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, requiring intergovernmental consultation with State and local officials, are excluded from the provisions of executive Order No. 12372.

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

On Tuesday, October 11, 1983, FCIC published a notice of proposed rulemaking amending the Raisin Crop Insurance Regulations under the provisions of Departmental Regulation 1512-1, and to issue a new subsection to contain the Office of Management and Budget (OMB) control numbers assigned to information collection requirements of these regulations. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received.

The notice of proposed rulemaking published at 48 FR 46062, October 11, 1983, was incorrectly listed as Amendment No. 3 and should have read Amendment No. 2. That error is corrected herein.

In reviewing the regulations for issuance as a final rule, it was determined that certain changes involving removing a restriction with regard to the time for submitting a claim for idemnity, and establishing standards for rain-damaged raisins should be made. FCIC has included these changes in this supplemental notice and considers such changes to be sufficiently important to solicit public comment for an additional period of time before implementation.

The regulations for insuring raisins, published in the **Federal Register** on October 11, 1983, do not reflect these proposed procedures. Therefore, FCIC has determined that public comment on these changes would be solicited by means of this supplemental notice of policy rulemaking and extension of comment period. Due to the time constraints involved in notifying policyholders, amending actuarial tables and publishing policies, FCIC has determined to solicit public comment for 30 days from the date of publication of this notice.

This notice extends the time for comment on the proposed rule published at 48 FR 46062, and requests comments on the proposed changes applicable to the raisin crop insurance contract effective for the 1984 and succeeding crop years, as follows:

1. Providing that a claim for indemnity shall be submitted not later than March 31 after the calendar date for the end of the insurance period; and

2. Providing that rain-damaged raisins, which are reconditioned, must meet Raisin Administrative Committee (RAC) standards with regard to imbedded sand, mold, and micro-organisms.

The public is invited to submit written comments, data, and opinions, on this proposed rule for 30 days after publication in the **Federal Register.** All comments made pursuant to this action will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 402

Crop insurance, Raisin.

Supplemental Notice of Policy Rulemaking and Extension of Comment Period

PART 402—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation issues this supplemental notice of policy rulemaking for the purpose of proposing additional changes to the Raisin Crop Insurance Regulations (7 CFR Part 402) as follows:

1. The Authority Citation for 7 CFR Part 402 is:

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

2. 7 CFR 402.7(d) is amended by revising subsections 9 (a),(g), and (h) of the Raisin Crop Insurance Policy to read as follows:

§ 402.7 The application and policy.

(d) * * *

9. *Claim for indemnity.* a. Any claim for indemnity must be submitted to use on our form not later than March 31 after the date for the end of the insurance period.

* * * * *

g. Raisins damaged by rain, but which are reconditioned and meet Raisin Administrative Committee (RAC) standards for marketable raisins, shall be valued at the current market price or the amount of insurance, whichever is higher. An allowance for reconditioning will be deducted from that value. The allowance for reconditioning will be made only when the raisins have been inspected and found to contain mold, imbedded sand, or micro-organisms in excess of tolerances for marketable raisins. The maximum allowance for any one reconditioning as a result of rain is contained in the actuarial table, but the total reconditioning allowance must not exceed the value of the raisins after reconditioning.

h. We may require you to recondition a representative sample(s) of not more than 10 tons of raisins damaged by rain to determine if they meet RAC standards for marketable raisins. On the basis of determinations made after such sampling, we may require you to recondition all raisins, or we may value such raisins at the current market price or the amount of insurance, whichever is higher. If the representative sample(s) do not meet RAC standards for marketable raisins, the cost of reconditioning such sample(s) must be deducted from the total value of the raisins for the unit.

Done in Washington, D.C., on May 4, 1984.

Dated: May 21, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84–14459 Filed 5–30–84; 8:45 am]

BILLING CODE 3410–08–M

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 84–035]

Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements for Live Virus Vaccines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: These proposed revisions would amend the general testing requirements for live virus vaccines by updating test methods and procedures. New test methods and procedures have been developed that increase the precision of test results. The proposed revisions would update the Standard Requirements to include these new methods and to include reference to new safety tests added to the Standard Requirements since the last revision. This would allow manufacturers the use of updated testing procedures and would relax some of the restrictions currently in effect.

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

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Peter L. Joseph, VS, APHIS, USDA, Room 836, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7760.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This proposed rule contains no new or amended recordkeeping, reporting, or application requirement or any type of information collection requirement subject to the Paperwork Reduction Act of 1980.

Executive Order 12291

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as "nonmajor."

The proposed rule would not have a significant effect on the economy and would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. A small entity is defined as business which is independently owned and operated and is not dominant in the field of veterinary biologics manufacturing.

Alternatives

The alternatives considered are:

1. Do not amend the present regulations. This would result in continued reference to outdated methods. The reference to safety tests would not include new safety tests that have been published as Standard Requirements.

2. Amend the regulations to incorporate newer test methods and add new safety tests. This would result in product improvement and more consistency in the regulations. Therefore, this alternative proposal is selected.

Background

The current laboratory test procedures for conducting virus identity tests in the general requirements for live virus vaccines were incorporated in the regulations in 1974. Since these procedures were incorporated, newer test methods have been developed which are more sensitive and allow for

greater flexibility in the test methods without affecting the validity of the test results. In 9 CFR 113.135(c), detailed fluorescent antibody test procedures would be deleted. The proposed revision would permit flexibility in selecting a test system. Reference to a safety test utilizing swine as test animals and another safety test utilizing sheep as test animals would be added to 9 CFR 113.135(b). These tests were recently codified in the Standard Requirement and would be incorporated to update this section. When moisture content is maintained at a consistent level as stated in the Outline of Production and tested by the method specified in 113.29, it is only one factor in evaluating stability of the product. Methods for adequately determining overall stability of biological products are prescribed in 9 CFR 114.13. Therefore, for these reasons it is proposed to delete 9 CFR 113.135(e) (i) and (ii).

These proposed amendments have been developed over a period of years in cooperation with interested members of the scientific community and, for the most part, have been utilized by industry either as accepted requirements or as proposals under development. These proposed amendments would codify in Part 113 these methods, procedures, and criteria established by Veterinary Services for evaluating biological products to be pure, safe, potent, and efficacious. Codifying in the Standard Requirements would make them available to the industry and the general public.

List of Subjects in 9 CFR Part 113

Animal biologics.

PART 113—STANDARD REQUIREMENTS

Part 113 would be amended by revising § 113.135 (b), (c) and (e) to read:

§ 113.135 General requirements for live virus vaccines.

* * * * *

(b) *Safety tests.* Samples of each lot of Master Seed Virus and final container samples of completed product from each serial or first subserial of live virus vaccine recommended for animals other than poultry shall be tested for safety in at least one species for which the vaccine is intended using methods described in §§ 113.39, 113.40, 113.41, 113.44, and 113.45 or in a filed Outline of Production. The mouse safety test prescribed in § 113.33(a) shall also be conducted unless the virus or agent in the vaccine is inherently lethal for mice.

(c) *Virus identity test.* At least one of the virus identity tests provided in this paragraph or a suitable identity test prescribed in the filed Outline of Production shall be conducted for the Master Seed Virus and final container samples from each serial or first subserial of biological product.

(1) *Fluorescent antibody test.* The fluorescent antibody test shall be conducted using virus inoculated cells and uninoculated control cells. Cells shall be stained with fluorescein conjugated specific antiserum. Fluorescence typical of the virus concerned shall be demonstrated in the inoculated cells. The control cells shall remain free of such fluorescence.

(2) *Serum neutralization test.* The serum neutralization test shall be conducted using the constant serum-decreasing virus method with specific antiserum. For positive identification, at least 100 ID_{50} of vaccine virus shall be neutralized by the antiserum.

(d) * * *

(e) *Moisture content.* The maximum moisture content in desiccated vaccines shall be stated in the filed Outline of Production.

(2) Final container samples of completed product from each serial or subserial shall be tested for moisture content in accordance with the test prescribed in § 113.29.

(37 Stat. 832–833; 21 U.S.C. 151–158)

Done at Washington, D.C., this 16th day of May 1984.

D. F. Schwindaman,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-14521 Filed 5-30-84; 8:45 am]

BILLING CODE 3410-34-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 229, 230, 239, 240, and 249

[Release Nos. 33-6534A; 34-20944A; File No. S7-20-84]

Business Combination Transactions; Proposed New Registration Form; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules; correction.

SUMMARY: This document corrects a release number assigned to the Proposed Rules Release relating to the proposed new registration form for business combination transactions. The proposed rules appeared at page 20833 of the **Federal Register** on Thursday, May 17, 1984. This action is necessary to correct an incorrect assigned release number.

FOR FURTHER INFORMATION CONTACT: Patricia B. Magee, (202) 272–2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

The Release No. FR–18 is removed from the Proposed Rules Release because FR release numbers are assigned only to final codifications of financial reporting policies.

Dated: May 24, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-14618 Filed 5-30-84; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Parts 230 and 239

[Release Nos. 33-6535A; 34-20945A; File No. S7-21-84]

Business Combination Transactions; Proposed New Registration Form; Foreign Registrants; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules; correction.

SUMMARY: This document corrects a release number assigned to the Proposed Rules Release relating to the proposed new registration form for business combination transactions. The proposed rules appeared at page 20852 of the **Federal Register** on Thursday, May 17, 1984. This action is necessary to correct an incorrect assigned release number.

FOR FURTHER INFORMATION CONTACT: Martin L. Meyrowitz, (202) 272–3250, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

The Release No. FR–19 is removed from the Proposed Rules Release because FR release numbers are assigned only to final codifications of financial reporting policies.

Dated: May 24, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-14617 Filed 5-30-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Public and Indian Housing

24 CFR Part 990

[Docket No. R-84-1126; FR-1775]

Annual Contributions for Operating Subsidy—Performance Funding System; Determination of Operating Subsidy

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule.

SUMMARY: The Department proposes to amend the determination of operating subsidy eligibility under the Performance Funding System to restrict the payment of full operating subsidies to only occupied units and vacant units which fall within an Allowable Vacancy Rate, as defined in this rule. The Allowable Vacancy Rate would be the rate, considering all dwelling unit months available for occupancy, equal to the lesser of three percent (3%) or the Public Housing Agency's (PHA's) actual vacancy rate. Limited operating subsidy funding, in differing amounts, would be provided to PHAs for units in excess of the Allowable Vacancy Rate for the following two categories of units: (1) Vacant units in projects that have been approved for modernization, and (2) all other vacant units in excess of the Allowable Vacancy Rate, including vacant units approved for deprogramming.

The purpose of this amendment is to restrict the payment of full operating subsidies for PHAs with excessive vacancies while ensuring that projects that are considered viable and for which funds have been approved for modernization will receive, within a limited time frame, funding adequate for their maintenance. In regard to high vacancy projects not approved for modernization, the intent of these provisions is to encourage PHAs, within a four-year period, to (a) take all necessary actions, such as the securing of modernization funding or consolidation of vacancies, or (b) consider demolition or disposition of project.

This revised method of determining operating subsidy eligibility would affect operating subsidies payable for PHA fiscal years beginning January 1, 1985, and thereafter.

COMMENT DUE DATE: July 2, 1984.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, 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 and copying during regular business hours at the above address. Comments on the information collection requirements contained in this proposed rule (which includes docket number and title) should be submitted both to the HUD Rules Docket Clerk at the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for HUD.

FOR FURTHER INFORMATION CONTACT: John T. Comerford, Financial Management and Occupancy Division, Room 4216, Office of Public Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 426-1872. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department proposes to amend the determination of operating subsidy eligibility in the current Performance Funding System (PFS) regulations at 24 CFR Part 990, to restrict the payment of full operating subsidies to only occupied units and to vacant units that fall within an Allowable Vacancy Rater (AVR), as defined in this rule. The proposed new policy would provide that up to three percent (3%) of the total unit months available (UMA) of all dwelling units for the PHA's fiscal yer, not to exceed the PHA's actual vacancy rate, would be allowed to be vacant without a reduction in subsidy. The definition of UMA in 24 CFR 990.102(q) would be modified to exclude vacant units that have approved for deprogramming, so that these units would not be part of a PHA's three percent (3%) AVR.

"Unit approved for deprogramming" would be defined by this rule to be a unit for which HUD has approved the PHA's formal request to remove the unit from the PHA's inventory but for which removal, i.e., deprogramming, has not yet been completed. Such units shall include unimproved real property on which a low-income project formerly existed and units that the PHA has determined, with HUD approval, will no longer be used for nondwelling purposes. The new definition would replace the term "deprogrammed unit" which is used in the current regulation, and would clarify that while these units have been approved for deprogramming, final action has not been taken. "Unimproved real property" is included in the definition to clarify that such property shall be treated as units approved for deprogramming for purposes of subsidy eligibility. The proposed rule reduces the subsidy eligibility for these units from "minimum services and protection" to "essential utilities and security costs".

The Department recognizes that in certain circumstances units approved for deprogramming are occupied by tenants. This may occur, for example, where a PHA plans to demolish units in order to reduce project density, but has found it necessary to delay demolition until relocation of tenants can be completed. Because these units are occupied and are on the PHA's rent roll, they would continue to be paid full operating subsidy under PFS. However, under the new policy, vacant units approved for deprogramming would only be eligible to receive limited operating subsidy funding.

Under this amendment, as stated in § 990.108b, limited operating subsidy funding, providing differing amounts of subsidy, would be provided to PHAs for units in excess of the Allowable Vacancy Rate (AVR) for the following two categories of units: (1) Vacant units in projects that have been approved for modernization, and (2) all other units in excess of the Allowable Vacancy Rate, including vacant units approved for deprogramming. PHAs would be required to document expenses to support requests for limited operating subsidy funding, and these requests would be subject to review and approval by HUD.

Vacant units in Category 1 (projects that have received funding approval for modernization using CIAP or other funds and for which modernization has not yet been completed) would be eligible for limited operating subsidy funding equal to the actual operating costs not to exceed the per unit month sum of (1) the Allowable Expense Level (AEL) determined for occupied units under the PFS *plus* (2) an allowable level of utility expenses determined in accordance with § 990.107(c), if HUD determines that such funding is adequate to return the units to standard conditions (See HUD Handbook 7585.2 REV. *Public Housing Modernization Standards)* and to make them available for occupancy.

Under the new policy, PHAs with units approved for modernization that have met these criteria would not be able to remain in this funding category indefinitely. Projects approved for modernization before the effective date of this rule would be eligible for the shorter of (a) five years from the date of approval of the final application for the latest award of modernization funds for the project or (b) three years from the effective date of this rule. Projects

approved for modernization after the effective date of this rule would be eligible for three years from the date of approval of the final application for modernization funds.

Vacant units in Category 2 (all other vacant units in excess of the Allowable Vacancy Rate, including vacant units approved for deprogramming) would receive only the minimum amount of operating subsidy funding necessary to pay for essential utilities and security costs, as stated in § 990.108(b). PHAs would be required under the new policy annually to reduce the number of units that qualify under this category over a four-year period. As a reult of this reduction, by FY 1989, there would be no units funded under this category.

The intent of providing limited operating subsidy funding to cover actual operating costs for units in projects that have been approved for modernization is to fund actions which will prevent deterioration of potentially viable housing units until such time as the units can be rehabilitated and reoccupied. In regard to other high vacancy projects not approved for modernization, the intent of providing minimum funding to cover only essential utilities and security costs is to encourage PHAs to (a) take all necessary actions such as the securing of modernization funding or consolidation of vacancies or (b) consider demolition or disposition of the project.

Because high concentrations of vacancies may result in empty buildings in projects for which modernization funding has been approved and in projects that are expected to be sold or demolished by the PHA, the proposed rule would require a special calculation for utilities for projects that have one or more vacant buildings (new § 990.107(g)). Unless the buildings in these projects have individually metered utilities, the entire project would be excluded from the three year rolling base used in the calculation of a PHA's Allowable Utility Expense Level (AUEL). The intent of this provision (§ 990.107(g)) is to ensure that utilities for empty buildings are judiciously controlled and to encourage PHAs to modernize, demolish or sell empty buildings expeditiously.

In order to ensure that the Department only pays full operating subsidy for occupied units and units within the Allowable Vacancy Rate (AVR), and that partial operating subsidy funding for units approved for deprogramming and units in excess of the AVR is provided in accordance with the limitations prescribed, the proposed rule would require PHAs to prepare a new year-end adjustment for: (1) The actual number of unit months occupied, (2) the actual utilities expense level, based on the actual unit months occupied, and (3) all estimated costs used as components to compute partial operating subsidy funding.

Background

The Department developed the proposed rule as the result of very careful examination of the current regulations and policies relating to the payment of operating subsidies for vacant units. A recent Congressional Budget Office report entitled "Federal Subsidies for Public Housing: Issues and Options" (June 1983, pages 46 and 47), and the Department's 1982 report to the Congress on "Alternative Operating Subsidy Systems for the Public Housing Program" (May 1982, pages 204–312), recognized the loopholes in the current regulations and set forth recommendations for correcting them. In proposing this regulation, the Department is interested in promoting better management of the public housing inventory, improving the quality of housing for low-income tenants, controlling increases in operating subsidy funding, and providing for a more equitable distribution of subsidy funding.

Under current rules, full Federal subsidies are paid for all units managed by a PHA unless HUD and the PHA have formally withdrawn the unit from the inventory. This means that PHAs have little incentive to minimize the duration of vacancies, since they can continue to receive full operating subsidies for vacant units. To the extent that rent payments are reduced, the Department's subsidy costs are raised. It has become apparent that some PHAs are deliberately vacating units because the costs of managing vacant units is lower and, under the current system, the vacant units can receive operating subsidy equal to the full operating costs of occupied units. This situation is contrary to the interests of tenants and the Department, and it is clearly a violation of the purpose of the U.S. Housing Act of 1937, 42 U.S.C. 1437g, which is to provide housing for lower income families.

The Department believes that tighter management can reduce vacancy levels in many PHAs' projects and that the use of the very high modernization funding levels provided by Congress in recent years will soon permit many units now vacant to be made available for occupancy. It is also expected that improved PHA management will assure the retention of these units as occupied units. For these reasons, the Department believes that a well-managed PHA could operate effectively within the Allowable Vacancy Rate which is being proposed. The majority of PHAs already operate within this rate.

The Department proposes to amend 24 CFR Part 990 (formerly Part 890) as follows:

A technical revision would be made to § 990.101(c)(4) to make it consistent with the new policy by deleting a phrase which would no longer be applicable. The current regulation permits the PHA to use an estimated percentage of occupancy in the calculation of projected operating income. The proposed rule would require PHAs to use actual occupancy levels in this calculation.

Section 990.102(q) would be revised to remove the term "deprogrammed" from the definition of Unit months available and replace it with the phrase "approved for deprogramming and vacated". The new definition would state that a unit is available for occupancy from the date on which the End of the Initial Operating Period (EIOP) for the project is established until the unit is approved by HUD for deprogramming and is vacated, or is approved for nondwelling use.

Section 990.102(w) would be revised by adding a cross reference to the section for computation of the utilities expense level for the rolling base period.

A new § 990.102(x) would be added to define "Unit approved for deprogramming" as discussed previously.

A new § 990.102(y) would be added to define "Allowable Vacancy Rate" (AVR) as discussed previously.

A new § 990.102(z) would be added to define "Unit Months Occupied (UMO)" as the sum of the total number of days in the PHA's fiscal year that each unit is under lease, divided by 30.4, which is the average number of days per month (excluding leap year). UMOs are used in the year-end adjustment to account for differences between estimates used in initial calculations and the number of months that units were actually occupied during a PHA's fiscal year.

Section 990.104 would be revised to add new paragraph (c) and (d). Paragraph (c) would require that, beginning with PHA fiscal years beginning January 1, 1985 and thereafter, vacant unit months exceeding the Allowable Vacancy Rate shall be excluded from the determination of full operating subsidy eligibility. The initial operating subsidy calculation made under this paragraph would be subject to an end-of-the-year adjustment in accordance with § 990.110(c). The

adjustment is based on the actual number of months a PHA's units were occupied.

Paragraph (d) would state that vacant units exceeding the Allowable Vacancy Rate and vacant units approved for deprogramming are eligible for limited operating subsidy funding.

Section 990.107(c) would be revised to exclude consumption data for a project having one or more vacant buildings from the three-year rolling base used in the calculation of a PHA's Allowable Utilities Expense Level, except where the project has individually metered buildings. Utilities expenses for these projects would be computed in accordance with a new procedure described in new § 990.107(g).

Section 990.107(c)(3)(i) would be revised to include in the definition of a "new project" any project with one or more empty buildings whose expense level was previously funded in accordance with new § 990.107(g). After the empty buildings in the project are either modernized and reoccupied or disposed of, utilities expense levels for the projects would be calculated in accordance with the requirements for new projects until such time as they accumulate three years of consumption data.

A technical change would be made to § 990.107(f) to correct a cross reference.

A new § 990.107(g) would be added to describe a special utility calculation required for a project with one or more vacant buildings. This type of project would be excluded from the calculation of the PHA's Allowable Utility Expense Level (AUEL) in § 909.107. The utility portion of operating subsidy for any such project will be the lesser of: (i) Actual utility costs incurred for the project, or (ii) an amount determined by multiplying for each utility the actual average rate for the fiscal year by the consumption level determined in § 990.107(g)(1) which had been multiplied by the Heating Degree Day (HDD) Change Factor described in § 990.107(d)(1). No other adjustments will be allowed. If the vacant buildings are separately metered, the balance of the project can be computed under the current provisions of § 990.107.

Section 990.108(b), Eligibility for Limited Operating Subsidy Funding, would be revised as discussed previously.

Conforming technical changes would be made to § 990.109 (a) and (b)(2). Paragraphs § 990.109(b) (3) and (4) would be removed.

Section 990.110 would be revised to add a new paragraph (c) setting forth the policy and procedure for the year-end adjustment of Unit Months Occupied used in calculating subsidy eligibility to account for differences between estimates used in initial calculations and the number of months that units were actually occupied during a PHA's fiscal year. Current paragraphs (c), (d) and (e) of § 990.110 would be redesignated as paragraphs (d), (e) and (f), respectively. Newly redesignated paragraph (d) would be revised to require application of the new policy regarding vacant units in the year-end adjustment of the Utilities Expense Level.

A technical change would be made to § 990.110(d)(5) to conform cross references.

A new § 990.110(g) would be added to require year-end adjustments of all the component factors used to compute the funding paid for units approved for modernization but over the Allowable Vacancy Rate, vacant units approved for deprogramming, and vacant units in excess of the Allowable Vacancy Rate.

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

This rule would not constitute a "major" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it would not: (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost 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-base enterprises to compete with foreign-based enterprises in domestic or export markets.

A comment period of 30 days, rather than the usual 60 days, will be applicable to this rule in order to provide PHAs with the most reliable assumptions possible in managing their fiscal resources in PHA fiscal years which begin January 1, 1985 or later. A 30-day comment period should make it possible for the Department to proceed with further rule development, after consideration of the public comments, without prolonging unnecessarily any uncertainty as to the degree to which a PHA's operating subsidy will be affected by the vacancy policy in this rule. If the comment period were the usual 60 days in length, it might not be possible, because of legislative review requirements applicable to HUD regulations, to have the rule in effect early enough to permit PHAs with fiscal years beginning January 1, 1985, to consider the impact of this rule on their subsidy at the time they are preparing their FY 1985 budget.

In accordance with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities because available studies indicates that most small PHAs do not have large numbers of vacancies. Accordingly, the funds available to these PHAs would not be significantly affected.

This rule is listed at 49 FR 15937 as item H–38–83 in the Department's Semiannual Agenda of Regulations published on April 19, 1983, at 49 FR 15902, under Executive Order 12291 and the Regulatory Flexibility Act.

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under the provisions of Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). No person may be subject to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register.**

(The Catalog of Federal Domestic Assistance program numbers are 14.146 and 14.156)

List of Subjects in 24 CFR Part 990

Grant programs: Housing and community development, Low and moderate income housing, Public housing.

Accordingly, the Department proposes to amend 24 CFR Part 990 as follows:

PART 990—[AMENDED]

1. By revising paragraph (c)(4) of 990.101 to read as follows:

§ 990.101 Purpose—general policy of performance funding system.

* * * * *

(c) * * *

(4) Projected operating income (primarily dwelling rental income) is computed in accordance with § 990.109. Dwelling rental income is projected based upon the rental charges shown in

the PHA's rent rolls, increased by a trend factor (subject to updating) of three percent (3%). In accordance with section 9(b) of the United States Housing Act, a condition of receiving operating subsidy is that the aggregate rental as required to be charged in any year to families residing in dwelling units administered by a PHA receiving operating subsidy shall not be less than an amount equal to one-fifth of the sum of the incomes of such families. (See § 990.114.) Other operating income is estimated by the PHA subject to adjustment by HUD.

2. By revising paragraphs (q) and (w) in § 990.102 and adding new paragraphs (x), (y) and (z), to read as follows.

§ 990.102 Definitions.

* * * * *

(q) *Unit Months Available.* Project Units multiplied by the number of months the Project Units are available for occupancy during a given PHA fiscal year. A unit is considered available for occupancy from the date on which the End of the Initial Operating Period (EIOP) for the project is established until the time it is approved by HUD for deprogramming and is vacated or is approved for nondwelling use.

(w) *Allowable Utilities Consumption Level (AUCL).* The amount of utilities expected to be consumed per unit per month by the PHA during the Requested Budget Year, which shall be equal to the average amount consumed per unit per month during the Rolling Base Period computed in accordance with § 990.107(c)(1). At the end of the requested Budget Year, the AUCL of the utility(ies) used for space heating will be adjusted by a Change Factor. (See §990.102(u).)

(x) *Unit approved for deprogramming.* A unit for which HUD has approved the PHA's formal request to remove the unit from the PHA's inventory but removal, i.e., deprogramming, has not yet been completed. Such units shall include unimproved real property on which a low-income project formerly existed and units that the PHA has determined will no longer be used for nondwelling purposes approved by HUD.

(y) *Allowable Vacancy Rate.* The percentage of a PHA's dwelling UMAs that may be vacant before full operating subsidy is reduced for vacant units. The Allowable Vacancy Rate shall be up to three percent of the UMAs but shall not exceed the PHA's actual vacancy rate.

(z) *Unit Months Occupied (UMO).* The sum of the total number of days in the PHA's fiscal year that each unit is under lease divided by 30.4 which is the average number of days per month (excluding leap year).

3. By adding new paragraphs (c) and (d) to § 990.104, to read as follows:

§ 990.104 Determination of amount of operating subsidy under PFS.

* * * * *

(c) For PHA fiscal years beginning January 1, 1985 and thereafter, vacant UMAs exceeding the Allowable Vacancy Rate shall be excluded from determination of full operating subsidy eligibility. Initial operating subsidy calculations made under this paragraph will be subject to year-end adjustment in accordance with § 990.110(c).

(d) All vacant units approved for deprogramming and vacant units in excess of the Allowable Vancancy Rate are eligible to receive limited operating subsidy funding in accordance with § 990.108(b).

4. By revising paragraphs (c) and (c)(3)(i) of § 990.107 to read as follows:

§ 990.107 Computation of utilities expense level.

* * * * *

(c) *Computation of Utilities Consumption Level.* The AUCL used to compute the Utilities Expense Level of a PHA for the Requested Budget Year will be based upon the availability of consumption data. For project utilities where consumption data is available for the entire Rolling Base Period, the computation will be in accordance with paragraph (c)(1) of this section. For project utilities (other than for New Projects) where the consumption data is not available for the entire Rolling Base Period, the computation will be in accordance with paragraph (c)(2) of this section. For New Projects, the computation will be in accordance with paragraph (c)(3) of this section. The AUCL for all of a PHA's projects is the sum of the amounts determined using paragraphs (c) (1), (2) and (3) of this section, as appropriate. Consumption data for a project with one or more vacnt buildings will be excluded from this calculation, and utility expenses for such projects will be computed in accordance with § 990.107(g). If the vacant buildings are separately metered, the AEUL of the balance of the project can be computed under this paragraph (c).

* * * * *

(3) * * *

(i) A New Project, for the purpose of establishing the Rolling Base Period and the Allowable Utilities Expense Level, is defined as either: (A) a project which had not been in operation during at least 12 months of the Rolling Base Period, or a project which enters management after the Rolling Base Period and before the end of the Requested Budget Year, or (B) a project which, during or after the Rolling Base Period, has converted from one energy source to another; had interruptable service; had deprogrammed units and had projects previously funded under § 990.107(g) for the rolling base period; or had switched from tenant-purchased to PHA-supplied utilities or from PHA-supplied to tenant-purchased utilities.

* * * * *

5. By revising § 990.107(f) to change the reference in the first sentence from "§ 990.110(c)" to "§ 990.110(d)".

6. By adding a new paragraph (g) to § 990.107, to read as follows:

§ 990.107 Computation of utilities expense level.

* * * * *

(g) *Utilities expenses for projects with one or more vacant buildings.* A project with one or more vacant buildings will be excluded from the calculation of a PHA's Allowable Utility Expense Level (AUEL) as otherwise determined under this section. The utility portion of operating subsidy for any such project will be the actual utility costs incurred for the project, not to exceed an amount determined in accordance with subparagraph (g)(2) of this section. If the vacant buildings are separately metered, the AUEL of the balance of the project can be computed under § 990.107(c).

(1) For the purpose of approving subsidy at the beginning of the PHA's fiscal year, subject to adjustment after year-end in accordance with paragraph (g)(2) of this section, the rates in effect when the PHA submits its operating budget to HUD shall be multiplied by the average consumption level of the project during the rolling base period as adjusted to reflect reduced utility requirements of the project resulting from the existence of vacant buildings.

(2) The amount of operating subsidy initially approved for utilities for a project with one or more vacant buildings in accordance with paragraph (g)(1) of this section will be adjusted after the end of the PHA's fiscal year to the lesser of: (i) Actual utility costs incurred for the project, or (ii) an amount determined by multiplying the actual average rate for each utility for the fiscal year by the consumption level determined in paragraph (g)(1) of this section which has been multiplied by the Heating Degree Day (HDD) Change Factor described in § 990.107(d)(1). No other adjustments will be allowed. This adjustment shall be submitted to the HUD Field Office by a deadline

established by HUD, which will be during the PHA fiscal year following the PHA fiscal year in which the operating subsidy was received.

7. By revising paragraph (b) of § 990.108 to read as follows:

§ 990.108 Other costs.

* * * * *

(b) Eligibility for limited operating subsidy funding. Vacant units in excess of the Allowable Vacancy Rate and vacant units approved for deprogramming are not eligible to receive full operating subsidy. Based on documentation provided by PHSs and subject to review and approval by HUD, these units are eligible to receive limited operating subsidy funding. Separate rules for limited subsidy apply to each of these categories of units as described below. The number of units in each category will be determined annually.

(1) *Excess vacant units approved for modernization.* Limited operating subsidy funding equal to the actual operating costs (but not to exceed the total expense level, which is the sum of the AEL determined for occupied units under the PFS *plus* an allowable level of utility expenses determined in accordance with § 990.107(c)) will be paid for all vacant units in excess of the Allowable Vacancy Rate that are located in projects that have approved funding for modernization using CIAP or other funds (e.g. CDBG funding) for which modernization has not yet been completed, if HUD determines that such funding is adequate to return the units to standard conditions (See HUD Handbook 7585.2 REV. *Public Housing Modernization Standards)* and make them available for occupancy. Units that have met the aforementioned criteria are eligible to receive limited operating subsidy funding as follows:

(i) Projects approved for modernization before *(insert effective date of this regulation)* are eligible for the shorter of (A) five (5) years from the date of approval of the final application of the latest award of modernization funds for the project or (B) three (3) years from *(insert effective date of this regulation)*; or

(ii) Projects approved for modernization on or after *(insert effective date of this regulation)* are eligible for three (3) years from the date of approval of the final application for modernization funds.

(2) *All other vacant units in excess of the Allowable Vacancy Rate including vacant units approved for deprogramming.* Only the minimum amount of operating subsidy funding necessary to pay for essential utilities and security costs will be paid for vacant units approved for deprogramming or for other units in excess of the Allowable Vacancy Rate not provided for in paragraph (b)(1) of this section. The number of units that qualify for limited operating subsidy under this paragraph (b)(2) will be reduced annually as follows:

(i) For PHA fiscal years beginning in calendar year 1985, one hundred percent (100%) of the units that qualify for funding will be eligible to receive funding.

(ii) For PHA fiscal years beginning in calendar year 1986, seventy-five percent (75%) of the number of units that qualified for funding under paragraph (b)(2)(i) of this section will be eligible.

(iii) For PHA fiscal years beginning in calendar year 1987, fifty percent (50%) of the number of units, that qualified for funding under paragraph (b)(2)(i) of this section will be eligible.

(iv) For PHA fiscal years beginning in calendar year 1988, twenty-five percent (25%) of the number of units that qualified for funding under paragraph (b)(2)(i) of this section will be eligible.

(v) For PHA fiscal years beginning in calendar year 1989 and thereafter, no units no units will qualify for limited operating subsidy under this paragraph.

8. By removing paragraphs 990.109(b) (3) and (4), and by revising paragraphs 990.109 (a) and (b)(2) to read as follows:

§ 990.109 Projected operating income level.

(a) *Policy.* PFS determines the amount of operating subsidy for a particular PHA based in part upon projected dwelling rental income and other income for the particular PHA. The projection of dwelling rental income for the Requested Budget Year is obtained by computing the per-unit average monthly dwelling rental charge for the PHA, and by projecting this amount for the Requested Budget Year by applying an upward trend factor (subject to updating by HUD) of 3 percent, and multiplying this amount by the number of UMOs as defined in § 990.102(z). Nondwelling income is projected by the PHA in accordance with § 990.109(e). There are special provisions for projection of dwelling rental income for new projects.

(b) * * *

(1) * * *

(2) *Projected average monthly dwelling rental income.* The average monthly dwelling rental income per unit computed under paragraph (b)(1) of this section is increased by 3 percent to obtain the projected average monthly dwelling rental income per unit for the PHA's Requested Budget Year.

* * * * *

9. By redesignating existing paragraphs (c), (d), and (e) of § 990.110 as paragraphs (d), (e), and (f), respectively, by adding new paragraphs (c) and (g), and by revising redesignated paragraph (d) to read as follows:

§ 990.110 Requests for adjustments.

* * * * *

(c) *Adjustments of Unit Months Occupied.* A PHA receiving operating subsidy under the provisions of § 990.104, excluding those PHAs that receives operating subsidy solely for IPA audits (§ 990.108(a)), must submit a year-end adjustment of the projection of UMOs used as a basis for the approval of operating subsidy eligibility at the beginning of the year. This adjustment will be determined by comparing the actual number of UMOs with the estimates used for subsidy eligibility purposes. The comparison of actual and estimated UMOs may also affect the computation of the Allowable Vacancy Rate. The adjustment shall be submitted as a revision of those forms prescribed by HUD that were submitted by the PHA for the fiscal year for which the adjustment is being made. The revised data shall be submitted to the HUD Field Office for approval by a deadline established by HUD, which will be during the PHA fiscal year following the PHA fiscal year for which an operating subsidy was received by a PHA (exclusive of a subsidy solely for IPA audit costs). Failure to submit the required adjustments by the date due may, in the discretion of HUD, result in the withholding of budget approval and future obligations of operating subsidies until the adjustment is received.

(d) *Adustments of Utilities Expense Level.* A PHA receiving operating subsidy under § 990.104, excluding those PHAs that receive operating subsidy solely for IPA audit (§ 990.108(a)), must submit a year-end adjustment to the Utility Expense Level approved for operating subsidy eligibility purposes. This adjustment will compare the actual utility expense and consumption for the PHA fiscal year to the estimates used for subsidy eligibility purposes, and shall take into consideration the comparison, in accordance with paragraph (c) of this section, of the actual number of UMOs with the estimates used for subsidy eligibility

purposes. The adjustment shall be submitted on forms prescribed by HUD. This adjustment shall be submitted to the HUD Field Office by a deadline established by HUD, which will be during the PHA fiscal year following the PHA fiscal year for which an operating subsidy was received by the PHA, exclusive of a subsidy solely for IPA audits costs. Failure to submit the required adjustment of the Utilities Expense Level by the date due may, in the discretion of HUD, result in withholding of future obligation of operating subsidy payments until it is received. Adjustments under this paragraph normally will be made in the PHA fiscal year following the year for which adjustment is applicable, except as provided in paragraph (d)(5) of this section or unless a repayment plan is necessary as noted in paragraph (f) of this section as follows:

* * * * *

(5) In emergency cases, where a PHA establishes to HUD's satisfaction that a severe financial crisis would result from a utility rate increase, an adjustment covering only the rate increase may be submitted to HUD at any time during the PHA Current Budget Year. Unlike the adjustments mentioned in paragraphs (d)(1) through (d)(4) of this section, this adjustment shall be submitted to the HUD Field Office by revision of the original submission of the estimated Utility Expense Level for the fiscal year to be adjusted.

* * * * *

(g) *Adjustments for vacant units approved for modernization that are in excess of the Allowable Vacancy Rate, all vacant units approved for deprogramming, and other vacant units in excess of the Allowable Vacancy Rate.* The PHA must submit year-end adjustments for funding received under Section 990.108(b) for vacant units approved for modernization that are in excess of the Allowable Vacancy Rate, vacant units approved for deprogramming, and other vacant units in excess of the Allowable Vacancy Rate.

* * * * *

Authority: Sec. 9, United States Housing Act of 1937, 42 U.S.C. 1437g; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: May 7, 1984.

Warren T. Lindquist,

Assistant Secretary for Public Indian Housing.

[FR Doc. 84-14620 Filed 5-30-84; 8:45 am]

BILLING CODE 4210-33-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. NH-84-1030; FRL -2597-4]

Approval and Promulgation of Implementation Plans; New Hampshire; Markem Corporation Compliance Schedule.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. These revisions will reduce emissions from a major source of volatile organic compounds (VOC) in the State. The intended effect of this action is to satisfy conditions for Part D plan requirements for nonattainment areas under Section 172(b)(2) of the Clean Air Act.

DATES: Comments must be received on or before July 2, 1984.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2311, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, State Air Programs Branch, Room 2313, JFK Federal Building, Boston, Massachusetts 02203 and New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Bridget E. McGuiness, (617) 223-4872.

SUPPLEMENTARY INFORMATION: On August 11, 1980, EPA conditionally approved the ozone control plan for New Hampshire (45 FR 24869). Final approval required that the state submit schedules for major sources of VOC to achieve compliance as expeditiously as practicable. Under EPA policy, New Hampshire, as a rural nonattainment area with respect to ozone, has to control only major emitters of VOC—those with over 100 Tons Per Year (TPY) actual or potential emissions (see February 27, 1978 memorandum from former EPA Administrator Douglas Costle).

Markem Corporation in Keene, New Hampshire is a specialty fabric printer. The source has five coating lines which coat inks on fabrics and films, which in turn are used by Markem's customers to print labels on garments. Markem applied to the state of New Hampshire for an extension to its VOC compliance schedule in order to allow it to reformulate most of these inks to water-based compounds. EPA approved this extension which gave Markem until September 30, 1983 to reformulate its products. (See the October 20, 1983 **Federal Register**, 48 FR 48664).

Markem requested that the state grant them a further extension to their control plan because reformulation efforts had been set back by a change in one of the components supplied by an outside vendor. EPA met with representatives of Markem and the New Hampshire Air Resources Agency (ARA) personnel on September 6, 1983 and again on October 13, 1983 to discuss whether Markem's new control plan demonstrated expeditious compliance with New Hampshire Administrative Regulation 1204.05. As a result of these meetings, Markem made the decision to forego further attempts at reformulating the remaining solvent-based inks and to install a fume incinerator to destroy the VOC emissions. VOC emissions are to be less than 100 TPY after July 1, 1985. Based on these discussions, the New Hampshire ARA has requested a final compliance date of July 1, 1985 for Markem to complete installation of the incinerator.

On December 22, 1983, New Hampshire Air Resources Agency submitted a copy of Markem's temporary operating permit dated December 8, 1983 as part of a formal SIP revision. The permit provides the following operating conditions and compliance schedule:

1. The operating hours for coating lines 1, 3, 4, and 5 are limited to 16 hours per day and 275 days per year.

2. The operating hours for coating line 2 are limited to 8 hours per day and 260 days per year.

3. Opacity of emissions may not exceed 20%.

4. During calendar year 1985 total tons of VOC emissions from this process shall be less than 100 tons per year.

5. VOC inventory progress reports shall be submitted quarterly for the duration of this extension, with the first quarterly report to cover the months of October, November and December 1983.

6. Installation of the incinerator shall proceed according to the proposed compliance plan and schedule outlined as follows:

a. Completion of engineering (selection of vendor) on or before March 30, 1984.

b. Awarding of contracts (place the order) no later than August 1, 1984.

c. Initiation of construction on or before April 1, 1985.

d. Completion of construction on or before April 15, 1985.

e. Final compliance with CHAPTER Air 1200, PART Air 1203 shall be achieved no later than July 1, 1985.

f. The Agency to be notified in writing within fifteen (15) days after successful completion of each phase of this compliance schedule.

On February 10, 1984 the New Hampshire ARA submitted a revised permit which changed the wording of condition #4 from "During calendar year 1985. . ." to "After July 1, 1985. . ."

EPA reviewed Markem's proposal and based upon the information presented approves both the incinerator as a means of attaining compliance and the proposed compliance schedule.

Proposed Action

EPA is proposing to approve the revised compliance schedule and VOC emission limit (less than 100 tons per year after July 1, 1985) for Markem's Keene, New Hampshire facility submitted on December 22, 1983 and February 10, 1984.

Under 5 U.S.C. 605(b), the Administrator has certified that these SIP revisions will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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

The Administrator's decision to approve or disapprove the plan revisions will be based upon whether they meet the requirements of 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act as amended [42 U.S.C. 7410(a) and 7601(a)].

List of Subjects in 40 CFR Part 52

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

Dated: April 26, 1984.

Paul Keough,

Acting Regional Administrator.

[FR Doc. 84-14491 Filed 5-30-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-9-FRL 2597-1]

Approval and Promulgation of Implementation Plans; California State Implementation Plan (SIP) Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The State of California recently submitted to EPA sixteen volatile organic compound (VOC) rules. EPA has evaluated the rules and has found them consistent with the requirements of 40 CFR Part 51 and Part D of the Clean Air Act (CAA). Today's notice proposes to approve the rules.

DATES: Comments may be submitted up to July 2, 1984.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Programs Branch, State Implementation Plan Section (A-2-3), Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and EPA's associated Evaluation Report are available for public inspection during normal business hours at the EPA Region 9 office at the above address, and at the following location: California Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95812.

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

SUPPLEMENTARY INFORMATION:

Background

The submitted rules control emissions of VOC from stationary sources located in ozone nonattainment areas. Control of VOC emissions within these areas is necessary for attainment of the National Ambient Air Quality Standard for ozone.

Description of Regulations

The State of California submitted revisions on October 27, 1983, which are summarized as follows:

Bay Area Air Quality Management District (AQMD)

Regulation 8

Rule 3—Architectural Coatings. Compliance dates for non-flat coatings and small business are delayed.

Rule 9—Vacuum Processing Systems. Applicability of the rule is extended to include chemical plants.

Rule 10—Process Vessel Depressurization. Applicability of the rule is extended to include chemical plants.

Rule 20—Graphic Arts. Procedures for analysis of samples and determination of emissions are clarified.

Rule 22—Valves and Flanges at Chemical Plants. Limitation for the number of valves and flanges awaiting repair is deleted.

Rule 25—Pump and Compressor Seals at Petroleum Refineries and Chemical Plants. Applicability of the rule is extended to include chemical plants.

Rule 28—Pressure Relief Valves at Petroleum Refineries and Chemical Plants. Applicability of the rule is extended to include chemical plants.

El Dorado County Air Pollution Control District (APCD)

Rule 224—Cutback Asphalt Paving Material. New rule regulates the use of cutback asphalt for road paving.

Rule 225—Solvent Cleaning Operations. New Rule regulates solvent metal degreasing operations.

Madera County APCD

Rule 416—Storage of Petroleum Products. Exemption for tanks with low throughputs of light crude oil is deleted.

San Diego County APCD

Rule 67.9—Aerospace Coating. New rule establishes allowable solvent limits for coatings used in the aerospace industry.

South Coast AQMD

Rule 1113—Architectural Coatings. Compliance dates for non-flat coatings are delayed.

Rule 1122—Solvent Cleaners (Degreasers). Applicability of the rule is extended to include non-metal degreasing operations.

Rule 1136—Wood Furniture and Cabinet Coatings. New rule requires use of airless spray or air assisted airless spray application equipment or equivalent for surface coating of wood furniture.

Rule 1141—Control of Reactive Organic Gases from Resin Manufacturing. New rule regulates emission limits for process vessels used in resin manufacturing.

Rule 1145—Plastics, Rubber and Glass Coatings and Adhesives. New rule establishes allowable solvent limits for coatings used on plastic, rubber and glass and for adhesives.

Evaluation

These rules have been evaluated and are at least as stringent as the

recommendations in EPA's CTGs or fulfill the requirement for Reasonably Available Control Technology with one exception. South Coast AQMD Rule 1141 "Control of Reactive Organic Gases from Resin Manufacturing" requires significantly less control for polystyrene resin manufacturing plants than EPA's Group III CTG for this source ("Manufacture of Hi-Density Polyethylene, Polypropylene and Polystyrene"). EPA proposes to approve Rule 1141 since it represents a strengthening of the SIP. Pursuant to EPA policy, the District should review the rule with respect to the recommendations in the CTG and submit a revised rule by January 1, 1985. A copy of EPA's evaluation of the above rules is available for inspection at the Region 9 office.

Proposed Actions

EPA proposes to approve and incorporate the rules listed above into the California SIP, since they are consistent with the Clean Air Act, EPA policy and 40 CFR Part 51.

I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities. The Office of Management and Budget has exempted this action from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

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

Authority: Secs. 110, 129, 171 to 178 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: April 13, 1984.

Judith E. Ayres,

Regional Administrator.

[FR Doc. 84-14484 Filed 5-30-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-I-FRL -2596-8]

Air Programs; Approval and Promulgation of Implementation Plans; Massachusetts; Lead Attainment and Maintenance Plan

AGENCY: Environmental protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan revisions submitted by the Commonwealth of Massachusetts. The intended effect of this action is to approve the demonstration of attainment and maintenance of the National Ambient Air Quality Standard for lead as required under Section 110 of the Clean Air Act.

DATES: Comments must be received on or before July 2, 1984. Public comments on this document are requested and will be considered before taking final action on these SIP revisions.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2313, JFK Federal Bldg., Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Bldg., Boston, MA 02203 and the Division of Air Quality Control, Department of Environmental Quality Engineering, One Winter Street, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, (617) 223-4869.

SUPPLEMENTARY INFORMATION: In a letter dated March 23, 1984, Massachusetts requested that EPA parallel process revisions to its State Implementation Plan that include technical support designed to demonstrate attainment and maintenance by the State of the NAAQS for lead. This draft submittal satisfies 40 CFR Part 51, implementation plans for lead.

Air Quality

On January 11, 1983, EPA approved Massachusetts' National Air Monitoring Station (NAMS) network for lead based on the requirements of 40 CFR Part 58. The network consists of six monitors.

The public may inspect the network description during normal business hours at EPA's Environmental Services Division, 60 Westview Street, Lexington, MA 02173, (617) 861-6700 or at the Division of Air Quality Control Address listed in the **ADDRESSES** section above

On May 28, 1980 (45 FR 35804) EPA approved Massachusetts' lead standard. The State standard is the same as the National Ambient Air Quality Standard.

Emissions

Massachusetts' emissions inventory shows no significant point sources of lead. Mobile source emissions were calculated from 1978 to 1984 and show a significant decrease in lead emissions during that period.

Depending on the lead air concentration in the base (historic) year, it is possible for such areas to attain the lead standard solely due to Federal regulations. Based on those Federal regulations and information about past and projected gasoline sales and assuming that lead concentrations decrease proportionally with automotive lead emissions, EPA has calculated critical lead concentrations for several base and attainment years. These were published in a July 1983 draft report entitled "Update Information on Approval and Promulgation of Lead Implementation Plans" prepared for the EPA Office of Air Quality Planning and Standards, Control Programs Development Division, Research Triangle Park, N.C. If the highest lead concentration for a given base year/attainment year combination is less than the critical value for that combination, EPA assumes that the standard will be attained by the attainment date. In 1978, Massachusetts had a worst-case quarterly concentration of 2.68 $\mu g/m^3$. The National Ambient Air Quality Standard is 1.5 $\mu g/m^3$. Massachusetts' worst-case concentration is less than the critical concentration calculated by EPA for an attainment date of 1984 (5.72). Therefore, EPA concludes that the standard is being and will continue to be attained in Massachusetts.

New Source Review

The March 23, 1984 draft submittal describes how Massachusetts will address new stationary sources of lead. The submittal indicates that the State's existing permit procedures in 310 CMR 7.02 adequately address control of major new sources of lead emissions. Since a reading of that regulation could be interpreted differently as it concerns permits for new lead sources having the potential to emit 5 or more tons a year, Massachusetts has agreed to submit a clarifying statement. In the cover letter accompanying the final submittal, the State will indicate that it interprets its authority under Section 7.02(2) to allow it to require new lead sources of 5 tons per year or larger to undergo its permitting procedures.

In summary, Massachusetts has had no monitored lead standard violations since 1980, is continuing to monitor for lead emissions and has new source review procedures in effect for new lead sources. EPA finds that the Massachusetts lead SIP demonstrates that the NAAOS for lead is being attained and will be maintained for the foreseeable future. This demonstration is based primarily on lead emission reductions that result from the federal programs for the reduction of lead in gasoline, the requirement for use of unleaded gasoline in catalyst-equipped vehicles and other requirements. Therefore, Massachusetts has met all the requirements of the Clean Air Act

and applicable regulations for submittal of an adequate lead SIP.

EPA is proposing to approve the Massachusetts State Implementation Plan Revision for lead, a draft of which was submitted on March 23, 1984, and is soliciting public comments on issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

These revisions are being proposed under a procedure called "parallel processing" (47 CFR 27073). If the proposed revisions are substantially changed, in areas other than those identified in this notice, EPA will evaluate those changes and may publish a revised NPR. If no substantial changes are made other than those areas cited in this notice, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the SIP revisions have been adopted by Massachusetts and submitted to EPA for incorporation into the SIP. "Parallel processing," it is estimated, will reduce the time necessary for final approval of these SIP revisions by 3 to 4 months.

Proposed Action

EPA is proposing to approve the draft Massachusetts State Implementation Plan revision for lead, which was submitted on March 23, 1984, with the understanding that the cover letter accompanying the final submittal will include the interpretation of the State's permitting authority noted above.

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

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

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of Sections 110(a)(2) (A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

List Subjects in 40 CFR Part 52

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

Dated: April 17, 1984.

Paul G. Keough,

Acting Regional Administrator.

[FR Doc. 84-14485 Filed 5-30-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[AD-FRL 2597-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawl of proposed rulemaking.

SUMMARY: EPA is withdrawing rulemaking on a revision to the Indiana State Implementation Plan (SIP) for total suspended particulates (TSP). The revision pertains to a variance to the Opacity SIP for the Indiana-Michigan Electric Company's Breed Generating Station in Sullivan County. EPA proposed to disapprove this variance on May 27, 1983 (48 FR 23852). EPA's withdrawal is based upon a request submitted on July 27, 1983, by the State.

DATE: EPA's withdrawal is effective May 31, 1984.

ADDRESSES: Copies of the SIP revision and withdrawal requests are available at the following addresses for review. (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V office).

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

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

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: In order to attain and maintain the TSP NAAQS, the Indiana SIP requires all sources to meet a TSP mass emission limit and an opacity (visible emissions) limit. Indiana's operating permit regulation, 325 IAC Article 2, provides that Indiana may adopt operating permits which contain site specific emission limits less stringent than those contained within Indiana's general regulations, as long as the NAAQS are protected with the less stringent limits. These relaxed limits supersede those in the general regulations and must be submitted to EPA as revisions to the SIP. Pursuant to this provision, Indiana adopted an operating permit for Breed which contains a site specific variance to Indiana's opacity regulation. The State submitted this operating permit to EPA on February 26, 1981 and resubmitted it on June 22, 1982. No technical support concerning the maintenance of the NAAQS was submitted with the variance.

This variance would have allowed Breed to exceed Indiana's 40% opacity limit during boiler startup and shutdown for a period of up to ten hours or until the flue gas temperature entering the electrostatic precipitator reaches 250° F, whichever comes first. The average opacity during these times of excess emissions could not exceed 70%. EPA proposed on May 27, 1983 (48 FR 23852) to disapprove the opacity variance because Indiana did not demonstrate that the NAAQS are protected during such periods of excess emissions.

In response to this proposal and at the request of the source, on July 27, 1983 Indiana withdrew the variance as a proposed revision to the SIP. Therefore, today, EPA is withdrawing its May 27, 1983 proposed rulemaking on this variance.

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

List of Subjects in 40 CFR Part 52

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

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

Dated: April 26, 1984.

Alan Levin,

Acting Regional Administrator.

[FR Doc. 84-14490 Filed 5-30-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[EPA Action IA 1499; A-7-FRL-2597-6]

Designation of Areas for Air Quality Planning Purposes; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Section 107(d) of the Clean Air Act, as amended, provides for the designation of areas as either attainment, nonattainment, or unclassified with respect to the National

Ambient Air Quality Standards (NAAQS). EPA today proposes to redesignate a portion of the Mason City, Iowa, primary nonattainment area to secondary nonattainment with respect to the NAAQS for total suspended particulates (TSP). This redesignation proposal is based on a request from the Iowa Department of Water, Air and Waste Management.

DATE: Public comments should be received by July 2, 1984.

ADDRESSES: Comments should be sent to Larry A. Hacker, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. The State submission is available for inspection at the above address and at the Iowa Department of Water, Air and Waste Management, 900 East Grand, Des Moines, Iowa 50319.

FOR FURTHER INFORMATION CONTACT: Larry A. Hacker at (816) 374–3791, or FTS 758–3791.

SUPPLEMENTARY INFORMATION: In response to Section 107(d) of the Clean Air Act, as amended, EPA and the State of Iowa have designated all areas of the State as attaining the NAAQS, not attaining the NAAQS, or having insuficient data to make a determination. An attainment area is one in which the air quality does not exceed the standards. A nonattainment area is one in which the air quality is worse than the standards. An unclassified area is one for which there are insufficient data to determine whether the area is attainment or nonattainment. At 40 CFR Part 81, Subpart C, the areas of the State which are nonattainment for one or more pollutants are identified.

This action was previously part of a proposed rulemaking which was published in the **Federal Register**, on October 12, 1983 (48 FR 46393). In that package, the entire Mason City primary TSP nonattainment area was proposed for redesignation to secondary TSP nonattainment. No public comments were received on this proposal. Subsequent to the proposal, the State conducted an evaluation of the northern portion of this area. They concluded that the existing monitor sites are not representative of the entire nonattainment area. The State is concerned with a fugitive emissions problem which is attributed to two portland cement plants. There are no TSP monitors located in the vicinity of the cement plants. The State believes that additional monitoring is necessary before the affected portion of this nonattainment area can be redesignated.

The primary NAAQS for TSP consist of a 24-hour value of 260 micrograms per cubic meter (μg/m3), not to be exceeded more than once per year, and an annual value (geometric mean) of 75 μg/m3. The secondary NAAQS for TSP is a 24-hour value of 150 μg/m3, not to be exceeded more than once per year.

EPA's current Section 107 designation policy is summarized in an April 21, 1983 memorandum from EPA's Office of Air Quality Planning and Standards. Generally, eight quarters (two years) of monitoring data which show attainment are required to support redesignation requests, and evidence of actual, enforceable emission reductions should also be provided. However, the most recent four quarters of monitoring data can be used if dispersion modeling shows that the SIP strategy is sound, and if actual, enforceable emission reductions have occurred.

In a submittal dated February 28, 1984, the State requested a revised TSP redesignation for Mason City. In this request, only the southern portion of the primary nonattainment area (south of 12th Street) would be redesignated to secondary TSP nonattainment.

There are two TSP monitors in the southern portion of the currently designated primary nonattainment area. The most recent eight quarters of monitoring data show attainment of the primary NAAQS for TSP. In addition, Mason City has an EPA approved SIP control strategy which includes enforceable emission reductions. Therefore, EPA believes that this request complies with agency policy.

Action: EPA proposes to remove the primary nonattainment designation and retain the secondary nonattainment designation for the southern portion of the Mason City primary nonattainment area.

EPA is soliciting comments on the State's submission and on EPA's action proposed in this document. The Administrator will consider comments received in deciding to approve or modify the State's request.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709)

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

This notice of proposed rulemaking is issued under the authority of Sections 107 and 301 of the Clean Air Act, as amended (42 U.S.C. 7407 and 7601).

List of Subjects in 40 CFR Part 81

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

Dated: March 22, 1984.

David R. Tripp,

Acting Regional Administrator.

[FR Doc. 84–14489 Filed 5–30–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 765

[OPTS–62033; FRL 2581–5]

Formaldehyde; Determination of Significant Risk

Correction

In FR Doc. 84–13828 beginning on page 21870 in the issue of Wednesday, May 23, 1984, make the following corrections:

On page 21870, in the first column, correct lines nineteen through twenty-one to read as follows: "formaldehyde-based resins and residence in conventional and manufactured homes containing construction materials in which certain formaldehyde-based resins are used. In addition, EPA is simultaneously announcing a second decision to initiate a full investigation of regualtory options. Section 4(f) does not require that this second decision, which".

BILLING CODE 1505–01–M

LEGAL SERVICES CORPORATION

45 CFR Part 1622

Public Access to Meeting Under the Government in the Sunshine Act

Correction

In FR Doc. 84–14121, beginning on page 22348 in the issue of Tuesday, May 29, 1984, the following correction should be made:

On page 22348, first column, the comment closing date should have read "June 28, 1984."

BILLING CODE 1505–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 40449-4049]

Atlantic Swordfish Fishery

Correction

In FR Doc. 84-10621 beginning on page 15585 in the issue of Thursday, April 19, 1984, make the following corrections.

1. On page 15586, third column, § 630.2, under *Fishing* paragraph (d), third line, "9(c)" should read "(c)"; in the tenth paragraph from the top, "Observe" should read "Observer".

2. On Page 15588, second column, § 630.7, paragraph (d)(2), "(– .–.– –.– –.–)" should read "(– .–.– –.–.–.–)".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 49, No. 106
Thursday, May 31, 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

Animal and Plant Health Inspection Service

DEPARTMENT OF JUSTICE

Attorney General

[Docket No. 84-043]

Tick Inspectors' Use of Firearms

This notice sets forth in full a document captioned "Rules for Employees Authorized Pursuant to Pub. L. 97-312 to carry a Firearm for Self-Protection" which was issued jointly by the Secretary of Agriculture of the United States and the Attorney General of the United States. The document reads as follows:

Animal and Plant Health Inspection Service, Veterinary Services

Rules for Employees Authorized Pursuant to Public Law 97-312 To Carry a Firearm for Self-Protection

1. *Purpose*

To establish rules for those employees of the United States Department of Agriculture charged with enforcement of regulations and regulatory activities authorized pursuant to section 2 of the Act of February 2, 1903, as amended and section 5 of the Act of July 2, 1962, of the animal quarantine laws (32 Stat. 792, as amended and 76 Stat. 130; 21 U.S.C. 111, 134d) and designated by the Secretary of Agriculture and the Attorney General of the United States to carry a firearm and use a firearm when necessary for self-protection.

2. *Applicability*

Pursuant to Pub. L. 97-312, approved October 14, 1982 (96 Stat. 1461), the Secretary of Agriculture and the Attorney General have designated and will designate certain United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Animal Health Technicians (Tick Inspectors) as those Department employees authorized to carry a firearm and use a firearm when necessary for self-protection while engaged in the enforcement of regulations and regulatory activities authorized pursuant to section 2 of the Act of February 2, 1903, as amended and section 5 of the Act of July 2, 1962, of the animal quarantine laws (32 Stat. 792, as amended and 76 Stat. 130; 21 U.S.C. 111, 134d). These rules are applicable to such Tick Inspectors.

3. *Firearms Authorization*

A. Authority for the Secretary of Agriculture and the Attorney General of the United States to authorize and designate Tick Inspectors to carry firerms and use a firearm when necessary for self-protection is contained in Pub. L. 97-312, approved October 14, 1982 (96 Stat. 1461).

B. The authority for any Tick Inspector to carry a firearm for self-protection is limited to any situation in which the Tick Inspector is engaged in the performance of his/her official duties concerning patrol activities in hazardous areas of the quarantine buffer zone along the Rio Grande River and when tracing animals from Mexico as the continuation of the patrol along the Rio Grande River.

C. Before any such Tick Inspector may carry a firearm for self-protection, he/she is required to receive firearm training at the Federal Law Enforcement Training Center, Glynco, Georgia, or at a comparable firearm training facility approved by the Secretary of Agriculture and the Attorney General. The Tick Inspector must qualify in the use of such firearms in accordance with the applicable provisions of these rules.

D. A Tick Inspector authorized to carry a firearm for self-protection shall at all times when carrying the firearm also carry his/her official United States Department of Agriculture identification.

General Rules

4. *Carrying Firearms*

A. It is the policy of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, that the carrying or wearing of a firearm be kept at a minimum and be as inconspicuous as possible.

B. The only firearms which may be worn or carried are those which are issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

C. Firearms may only be worn when conducting official duties and activities as outlined in paragraph 3.

D. Firearms shall not be worn in areas where cattle are being dipped.

E. Firearms shall not be worn when meeting with cattle owners.

5. *Use of Firearms*

A. Any use of firearms by Tick Inspectors must be legally justified, within the guidelines of these rules, and reasonable under all circumstances. Firearms may be used only for self-protection while the Tick Inspector is engaged in the performance of official duties as provided in paragraph 3, and only in those situations presenting an immediate danger of death or serious bodily injury to a Tick Inspector. The force used must be only that needed to stop the attack.

B. Warning shots are strictly prohibited.

C. Firing at fleeing vehicles is strictly prohibited.

D. Firing at fleeing persons will not be considered justified, unless the Tick Inspector has reason to believe that the fleeing person presents an immediate danger of death or serious bodily injury to a Tick Inspector.

E. Firearms issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, will not be carried or used by Tick Inspectors when they are in an off-duty status. Nothing in this rule shall be construed as interfering with the rights of an individual to carry a personally owned weapon in an off-duty status in accordance with State or local law.

F. Firearms will not be used to stop or detain persons or in the enforcement of any animal quarantine laws and regulations.

6. *Care and Maintenance of Firearms*

A. Tick Inspectors who are designated as authorized to carry firearms for self-protection shall be responsible for the care, maintenance, and security of firearms which have been issued to them.

B. The issued firearms shall be maintained so as to be in good working

condition while in the possession of the Tick Inspector to whom it is issued; i.e., the issued firearm shall be kept clean.

C. Any firearm which does not appear to be in proper working order shall be turned in to the Tick Inspector's immediate supervisor for repair. Another firearm shall be issued for use by the Tick Inspector while the repairs are being made.

D. Every effort shall be made to ensure the security of the issued firearm and to prevent its loss or theft at all times, including, but not limited to, while being carried by the inspector or while in this vehicle or trailer or when kept at his domicile.

(1) When the firearm is not carried by the Tick Inspector, it must be kept in a secure place.

(2) The supervisor of the Tick Force shall approve the secured places for keeping of firearms assigned to Tick Inspectors.

7. *Care and Use of Ammunition*

A. Tick Inspectors shall be responsible for the care and security of issued ammunition and shall be held accountable therefor.

B. Each Tick Inspector shall maintain a record of issued ammunition and its use, loss, or theft on forms issued by USDA. The discharge of any round of ammunition away from an authorized range shall be reported by the Tick Inspector to his/her immediate supervisor as soon as possible.

C. The Tick Inspector's immediate supervisor is responsible for having anyone who discharges any round of ammunition away from an approved range file a written report of such discharge.

D. To assure maximum proficiency of issued ammunition, all ammunition which has been carried in a firearm or in a belt case or loops for 6 months shall be used for target practice at an approved range.

E. Any accident involving the discharge of a firearm because of an attack or fear of an attack shall be immediately reported by telephone or radio to the Tick Inspector's immediate supervisor who in turn shall forward the report to the supervisor of the Tick Force.

F. Only ammunition issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, shall be used in firearms issued under these rules to Tick Inspectors.

G. Ammunition which is not carried by the Tick Inspector on his person must be kept in a secured place. The Tick Inspector's immediate supervisor shall approve the secured places for keeping the ammunition.

8. *Reported Use of Firearm*

A. Whenever a Tick Inspector discharges a firearm issued to him/her by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, with the exception of B below, he/she shall immediately report the discharge to his/her immediate supervisor. When the discharge of firearms involves other persons, the report will follow the chain of command to the Deputy Administrator, United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services. The Deputy Administrator will be responsible for ensuring that the appropriate officials are notified as expeditiously as possible.

B. It shall not be necessary to report discharge of firearms during authorized training or during approved practice with the firearm on an approved range.

C. Contents of Report: The report required in A above shall include plans of actions considered prior to discharge of the firearms; what precipitated the incident; the time and place of the incident; the location of any other Tick Inspector involved; any loss or damage of property; a list of witnesses; and a detailed description of the incident.

9. *Training and Qualification*

Tick Inspectors who have satisfactorily completed the approved firearm training program, as outlined in paragraph 3C, must requalify annually. This annual requalification must be with the specific type of firearm they were issued.

10. *Accountability*

The supervisor of the Tick Force shall store unissued firearms and ammunition. The Tick Inspectors' immediate supervisor shall maintain a detailed record of the firearms and ammunition issued in his/her supervisory area and to whom they were issued. This information shall also include when the firearm and ammunition were assigned; the serial number, model number, and manufacturer of the firearm. The supervisor of the Tick Force shall maintain detailed records of firearms and ammunition issued to the entire Tick Force. The detailed records of assigned firearms and ammunition must be updated monthly. A copy of such records of the assigned firearms and ammunition and inventory of unassigned firearms and ammunition must be provided to the Area Veterinarian in Charge, the South Central Regional Director, and the area accountable property officer at the end of each month.

11. *Loss of Theft of Firearms and Ammunition*

The Tick Inspector shall immediately report the loss or theft of any firearm or ammunition issued under these rules to his/her immediate supervisor. The oral report must be followed by a written report as soon as possible. These reports must be forwarded through the chain of command to the supervisor of the Tick Force, the Area Veterinarian in Charge, the Regional Director, and the Assistant Deputy Administrator. The Area Veterinarian in Charge will ensure that the loss or theft is reported to the National Crime Information Center. He shall also ensure that an appropriate inquiry be made and that a Board of Survey be convened to determine the culpability, if any, for the loss or theft of the issued weapon or ammunition. The loss or theft must be made known to the accountable property officer as soon as circumstances permit after discovery.

Effective date: April 30, 1984.

Dated: April 30, 1984.

D. Lowell Jensen,

Acting Attorney General of the United States.

Dated: April 30, 1984.

Richard E. Lyng,

Acting Secretary of Agriculture of the United States.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Department of Agriculture Programs and Activities Covered Under Executive Order 12372

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: The purpose of this Notice is to inform State and local governments and other interested persons of programs and activities included within the scope of Executive Order 12372, "Intergovernmental Review of Federal Programs." A full understanding of the requirements of the Order may be gained by referring to the final rules published in 7 CFR Part 3015, Subpart V, at 48 FR 29100, published June 24, 1983.

DATE: Effective May 31, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Lyn Zimmerman, Supervisory Program Analyst, Office of Finance and Management, USDA, Room 118–W, Administration Building, Washington, D.C. 20250 (telephone 202–382–1553).

SUPPLEMENTARY INFORMATION: The program listed below by the Catalog of

Federal Domestic Assistance Number is included within the scope of Executive Order 12372.

10.568 Temporary Emergency Food Assistance.

States interested in adding this program to their list of programs to be reviewed under Executive Order 12372, should have their Single Point of Contact forward their request to: Office of Finance and Management, Financial Management Division, USDA, Room 118–W, 14th and Independence Avenue SW., Administration Building, Washington, D.C. 20250; Attention: Ms. Lyn Zimmerman.

Dated: May 23, 1984.

Charles L. Grizzle,

Acting Assistant Secretary for Administration.

[FR Doc. 84–14493 Filed 5–30–84; 8:45 am]

BILLING CODE 3410–30–M

CIVIL AERONAUTICS BOARD

[Order 84–5–80]

Fitness Determination of Hub Air Service; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of air carrier fitness determination—order 84–5–80, order to show cause.

SUMMARY: The Board is proposing to find that Hub Air Service is fit, willing and able to provide air service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 13, 1984, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division I, Room 918, Civil Aeronautics Board, Washington, D.C., 20428, and with all persons listed in Appendix D of the order.

FOR FURTHER INFORMATION CONTACT: Arthur Barnes, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673–5343.

SUPPLEMENTARY INFORMATION: The complete text of Order 84–5–80 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropoltan area may send a postcard request for Order 84–5–80 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 23, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–14562 Filed 5–30–84; 8:45 am]

BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

Colorado Advisory Committee; Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Colorado Advisory Committee to the Commission originally scheduled for June 9, 1984, at the Conoco Hotel, Denver, Colorado (FR Doc. 84–13285, May 17, 1984, on page 20889) has been cancelled.

Dated at Washington, D.C., May 25, 1984.

John I. Binkley

Advisory Committee Management Officer.

[FR Doc. 83–14505 Filed 5–30–82; 8:45 am]

BILLING CODE 6335–01–M

Illinois Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 2:00 p.m., on June 8, 1984, at the Federal Building, Room 3280, 230 South Dearborn, Chicago, Illinois 60604. The purpose of the meeting is to plan new projects and review the Contract Compliance reports.

Persons desiring additional information, or planning a presentation of the Committee, should contact the Chairperson, Mr. Thomas Pugh, at (217) 333–2565 or the Midwestern Regional Office at (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 25, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–14507 Filed 5–30–82; 8:45 am]

BILLING CODE 6335–01–M

Pennsylvania Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 2:00 p.m., on June 13, 1984, at the Federal Building, Court House, Room 804, 228 Walnut Street, Harrisburg, Pennsylvania 17108. The purpose of the meeting is to discuss a proposed project on violence and bigotry, on-going monitoring topics including 1990 Census preparations, and prison reform.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Mr. Joseph Fisher, at (215) 351–0750 or the Mid-Atlantic Regional Office at (202) 254–6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 25, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–14506 Filed 5–30–84; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Princeton University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No. 81–00157. Applicant: Princeton University, Princeton, NJ 08544. Instrument: Millimeter Carcinotron Tube. Manufacturer: Thomson-CSF, France. Intended use: See notice at 49 FR 10324.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (October 16, 1979).

Reasons: The foreign article is used as a swept local oscillator operating at a frequency range of 290 to 300 gigahertz

(1.0 x 10^9 Hz) with a power output throughout this range of 2.0 watts. The National Bureau of Standards advises in its memorandum dated April 17, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

We know of no other domestic instrument or apparatus of equivalent scientific value to the foreign instrument being manufactured at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-14586 Filed 5-30-84; 8:45 am]

BILLING CODE 3510-DS-M

University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No. 83-355. Applicant: University of California, Davis, CA 95616. Instrument: Sputter Cryo. Manufacturer: EMscope Laboratories, Ltd., United Kingdom. Intended use: See notice at 48 FR 56094.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (January 13, 1983).

Reasons: The foreign instrument provides complete cryogenic preparation and transfer of a specimen to a microscope with a continuous recording of its temperature. The National Institutes of Health advises in its memorandum dated January 23, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

We know of no other domestic instrument or apparatus of equivalent scientific value to the foreign instrument being manufactured at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-14567 Filed 5-30-84; 8:45 am]

BILLING CODE 3510-DS-M

University of Maryland, et al.; Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with Subsections 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No. 84-188. Applicant: University of Maryland, Department of Anatomy, 655 W. Baltimore Street, Baltimore, MD 21201. Instrument: Electron Microscope, Model EM 410LS with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended Use: Studies of a variety of tissue preparations derived from the peripheral and central nervous systems, muscle, mammary tumors, bladder and endocrine glands for the purposes of biomedical research pertaining to the normal development, pathology neoplastic growth, cell membrane properties, physiology and regeneration of various organ systems. Application received by Commissioner of Customs: April 18, 1984.

Docket No. 84-197. Applicant: University of California, Purchasing Department, 2405 Bowditch Street, Berkeley, CA 94720. Instrument: Video Display Tube and Electronic Image Generator. Manufacturer: Joyce Electronics, United Kingdom. Intended use: Research studying the visual system of persons with reduce vision. Application received by Commissioner of Customs:

Docket No. 84-200. Applicant: Univierity Corporation for Atmospheric Research, 1850 Table Mesa Drive, Boulder, Co 80307. Instrument: Fourier Transform Spectrometer with Accessories. Manufacturer: Bomem, Inc., Canada. Intended use: The absorption of radiation by gas molecules will be studied. These molecules include nitric oxide, water, sulfur dioxide and nitrogen dioxide. Gases such as these have many dirrerent reactions. The rates of these reactions will be studied through the measurements of radiation absorbed by the gas molecules. This information is necessary for the understanding of air pollution and acid rain. Application received by Commissioner of Customs: April 27, 1984.

Docket No. 83-228R. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Instrument: Model MBE 2300-R&D System for Molecular Beam Epitaxy and Associated Surface Analyses. Original notice of this resubmitted application was published in the **Federal Register** of July 7, 1983.

Docket No. 83-337R. Applicant: U.S. Geological Survey, 450 Main Street, Room 525, Harford, CT 06103. Instrument: Terrain Conductivity Meter, Model EM-34-3. Original notice of this resubmitted application was published in the **Federal Register** of November 21, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-14564 Filed 5-30-84; 8:45 am]

BILLING CODE 3510-DS-M

Vanderbilt University Medical Center; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No. 83-287R. Applicant: Vanderbilt University Medical Center, Nashville, TN 37232. Instrument: Bone Implant System for Jaws. Original notice

of this resubmitted application was published in the **Federal Register** of September 2, 1983.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (September 30, 1983).

Reasons: The foreign instrument, which will be used in a clinical program in osseointegrated prosthetic surgery, provides low speed drilling and special titanium implant materials. The National Institutes of Health advises in its memorandum dated March 21, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

We know of no other domestic instrument or apparatus of equivalent scientific value to the foreign instrument being manufactured at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-14565 Filed 5-30-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will meet June 19–21, 1984, at the Sheraton Inn Coliseum, 1215 W. Mercury Boulevard, Hampton, VA 23666 (telephone: 804–838–5011), to discuss the Surf Clam and Ocean Quahog Fishery Management Plan (FMP), Swordfish FMP, joint venture policy and other fishery management and administrative matters. The meeting may be lengthened or shortened depending upon progress on the agenda, and the Council may go into closed session to discuss personnel and/or national security matters. A detailed agenda will be made available to the public around June 8, 1984. For further information, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901, telephone: (302)–674–2331.

Dated: May 24, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 84-14477 Filed 5-30-84; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; Zoogesellschaft Osnabruck E.V.

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Zoogesellschaft Osnabruck E.V. (P216B).

b. Address Am Waldzoo 2/3, 4500 Osnabruck, West Germany.

2. Type of Permit: Public Display.

3. Name and Number of Animals: California sea lion (*Zalophus californianus*), 4.

4. Type of Take: Captive Maintenance.

5. Location of Activity: Rehabilitated animals from beached and stranded stocks.

6. Period of Activity: 4 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Director of Animal Health Department, West Germany have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 24, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-14510 Filed 5-30-84; 8:45 am]

BILLING CODE 3510-22-M

Salmon and Steelhead Advisory Commission: Public Meeting; Change

AGENCY: National Oceanic and Atmospheric Administration, NMFS, Commerce.

SUMMARY: This document changes a public meeting notice of the Salmon and Steelhead Advisory Commission that

was published on May 10, 1984, 49 FR 19884. The dates and locations of the meetings will be changed.

FOR FURTHER INFORMATION CONTACT: T. E. Kruse, 206–526–6150.

In FR Doc. 84–12605 the dates of the meetings are canceled and rescheduled to June 14 and 15, 1984. The meeting on June 14, 1984 will be held at the Sea-Tac Hilton, 17620 Pacific Highway South, Seattle, WA 98118, (206) 244–4800. The meeting on June 15, 1984 will be held at the Sea-Tac Red Lion Inn, 18740 Pacific Highway South, Seattle, WA 98118 (206) 246–8600. The time the meetings commence remains as published earlier.

Dated: May 24, 1984.

Carmen Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 84–14512 Filed 5–30–84; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Intent To Grant Exclusive Patent License; SmithKline Beckman Corp.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to SmithKline Beckman Corporation, having a place of business in Philadelphia, Pennsylvania 19103, an exclusive right to practice the invention embodied in U.S. Patent Application S.N. 6–508–323, "Genetic Reassortment of Rotaviruses for Production of Vaccines and Vaccine Precursors." The patent rights in this invention are being assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Patent Licensing, Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 84–14487 Filed 5–30–84; 8:45 am]

BILLING CODE 3510–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open 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).

Date of meeting: Thursday, 21 June 1984.

Times: 0830–1730 hours (Open).

Place: The Pentagon, Washington, DC.

Agenda: The Ad Hoc Chief of Staff Task Force on Soldiers and Families will meet for briefings and discussions with the Chief of Staff, Army. The task force will provide independent judgment and observations on soldier training and physical readiness plans, accession and retention programs, and initiatives in progress to meet the special needs of the Army family. This meeting is open to the public. Any interested person may attend, appear before, and file statements with the committee at the time and in the manner permitted by the committee. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer.

[FR Doc. 84–14605 Filed 5–30–84; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Open 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).

Date of meeting: Tuesday, 19 June 1984.

Time: 1430–1930 hours (Open).

Place: The Pentagon, Washington, DC.

Agenda: The Manning a Ready Force Subpanel of the Army Science Board 1984 Summer Study on Leading and Manning Army 21 will meet for briefings (1430–1630 hours) and an Executive Session (1630–1930 hours). Briefings will consists of a briefing on the Army Regimental Manning System and an update on Army Research Institute studies. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer.

[FR Doc. 84–14604 Filed 5–30–84; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Open 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: Friday-Saturday, 22–23 June 1984 and Monday-Tuesday, 25–26 June 1984.

Times: 0830–1700 hours (Open).

Place: National Training Center, Fort Irwin, California (22–23 June) and Fort Hood, Texas (25–26 June).

Agenda: The Manning a Ready Force Subpanel of the Army Science Board 1984 Summer Study on Leading and Manning Army 21 will meet for briefings and discussions. The Subpanel will visit Fort Irwin and Fort Hood and be briefed on family housing, community hospitals, education centers, child care, and troop housing dining facilities. The post Re-up offices will also be visited and discussions held with community leaders. Training operations will be reviewed and an update on the Army Family Action Plan given, as well as briefings on maintenance experience on new weapon systems from a personnel point of view. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer.

[FR Doc. 84–14606 Filed 5–30–84; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Flood Plain Involvement Notification for Proposed Remedial Action at the Hazelwood Formerly Utilized Site Remedial Action Program (FUSRAP) Site, Hazelwood, Missouri

AGENCY: Department of Energy.

ACTION: Notice of floodplain involvement and opportunity for comment.

SUMMARY: The Department of Energy (DOE) proposes to conduct remedial actions involving removal and control of radioactively contaminated material in Hazelwood, Missouri, as directed by Congress in the House-Senate Conference Report accompanying the Energy and Water Development Appropriation Act for 1984. Hazelwood lies in the northwestern portion of the St. Louis metropolitan area. Remedial action would involve removal of radioactively contaminated soil and gravel along the shoulders of Latty

Avenue. The action is necessary to allow the City of Berkeley (adjacent to Hazelwood, Missouri) to proceed with plans for storm drain and road improvements. Interim storage of the contaminated material would be on the Hazelwood FUSRAP site located at 9200 Latty Avenue. DOE has determined, based on a review of the National Flood Insurance Program's (Federal Emergency Management Agency) Flood Insurance Rate Maps for the area, that the proposal may involve activities within the floodplain area of Coldwater Creek.

The DOE is considering the following actions for interim storage and control of the contaminated material:

(1) Store the material in a building to be constructed above the floodplain level on the Hazelwood FUSRAP site;

(2) Store the material in a pile adjacent to an existing pile of radioactively contaminated material on the Hazelwood FUSRAP site. The combined pile would be covered with a low permeability membrane liner which would be anchored at the base of the pile. The bottom section of the liner would be protected from flood damage by rip rap where required; or

(3) Remove material to another DOE site not on a floodplain.

In accordance with DOE regulations for compliance with floodplain/wetland environmental review requirements (10 CFR Part 1022), DOE will prepare a floodplain assessment. Maps and further information are available from DOE at the address shown below. Public comments or suggestions regarding the proposed activities in this floodplain area are are invited.

DATE: Any comments are due on or before June 15, 1984.

ADDRESS: Send comments to Gale P. Turi, Division of Remedial Action Projects, NE–24, U.S. Department of Energy, Washington, DC 20545.

Issued in Washington, D.C., May 22, 1984.

Jan W. Mares,

Assistant Secretary for Policy, Safety, and Environment.

[FR Doc. 84–14615 Filed 5–30–84; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs and Energy Emergencies

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Australia

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Austrlia Concerning Civil Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S–AU–122, to the Commonwealth Scientific and Industrial Research Organization, Sydney, Australia, 0.15 grams of natural uranium and 0.152 grams of thorium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 25, 1984.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84–14610 Filed 5–30–84; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales:

Contract Number S–CA–352, to the Pacific Geoscience Centre, British Columbia, Canada, 0.416 grams of natural uranium and 0.4 grams of thorium, for use as standard reference material.

Contract Number S–CA–353, to the Key Lake Mining Corp., Saskatchewan, Canada, 21.2 grams of natural uranium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 25, 1984.

George Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84–14608 Filed 5–30–84; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangements; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for the return of U.S. origin irradiated research reactor fuel for storage and ultimate reprocessing. The fuels involved are to be returned by Kernforschungsanlage Julich Gmbh, the Federal Republic of Germany-25 kilograms, the Osterreichisches Forschungszentrum Seibersdorf, Austria-5 kilograms, and by the Saphir research reactor, Switzerland-4 kilograms. The irradiated fuels will contain approximately 12% U–235.

In accordance with section 131 of the Atomic Energy Act 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to be common defense and security. The return of the irradiated material is related to the Reduced Enrichment Research and Test Reactor (RERTR) program, which is testing the suitability of low-enriched uranium fuels to replace the use of highly enriched uranium in research reactors. This program is an important part of U.S. non-proliferation efforts.

The return of these fuels will not take place prior to January 1, 1986.

For the Department of Energy.

Dated: May 25, 1984.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-14609 Filed 5-30-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreement; Proposed Subsequent Arrangement; Thailand

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Thailand Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S-TH-5, to the Office of Atomic Energy for Peace, Bangkok, Thailand, 0.006 grams of natural uranium and 4.8 grams of thorium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 25, 1984.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-14607 Filed 5-30-84; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Cordele Operating Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken on consent order

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Cordele Operating Company (Cordele) as a final order of DOE.

EFFECTIVE DATE: March 31, 1984.

FOR FURTHER INFORMATION, CONTACT: James O. Neet, Jr., Chief Counsel, Dallas Office, Economic Regulatory Administration, Department of Energy, Suite 200-E, 1341 W. Mockingbird Ln., Dallas, Texas 75247, (214) 767/7401.

SUPPLEMENTARY INFORMATION: On April 10, 1984, the ERA published a notice in the **Federal Register** that it had executed a Consent Order with Cordele Operating Company on March 2, 1984, which would not become effective sooner than 30 days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Comments were received from three entities. None of the comments objected to the Consent Order. All of the comments focused on the proposed distribution of funds (if any) remaining after payment to identifiable injured parties. All the comments advocated that any remaining funds be distribute on a pro-rata basis to various states to finance energy related projects.

The Proposed Consent Order stated that DOE will deposit the sum of $1,300,000.00 received from Cordele into a suitable account for later disposition by DOE. The ultimate distribution of these funds will depend upon several factors, including the type of alleged violations underlying the Consent Order and the ability of the ERA to identify Cordele customers which may be entitled to a refund of these funds. ERA has not yet determined an appropriate distribution for the refunded amount. Accordingly, as the Consent Order provides, the monies will be placed in a DOE interest bearing escrow account until an appropriate distribution is determined.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Cordele should be made final without modification. The Consent Order was adopted as a final order on May 31, 1984.

Issued in Dallas, Texas on the 14 day of May 1984.

James O. Neet, Jr.,

Chief Counsel, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-14494 Filed 5-30-84; 8:45 am]

BILLING CODE 6450-01-M

Proposed Consent Order; Kalama Chemical Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and Opportunity for Comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Kalama Chemical Inc. (Kalama) and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by July 2, 1984.

ADDRESS: Send comments to: Milton C. Lorenz, Special Counsel, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: James N. Solit, Office of Special Counsel, Economic Regulatory Administration, Room 5B-151, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-6500. (Copies of the Consent Order may be obtained free of charge by writing or calling this office).

SUPPLEMENTARY INFORMATION: On March 12, 1984, the ERA executed a proposed Consent Order with Kalama Chemical Inc., of Kalama, Washington.

Pursuant to 10 CFR 205.199(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Kalama, through its former subsidiary, Sound Refining Inc. (Sound), operated a refinery in Tacoma, Washington which processed crude oil feedstock and manufactured refined petroleum products. During the period covered by this Consent Order, July 1, 1976 through January 27, 1981, Kalama was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 205, 210, 211 and 212. To resolve certain potential civil liability arising out of the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 205, 210, 211 and 212, the DOE and Kalama entered into a Consent Order in connection with alleged regulatory violations for circumvention of the Entitlements Program. The DOE had charged that Kalama incorrectly reported certain barrels of crude oil on its Refiner's Monthly Reports for the

period July 1, 1976, through January 27, 1981, as a result of certain purported processing agreements.

The execution of this Consent Order constitutes neither an admission by Kalama nor a finding by DOE of any violation by the company of any statute or regulation. The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

II. Refunds

To resolve the issues raised by ERA's audit of Kalama and to remedy any violation that may have occurred during the audit period, Kalama has agreed to pay the Department a total of $1,000,000 plus installment interest in 19 quarterly payments. The funds will be paid to the Department of Energy and the DOE will determine appropriate distribution of the funds. The amount of the refund and the payment terms, as set forth in the proposed Consent Order, reflect consideration of Kalama's present and future financial condition.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on Kalama Chemical Inc."

The DOE will consider all comments it receives by 4:30 p.m., local time, on July 2, 1984. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 22nd day of May 1984.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 84-14612 Filed 5-30-84; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order; R. P. Trading Co., Seldon R. Harris and Ralph Pedler

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to R. P. Trading Co., Seldon R. Harris and Ralph Pedler. This Proposed Remedial Order alleges pricing violations in the amount of $1,794,946 plus interest in connection with the resale of crude oil at prices in excess of those permitted under 10 CFR Part 212 during the time period October 1974 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Mary Johnson, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 200E, Dallas, Texas 75247 or by calling (214) 767-7483. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room: 6E-055, Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 10th day of May, 1984.

James O. Neet, Jr.,

Chief Counsel, Dallas Field Office, Economic Regulatory Administration.

[FR Doc. 84-14614 Filed 5-30-84; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order; Lotus Petroleum, Inc., William T. Tootle and Lynn O. Castle

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Lotus Petroleum, Inc., William T. Tootle and Lynn O. Castle. This Proposed Remedial Order alleges pricing violations in the amount of $7,008,664.79 plus interest in connection with the resale of crude oil at prices in excess of those permitted under 10 CFR Part 212 during the time period May 1980 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Mary Johnson, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 200E, Dallas, Texas 75247 or by calling (214) 767-7483. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room: 6E-055, Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 8th day of May, 1984.

James O. Neet, Jr.,

Chief Counsel, Dallas Field Office, Economic Regulatory Administration.

[FR Doc. 84-14613 Filed 5-30-84; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order; Tootle Petroleum, Inc., and Iron R. Tootle

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Tootle Petroleum, Inc., and Iron R. Tootle. This Proposed Remedial Order alleges pricing violations in the amount of $6,751,151.18 plus interest in connection with the resale of crude oil at prices in excess of those permitted under 10 CFR Part 212 during the time period September 1979 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Mary Johnson, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 200E, Dallas, Texas 75247 or by calling (214) 767-7483. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room: 6E-055, Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 11 day of May, 1984.

James O. Neet, Jr.,

Chief Counsel, Dallas Field Office, Economic Regulatory Administration.

[FR Doc. 84-14611 Filed 5-30-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP84-386-000]

ANR Pipeline Co.; Application

May 25, 1984.

Take notice that on May 3, 1984, ANR Pipeline Company (ANR), 500 Rennaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84-386-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Bethlehem Steel Corporation (Bethlehem) and construction and

operation of certain transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ANR proposes to transport on a best-efforts basis for a term of five years up to 76,000 dt equivalent of natural gas per day for Bethlehem. It is stated that ANR would receive natural gas for Bethlehem's account at various existing or proposed, mutually to be agreed upon, points of receipt in the states of Kansas, Texas, Oklahoma (Southwest area) or Louisiana (Louisiana area). ANR would deliver such natural gas to Bethlehem at a proposed interconnection of the facilities of ANR and Bethlehem to be located in Porter County, Indiana, it is explained. ANR proposes to charge Bethlehem 58.0 cents per dt equivalent for natural gas transported from receipt points in the Southwest area and 57.5 per dt for natural gas transported from receipt points in the Louisiana area.

ANR also proposes to construct and operate an interconnection with Bethlehem in Porter County, Indiana. It is stated that the interconnection would be completed by installing two 8-inch tap-connections on ANR's existing 30-inch and 22-inch trunklines, plus associated high pressure piping, valves, fittings and appurtenances. ANR estimates the cost of the project to be $123,290. The cost of constructing the interconnection would be financed by ANR with funds on hand which in turn would be fully reimbursed by Bethlehem, it is explained.

It is submitted that the subject proposal would permit Bethlehem to diversify its natural gas supply sources by obtaining gas at competitive prices.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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 ANR to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14589 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-450-000]

Arizona Public Service Co.; Filing

May 25, 1984.

The filing Company submits the following:

Take notice that on May 18, 1984, Arizona Public Service Company (Arizona) tendered for filing proposed changes in its FERC Electric Service Rate Schedules:

12—Electrical District No. 3
13—Electrical District No. 7
14—Maricopa County Municipal Water Conservation District No. 1
15—Roosevelt Irrigation District
16—Buckeye Water Conservation & Drainage District
35—Electrical District No. 6
50—Citizens Utilities Company
52—Papago Tribal Utility Authority
57—Arizona Electric Power Cooperative, Inc.
58—Wellton-Mohawk Irrigation
59—Arizona Power Authority
65—Colorado River Indian Irrigation Project
66—San Carlos Indian Irrigation Project
68—Electrical District No. 1
74—Town of Wickenburg
84—Washington Water Power Company

Arizona states that the proposed two-step rate change would increase Period 2 projected revenues from jurisdictional sales and service by $5.104 million for Step 1 rate increases and an additional $5.660 million for Step 2 rate increases based on the estimated 12-month test period ending December 31, 1984 for a total increase of $10,764,000.

Arizona further states that the proposed changes are necessary to reflect (1) major increases in costs of operation, maintenance and capital, (2) the inclusion in the Company's cost of service of certain construction work in progress, (3) to change the rate design for certain customers, (4) to reflect an increase in transaction privilege tax rates to certain customers, and (5) to eliminate local facilities charges to all but one customer.

Arizona requests an effective date of July 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Company's resale customers affected by the filing, the Arizona Corporation Commission and the Washington Utilities and Transportation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14590 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-400-000]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Application

May 25, 1984.

Take notice that on May 8, 1984, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP84-400-000 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 148.19 miles of 16-inch pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Arkla proposes to replace approximately 148.19 miles of

primarily 14-inch pipeline with 16-inch pipeline from Enid, Oklahoma, southwesterly to a point just across the Texas line in Wheeler County, Texas. Arkla states that the pipeline to be replaced is part of its Oklahoma-Kansas Main Line which was installed in the 1920's using uncoated pipe and the Dresser-coupled method of installation. Arkla states that despite cathodic protection which it has installed, the number of corrosion leaks, as well as non-corrosion leaks, are increasing. It is further stated that erosion and loss of topsoil over the half century of use has reduced the ground cover over points of the line and that it would not be economically feasible to rebury existing segments of this pipeline at deeper levels. Arkla states that this line is the only means of delivering gas to about 55 cities and towns served by Arkla in Oklahoma and Kansas which includes some 53,000 customers and the line is also a major supply lateral for the entire Arkla system as a result of its interconnection with Arkla's major east-west Line AD in 1973.

Arkla proposes to replace approximately twenty miles of pipeline in each of the years 1984 through 1990 which it indicates would fit into its ongoing program of systemwide maintenance. The total cost to replace the above facilities is estimated at $53 million. Arkla proposes to finance the construction over a seven-year period routinely as part of total company requirements from cash-on-hand and/as short-term loans until converted to long-term debt in due course.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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 Arkla to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14591 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-443-000]

Consumers Power Co.; Filing

May 25, 1984.

The filing Company submits the following:

Take notice that on May 17, 1984, Consumers Power Company (Consumers) tendered for filing two revisions to the annual charge rate for charges due Consumers from Wolverine Power Supply Cooperative, Inc. (Wolverine), under the terms of the Blendon Interconnection Facilities Agreement (designated Supplement No. 3 to Consumers Power Company Electric Rate Schedule FERC No. 53).

Consumers states that Subsection 2.4 of the Blendon Interconnection Facilities Agreement provides for an annual redetermination of the annual charge rate to be charged by Consumers under the Blendon Interconnection Facilities Agreement and that, according to Subsection 2.4, the redetermination is to be made as of January 1 of each year, effective on the following May 1.

Consumers further states that, effective May 1, 1984, the redetermination increases the annual charge rate from 20.20% to 21.16%. Consumers indicates that this increase reflects an increase in the annual carrying charge rate.

Consumers further indicates that the annual effect of the increase in fixed charge rate is an increase of approximately $4,224.

Consumers requests an effective date of May 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 11, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14592 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6748-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

May 25, 1984.

Take notice that Energenics Systems, Inc. (ESI), Permittee for the proposed DeQueen Lake Dam Project No. 6748 located on the Rolling Fork River in Servier County, Arkansas, has requested that its preliminary permit be terminated. The preliminary permit was issued on March 31, 1983, and would have expired on September 30, 1984.

ESI states that a lack of adequate head and flow at the proposed site has rendered the project infeasible.

ESI's request was filed on April 16, 1984. The surrender of the preliminary permit for Project No. 6748 will become effective 30 days from the date fo issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14543 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6725-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

May 25, 1984.

Take notice that Energenics System, Inc. (ESI), Permittee for the proposed Dierks Lake Dam Project No. 6725 located on the Saline River in Howard County, Arkansas, has requested that its preliminary permit be terminated. The preliminary permit was issued on March 4, 1983, and would have expired on September 30, 1984.

ESI states that a lack of adequate head and flow at the proposed site has rendered the project infeasible.

ESI's request was filed on April 16, 1984. The surrender of the preliminary permit for Project No. 6725 will become effective 30 days from the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14594 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-389-000]

Louisiana Intrastate Gas Corp.; Application

May 25, 1984.

Take notice that on May 3, 1984, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. CP84-389-000 an application pursuant to § 284.127 of the Commission's Regulations for prior authorization for a transportation service proposed to be rendered for Mid Louisiana Gas Company (Mid Louisiana), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on October 18, 1983, Applicant and Mid Louisiana entered into a transportation agreement providing for the transportation of gas from points of delivery in Lafayette Parish, Louisiana, and for redeliveries of equivalent quantities, less Mid Louisiana's *pro rata* share of compressor fuel, company-use and unaccounted-for gas at points of redelivery in Ouachita, St. Mary, Natchitoches, Beauregard, and Terrebonne Parishes, Louisiana, as well as additional mutually agreeable points. It is asserted that service under the transportation agreement commenced on October 26, 1983, and terminated 120 days thereafter on February 23, 1984, due to a protest filed by United Gas Pipe Line Company (United) in Docket No. CP84-106-000.

Applicant states that by amendment dated May 1, 1984, Applicant and Mid Louisiana agreed to reinstate the transportation agreement. It is submitted that the term provision was amended to provide for a term commencing on resumption of deliveries and terminating on the first to occur of (1) the commencement of deliveries under the sales agreement, which is the subject of Docket No. CP84-225-000, or (2) 11:59 p.m., June 30, 1985, or such later date to which Mid Louisiana's authorization to transport natural gas for Georgia-Pacific Corporation (Georgia-Pacific) pursuant to Mid Louisiana's Section 7(c) certificate application pending in Docket No. 84-106-000 may be extended. It is further stated that the amendments also limits the volume to be transported from resumption of deliveries to December 31, 1984, (i) until June 22, 1984, a monthly average of 1,000 Mcf per day of surge gas and (ii) from June 22, 1984, to December 31, 1984, a monthly average of 1,000 Mcf per day plus surge gas the total not to exceed 1,500 Mcf. It is asserted that through December 31, 1984, Applicant would transport volumes in excess of these volume limitations if United is incapable of serving Georgia-Pacific's requirements in excess of the limitations and the limitations are expressly waved by United, Applicant and Mid Louisiana.

Applicant understands that the gas to be transported hereunder is purchased by Georgia-Pacific from its affiliate, Exchange Oil and Gas Corporation, from the Ridge field, Lafayette Parish, Louisiana, and that Mid Louisiana has agreed to transport the gas to Georgia-Pacific's Port Hudson, Louisiana, plant.

Applicant proposes to charge Mid Louisiana a fee of 20.0 cents per million Btu redelivered at the points of redelivery as specified in the transportation agreement. Applicant submits that this fee constitutes a fair and equitable rate for the proposed services.

Applicant submits that the proposed transportation service is not self-implementing because the system supply test prescribed by § 284.122(b)(1)(ii) is not satisfied.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1984 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules or Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14595 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4861-002]

Modesto Irrigation District; Surrender of Preliminary Permit

May 25, 1984.

Take notice that Modesto Irrigation District (District), Permittee for the proposed Kanaka Creek Project No. 4861 has requested that its preliminary permit be terminated. The preliminary permit was issued on March 28, 1983, and would have expired on September 30, 1984. The project would have been located on Kanaka Creek, in Sierra County, California.

The District cities that a reconnaissance level feasibility study for this site resulted in a recommendation to discontinue further work on this project.

The District filed its request on April 20, 1984, and the surrender of its permit for Project No. 4861 is deemed accepted effective 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14596 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4862-001]

Modesto Irrigation District; Surrender of Preliminary Permit

May 25, 1984.

Take notice that Modesto Irrigation District, Permittee for Plummer Creek Project No. 4862, has requested that its preliminary permit be terminated. The preliminary permit was issued on March 11, 1983, and would have expired on September 30, 1984. The project would have been located on Plummer Creek, near Forest Glen within Trinity County, California.

Modesto Irrigation District filed its request on April 20, 1984, and the surrender of the preliminary permit for Project No. 4862 is deemed accepted as of April 20, 1984, and effective 30 days after the date of this notice

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14597 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-382-000]

Montana-Dakota Utilities Co.; Request Under Blanket Authorization

May 25, 1984.

Take notice that on May 1, 1984, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP-

382–000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that MDU proposes to construct and operate 17 sales tap as set forth in the attached exhibit to attached new retail customers under the authorization issued in Docket Nos. CP83–1–000 and CP83–1–001 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.

MDU states that it proposes to add 17 new retail farm tap customers located on its transmission system as additional delivery points. MDU advises that deliveries would be made in accordance with the terms of "Amendment of Stipulation and Agreement in Settlement of Remaining Issues" approved by the Commission's Order issued February 19, 1982, in docket No. RP76–91.

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 thereof, the proposed activity shall be deemed to be authorized effective 45 days after the date of issuance of the notice of the request. 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.

MONTANA-DAKOTA UTILITIES CO.—LIST OF FARM TAP CUSTOMERS PROPOSED TO BE SERVED

Tap number	Name of customer	Location of tap	Number of customers	Peak day usage (1,000³ ft)	Annual usage (1,000³ ft)	Class of customer	Present fuel	Estimated cost
1	Zion Lutheran Church	Walsh County, ND	1	3	400	Commercial	Oil	$1,700
2	Alfred Hauf	McLean County, ND	1	2	200	Residential	Electric	700
3	Arlen Kemmit	McLean County, ND	2	4	400	Residential	Propane	1,000
					200	Commercial	Propane	
4	Gary Stagl	Hettinger County, ND	1	2	250	Residential	Propane	700
5	Louie Hamann	Stark County, ND	1	2	250	Residential	New	700
6	Frank Beebee	Phillips County, MT	1	2	200	Commercial	New	500
7	Gerald Salverson	Big Horn County, MT	1	2	140	Residential	New	700
8	Billings Auto Electric	Carbon County, MT	1	5	400	Commercial	New	800
9	George Brinkerhoff	Big Horn County, MT	1	42	3,800	Commercial (irrigation)	New	700
10	Wyoming Gas Co., Charles Goldbirm	Hot Springs County, WY	1	3	400	Residential and shop	New	750
11	(a) Bruce Seader	McKenzie County, ND	1	2	140	Residential	Propane	700
	(b) Mobile Home Lot		1	2	140	Residential	Propane	
12	George Rice, Jr.	Richland County, MT	1	3	200	Commercial	New	800
13	(a) Getty Trading & Transportation Co	Richland County, MT	1	23	2,300	Commercial	Propane	1,000
	(b) B.W.A.P. (shop)							
	(c) Trailers (5)		1	12	1,200	Commercial	Propane	
			5	10	1,000	Residential	Propane	
14	Paha Sapa Ranch	Meade County, SD	4	8	600	Residential	New	1,000
			1	50	6,000	Commercial	New	
15	William Kirven	Jonston County, WY	1	2	160	Residential	Propane	800
16	(a) Pioneer Court (8 stalls)	Johnson County, WY	8	12	1,100	Residential	Propane	800
	(b) Bill Howe		1	2	150	Residential	Propane	
	(c) Ralph Robinson		1	2	150	Residential	Propane	
	(d) Dan Fraley		1	2	150	Residential	Propane	
	(E) Bob Benedict		1	2	150	Residential	Propane	
	(f) Lyle Ramsbotton		1	2	150	Residential	Propane	
17	Robert Moore	Carbon County, MT	2	4	300	Residential	New	700
	Total							13,850

[FR Doc. 84–14598 Filed 5–30–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP76–492–031]

National Fuel Gas Supply Corp. and Penn-York Energy Corp.; Petition To Amend

May 25, 1984.

Take notice that on May 1, 1984, National Fuel Gas Supply Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, and Penn-York Energy Corporation (Penn-York), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP76–492–031 a petition to amend the order issued June 21, 1979, in Docket No. CP76–492–031 [1] pursuant to Section 7 of the National Gas Act requesting authorization for Penn-York to render storage service to one new customer and additional storage service to one existing customer and for National to render related storage and transportation services, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Penn-York proposes to render 5,000,000 Mcf annual storage service to a new customer, Transcontinental Gas Pipe Line Corporation (Transco), and 100,000 Mcf additional annual storage service to an existing customer, Valley Gas Company (Valley), pursuant to Penn-York's Rate Schedule SS–1. It is stated that the service to Transco would begin as soon as possible after April 1, 1984, and expire March 31, 1995; and the service to Valley would begin April 1, 1985, and end March 31, 1995. Penn-York proposes to charge $1.1851 per Mcf annual storage capacity. It is indicated that the storage service to be rendered Transco would be utilized to meet storage requirements of Transco's system customers as proposed in Docket No. CP84–335–000. The storage service for Valley is said to be required for Valley's existing and future system supply needs.

National proposes to render 5,100,000 Mcf storage service to Penn-York which would be utilized by Penn-York to meet its storage customer requirements. It is stated that National would provide the storage service on a firm basis beginning April 1, 1984, and continuing until March

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

31, 1995. National proposes to charge Penn-York a rate of 61.69 cents per Mcf of annual storage quantity.

National also proposes to render storage related transportation services for Transco and UGI Corporation (UGI). It is said that the services would be rendered through existing facilities of National beginning April 1, 1984, and continuing until March 31, 1995. It is stated that National's transportation for Transco would be between the facilities of Penn-York at Ellisburg in Potter County, Pennsylvania, and the interconnection of National's facilities with those of Transco near Wharton, Potter County, Pennsylvania. It is further stated that National would transport on a firm basis up to 45,455 Mcf of gas per day for Transco at a rate of 12.43 cents per Mcf subject to a 100 percent minimum bill. It is indicated that the transportation for UGI would be between the facilities of Penn-York at Ellisburg and the interconnection of National's facilities with those of Columbia Gas Transmission Corporation near First Fork, Cameron County, Pennsylvania. It is further indicated that National would transport up to 26,667 Mcf per day on the injection cycle on a firm basis and up to 36,364 Mcf per day on the withdrawal cycle on an interruptible basis for UGI. It is said that National would charge UGI a rate consisting of a monthly demand charge of 83.25 cents per Mcf of maximum daily injection volume and a volume charge of 12.43 cents per Mcf.

National and Penn-York also propose to amend their terms of service and related tariff provisions in order to change the measurement of gas from an Mcf basis to a dekatherm basis.

Penn-York further proposes to change the following provisions of its FERC gas tariff:

(1) The provision "Minimum Bill" of Rate Schedule SS–1 would be revised. It is said that the provision now includes a reduction of the minimum bill obligation for a new customer in the event that authorization is received after April 1 of the storage year in which service to a new customer is to begin. The provision would be changed to make it applicable also to additional quantities of storage service authorized for existing storage customers;

(2) The provision "Interim Condition on Certain Service" of Rate Schedule SS–1 would be deleted;

(3) The provision "Warranty of Title to and Condition of Gas" of the General Terms and Conditions would be revised to clarify that the title to gas stored does not have to be held by the storage customer.

Penn-York and National indicate that the proposed services would enable Transco to meet the storage needs of particular customers on its system, enable Valley to meet the needs of its customers, allow Penn-York to have sufficient storage capacity and greater operating flexibility by having access to National's existing storage capacity, lower Penn-York's rates, and relieve existing customers of National the cost responsibility for facilities not currently required to serve them.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–14599 Filed 5–30–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–391–000]

Natural Gas Pipeline Company of America; Request Under Blanket Authorization

May 25, 1984.

Take notice that on May 7, 1984, natural Gas Pipeline Company of America (Natural), 701, East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP84–391–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Natural proposes to increase deliveries to Northern Illinois Gas Company (NI-Gas) at a delivery point in Cook County, Illinois, under the authorization issued in Docket No. CP 82–402–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural states that NI-Gas has requested Natural to increase deliveries to it at the Fisher Body Plant sales delivery point near Willow Springs, Cook County, Illinois. Such increase would be effected by NI-Gas' adjusting its regulator near the sales delivery point. Natural asserts that the increase in peak flow deliverability (from 2,271 Mcf of gas per day to 3,532 Mcf of gas per day) would have no effect on NI-Gas' total entitlements or contract quantity. It is also stated that the increased deliverability at the Fisher Body Plant sales delivery point would enable NI-Gas to serve increased gas volume requirements by Fisher Body, Inc., which would use the gas for process purposes.

Natural further states that the proposed action is not prohibited by its existing tariff, that it has sufficient capacity to accomplish the proposed change in deliveries to NI-Gas without detriment or disadvantage to its other customers, and that there would be no significant impact on Natural's systemwide peak day and annual deliveries.

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 pursaunt to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–14600 Filed 5–30–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–407–000]

Northern Border Pipeline Co.; Application

May 25, 1984.

Take notice that on May 11, 1984, Northern Border Pipeline Company (Applicant), 224 South 108th Avenue, P.O. Box 3330, Omaha, Nebraska 68103, filed in Docket No. CP84–407–000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities and the transportation of natural gas for certain

pipeline companies, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 290 miles of 36-inch pipeline extending from the terminus of the existing Northern Border system near Ventura, Iowa, to a point of interconnection with the existing facilities of ANR Pipeline Company (ANR) near Sandwich, Illinois. It is proposed that four single unit 16,000 horsepower compressor stations, two meter stations and related facilities would be installed on the extension. Applicant also proposes to construct and operate four new dual 16,000 horsepower unit compressor stations, two new single unit 32,000 horsepower compressor stations, and 16,000 horsepower unit additions at two existing compressor stations on its existing system. Applicant states that the summer design day capacity on the Port of Morgan, Montana, to Ventura, Iowa, pipeline facilities (Zone 1) with the proposed additional compression would be 1,952,200 Mcf and on the proposed pipeline extension (Zone 2) would be 914,600 Mcf. In addition, Applicant requests authority to install anticipated interconnect facilities, up to 24 inches in diameter, which have not been identified at this time, to meet the needs of pipeline companies for receipt or delivery points. Applicant states that such interconnect facilities would consist of a tee, side valve, and blind flange and that the cost of each interconnect would not exceed $200,000, with reimbursement of the total actual cost of construction by the requesting pipeline.

Applicant states that its proposed facilities along with those of ANR and Ohio Interstate Pipeline Company's (Ohio Interstate), whose applications are on file with the Commission in Docket Nos. CP84-363-000 and CP84-318-000 respectively, provide an alternative to the primarily Canadian route and the facilities proposed by Niagara Interstate Pipeline System (NIPS) in its application pending before the Commission in *Boundary Gas, Inc.* Docket No. CP 81-107-000, *et al.* Phase 2. The proposed facilities are designed to accommodate the transportation of the new Canadian volumes proposed to be imported at Niagara Falls for transportation through the pipeline system proposed by NIPS, it is asserted.

Specifically, Applicant proposes to transport, including fuel, a maximum daily volume for Algonquin Gas Transmission Company (Algonquin); Texas Eastern Transmission Corporation (TETCO); Transcontinental Gas Pipe Line Corporation (Transco); Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee); and Boundary Gas, Inc. (Boundary), as set forth below:

Shipper	Maximum daily volumes (Mcf)	
	Zone 1	Zone 2
Algonquin	53,700	52,400
TETCO	159,000	155,200
Transco	290,600	283,600
Tennessee	378,100	368,900
Boundary	55,800	54,500
Total	937,200	914,600

Applicant states that the estimated total capital cost of the proposed facilities in 1984 dollars is approximately $560 million. Applicant proposes to finance the construction of the proposed facilities on a "project financing" basis and charge the shippers pursuant to Applicant's cost-of-service tariff. Applicant proposes to utilize a two-zone format for such tariff.

Applicant states that Volume No. 1 of its approved FERC Tariff is a cost-of-service tariff which uses a unit-of-throughput method (UOT) in the monthly depreciation calculation. Applicant would continue to use a UOT depreciation method and would establish a depreciation base for each zone based on the respective contract volumes, it is asserted. Applicant further states that based on the volumes assumed for the design of the proposed system, the new depreciation base would be 11.448 Tcf for Zone 1 which would become effective upon the start of construction and the depreciation base would be 4.758 Tcf for Zone 2.

Applicant states that although the proposed expansion of its existing facilities and its extension to Sandwich are not being filed under the Alaska Natural Gas Transportation Act of 1976, this extension project is compatible with the Alaska Natural Gas Transportation System (ANGTS) and while the extension from Ventura to Sandwich is not related to Alaskan natural gas, substantial benefits to the ANGTS project would be realized.

Applicant states that the expansion of its existing facilities and the 290-mile corridor from Ventura to Sandwich were evaluated in the *Alaska Natural Gas Transportation System: Final Environmental Impact Statement* (FEIS), published by the Department of the Interior and Federal Power Commission in March of 1976. Applicant further states that at page 133 of the *Decision and Report to Congress on the Alaska Natural Gas Transportation System*, dated September 22, 1977, President Carter determined that the FEIS was in compliance with the National Environmental Policy Act of 1969. Applicant submits that since the proposed extension follows the route studied in the FEIS to a point just west of Prophetstown, Illinois, where it gradually diverges until reaching the system terminus at Sandwich and Sandwich is only 18 miles north of the route identified in the FEIS, the FEIS and its conclusions are applicable to its proposal.

Any person desiring to be heard or to make any protest, with reference to said application should on or before June 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14601 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST80-281-002, et al.]

Northwest Pipeline Corp., et al.; Extension Reports

May 25, 1984.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. Three other symbols are used for transactions pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations. A "G(HS)" indicates transportation, sale or assignments by a Hinshaw pipeline; A "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before June 22, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the Requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). 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 party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST80-281-002	Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, UT 84110	Northern Natural Gas Co	05-08-84	G	08-07-84
ST80-287-002	El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978	Northern Natural Gas Co	05-09-84	G	08-07-84
ST82-397-001	Mississippi Fuel Co., 1100 First National Center East, Oklahoma City, OK 73102.	Tennessee Gas Pipe Line Co	05-01-84	C	08-25-84
ST82-398-001	United Texas Transmission Co., 600 Travis, P.O. Box 1478, Houston, TX 77001.	United Gas Pipe Line Co	05-01-84	C	08-03-84
ST82-414-001	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77252	United Gas Pipe Line Co	05-10-84	G	08-10-84
ST82-420-001	Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251.	Truckline Gas Co	05-07-84	G	08-06-84
ST82-429-001	El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978	Westar Transmission Co	05-03-84	B	08-01-84
ST82-433-001	Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301	Texas Eastern Transmission Corp	05-15-84	C	08-27-84
ST83-3-001	Delhi Gas Pipeline Corp., 1700 Pacific Ave., Dallas, TX 75201	Natural Gas Pipeline Co. of America	05-11-84	C	09-14-84
ST83-44-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Louisiana Intrastate Gas Corp	05-01-84	B	09-30-84
*ST84-630-001	Delhi Gas Pipeline Corp., 1700 Pacific Ave., Dallas, TX 75201	Mississippi River Transmission Corp	05-11-84	D	08-01-84

*These extension reports were filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.

NOTE.—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 84-14602 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-358-000]

Panhandle Eastern Pipe Line Co.; Application

May 25, 1984.

Take notice that on April 20, 1984, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-358-000 an application, as supplemented April 24, 1984, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the establishment of a new delivery point and a related transportation service all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

It is asserted that Tonkawa Refining Company (Tonkawa), an end-user which manufactures, among other things, jet fuel, has arranged to purchase up to 2,000 Mcf of natural gas per day from Hawkins Oil and Gas, Inc., which gas was formerly under contract to Applicant and is now released. It is indicated that the gas was subject to the price ceiling under Section 103 of the Natural Gas Policy Act of 1978. It is stated that Applicant proposes to transport up to 2,500 Mcf per day on an interruptible basis for Tonkawa through December 31, 1984, from receipt points located in Ellis and Texas Counties, Oklahoma. To redeliver such transportation quantities, Applicant also proposes to establish a new delivery point to Tonkawa in Ellis County. It is indicated that Tonkawa has not previously been served by Applicant or by any other interstate pipeline.

Applicant proposes to charge rates that reflect the same rates that would be charged under Applicant's IT rate schedule for similar services.

The proposed transportation service, it is explained, would assist Tonkawa in reducing its fuel costs for boiler and process operations and in maintaining employment at its plant.

The cost of the proposed new sales tap is estimated to be $54,000. Applicant states that it would be fully reimbursed for these expenses by Tonkawa.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the

Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14603 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-444-000]

Consumers Power Co.; Filing

May 25, 1984.

The filing Company submits the following:

Take notice that on May 17, 1984, Consumers Power Company (Consumers) tendered for filing one revision to the annual charge rate for charges due Consumers from Northern Indiana Public Service Company (Northern), under the terms of the Barton Lake-Batavia Interconnection Facilities Agreement (designated Consumers Power Company Electric Rate Schedule FERC No. 44).

Consumers states that Article 1.042 of the Barton Lake-Batavia Interconnection Facilities Agreement states that Northern shall pay to Consumers an annual charge derived by multiplying the capital costs of certain facilities built by Consumers by an annual fixed charge factor. Article 1.043 provides that the annual charge rate may be redetermined from time to time by Consumers. The annual fixed charge factor has been redetermined for the 12-month period beginning May 1984. The net effect of this change is an increase in the monthly fixed charge from $20,773 to $21,872, effective May 1, 1984.

Consumers requests an effective date of May 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 11, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14576 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-442-000]

Iowa Power & Light Co.; Filing

May 25, 1984.

The filing Company submits the following:

Take notice that on May 17, 1984, Iowa Power & Light Company (Iowa) tendered for filing proposed revisions to its Rate Schedule No. 811 to decrease rates for wholesale service to the Cities of Carlisle and Neola, Iowa for the period October 8, 1982 to January 9, 1984.

Iowa proposes effective dates of revised Iowa Rate Schedule No. 811 are October 8, 1982 to January 9, 1984. Iowa requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 11, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14578 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-448-000]

Niagara Mohawk Power Corp.; Filing

May 25, 1984.

The filing Company submits the following:

Take notice that on May 17, 1984, Niagara Mohawk Power Corporation (Niagara) tendered for filing as a rate schedule an agreement between Niagara and the Massachusetts Municipal Wholesale Electric Company, dated November 3, 1983, and an amendment dated March 15, 1984.

Niagara states that the agreement provides for the sale of surplus energy as scheduled by Massachusetts Municipal Wholesale Electric Company. Niagara is requesting an effective date of November 3, 1983. The amendment revises the limit on the energy reservation charge. Niagara is requesting an effective date for the amendment of March 1, 1984. Niagara further states that it requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Massachusetts Municipal Wholesale Electric Company and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14580 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-447-000]

Pacific Power & Light Co.; Filing

May 25, 1984.

The filing Company submits the following:

Take notice that on May 17, 1984, Pacific Power & Light Company (PP&L) tendered for filing, PP&L's Revised Appendix 1 for the state of Washington. The Revised Appendix 1 calculates an average system cost for the state of Washington applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific requests an effective date of December 28, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Bonneville, the Washington Utilities and Transportation Commission and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 11, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14581 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-446-000]

Pacific Power & Light Co.; Filing

May 25, 1984.

The filing Company submits the following:

Take notice that on May 17, 1984, Pacific Power & Light Company (PP&L) tendered for filing, PP&L's Revised Appendix 1 for the state of Montana. The Revised Appendix 1 calculates an average system cost for the state of Montana applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

PP&L requests an effective date of December 28, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon Bonneville, the Public Service Commission of the State of Montana and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 11, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14582 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-449-000]

Southwestern Electric Power Co.; Filing

May 25, 1984.

The filing Company submits the following:

Take notice that on May 17, 1984, Southwestern Electric Power Company (SWEPCO) tendered for filing proposed tariff changes in its Rate Schedule FERC No. 72, applicable to transmission service rendered to Arkansas Electric Cooperative Corporation ("ARKCO) under the Flint Creek Power Plant Coordination, Interchange and Transmission Service Agreement. SWEPCO has proposed rates which would increase transmission revenues from ARKCO by $870,256 based on calendar year 1983. SWEPCO has calculated the proposed rates in accordance with a formula contained in the Agreement.

SWEPCO requests an effective date of July 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served on ARKCO and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14584 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-412-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

May 25, 1984.

Take notice that on May 15, 1984, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77001, filed in Docket CP84-412-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) That United proposes to construct and operate a sales tap for the delivery of gas to Flagg Development Company (Flagg), under authorization issued in Docket No. CP82-430-000 pursaunt to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United proposes to construct and operate sales-tap facilities to provide natural gas service for Flagg through Entex, Inc. (Entex), an existing distribution customer of United. United states that the volumes of gas to be delivered through the new point of delivery are within the authorized level of sales for Entex. United further states that it would provide this service pursuant to its Rate Schedule DG-S.

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. 84-14585 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-398-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

May 25, 1984.

Take notice that on May 8, 1984, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-398-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that United proposes to abandon in place by conveying to the Zapata Haynie Corporation (Zapata) certain pipeline facilities under the authorization issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that it was initially authorized to construct and operate 245 feet of 2-inch and 4-inch pipeline located in Section 19, Township 7 South, Range 5 West, Jackson County, Mississippi, under a budget-type certificate issued by the Commission on August 8, 1957, in Docket No. G-12496. United proposes to abandon in place such facilities by conveyance to Zapata, at no cost. United further states that it has no customers currently served from the subject facilities.

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. 84-14586 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-445-00]

Washington Water Power Co.; Filing

May 25, 1984.

The filing Company submits the following:

Take notice that on May 17, 1984, Washington Water Power Company (Washington) tendered for filing a service schedule applicable to what Washington refers to as a Nonfirm Energy Sales Agreement between Washington and the Western Area Power Administration—Sacramento (WAPA) which applies to the sales of energy which is surplus from Washington's portion of the Centralia coal-fired steam plant and other resources.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 11, 1984. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14587 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-398-001]

Braum Ice Cream Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

May 25, 1984.

On May 3, 1984, Braum Ice Cream Company (Applicant), of P.O. Box 25429, Oklahoma City, Oklahoma 73125 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located at the Braum Dairy Farm in Tuttle, Oklahoma. The primary energy source will be municipal waste in the form of methane gas. The power production capacity will be 1,350 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the data of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14574 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-290-000]

Consolidated Power Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

May 25, 1984.

On April 26, 1984, Consolidated Power Company (Applicant), of Box 133, Bellevue, Idaho 83313 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 1,000 kilowatt hydroelectric facility (P. 7318-001) is located in Blaine County, Idaho and will use water from the Big Wood River.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14575 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-311-000]

Dunn/SECO Partners; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 25, 1984.

On May 7, 1984, Dunn/SECO Partners, (Applicant), 218 Riverview Street, Port Huron, Michigan 48060, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility, for which installation was expected to begin in April 1984, will be located on the property of Dunn Paper Company's paper plant at 218 Riverview Street, Port Huron, Michigan. The facility will include two combustion turbine generator sets, feeding two waste heat recovery boilers and a third combustion turbine to meet peak electricity demand. Steam from the recovery boilers will be used for process purposes in the paper mill. The primary energy source to the facility will be natural gas. The electric power production capacity will be 15 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14577 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-299-000]

Nashua Hydro Associates; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

May 25, 1984.

On May 2, 1984, Nashua Hydro Associates (Applicant), c/o Richard A. Norman, 89 State Street, 14th Floor, Boston, Massachusetts 02109 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 1,100 kilowatt hydroelectric facility (P. 7590) will be located on the Merrimack River in Hillsborough County, Nashua, New Hampshire.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14579 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-314-000]

Poppy Ridge Partners; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 25, 1984.

On May 9, 1984, Poppy Ridge Partners, (Applicant), of 10951 Sorrento Valley Road, Suite II-S, San Diego, California 92121, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located near the corner of Sims Road and Franklin Boulevard in Sacramento County, California. The facility will consist of a reciprocating engine generator unit with waste heat recovery equipment. The primary energy source for the facility will be natural gas. The useful thermal energy output will be utilized by a commercial aquaculture facility which will raise striped bass and channel catfish. The electric power production capacity of the facility will be 1400 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14583 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-437-000]

Delmarva Power & Light Co.; Filing

May 24, 1984.

Take notice that on May 14, 1984, Delmarva Power and Light Company (Delmarva) submitted for filing a supplement to the Service Agreement between Delmarva and the Mayor and Council of the Town of Middletown, Delaware.

The supplement provides for a change form "low tension" service to "high tension" service. Dalmarva currently serves Middletown as a "low tension" partial requirements customer under FERC Rate Schedule No. 65 approved by the Commission in Docket No. ER81-751-000 on February 24, 1984. Delmarva proposes to make the change from "low tension" to "high tension" service when Middletown completes its 12 kV substation facility which is expected to take place on July 1, 1984.

Delmarva requests an effective date of July 1, 1984 and therefore requests a waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 8, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14568 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1811-004]

Ernest D. Huggard; Application

May 24, 1984.

Take notice that on May 15, 1984, Ernest D. Huggard filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, President and Chief Operating Officer, Atlantic City Electric Company

Director, Vice President, Deepwater Operating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 7, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14569 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-429-000]

Idaho Power Co.; Filing

May 24, 1984.

Take notice that on May 11, 1984, Idaho Power Company (Idaho Power) submitted for filing its tariff for Non-firm Transmission Service designated FERC Electric Tariff, Original Volume No. 2.

Idaho Power is periodically requested to provide transmission service for power and energy available in the region over its System Transmission Facilities. Idaho Power states that the submitted tariff would bring such transmission service transaction under uniform rates, terms and conditions.

Idaho Power requests that this tariff allowed to become effective July 10, 1984. Idaho Power further states that service agreements and revisions to its index of purchasers will be filed as commitments occur.

Copies of this filing have been served on all ICP members, the utilities which have recently taken non-firm transmission service from Idaho Power, the Idaho Public Utilities Commission, the Oregon Public Utility Commissioner and the Nevada Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 11, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14570 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-283-001]

Middle South Services, Inc.; Refund Report

May 24, 1984.

Take notice that on May 14, 1984, Middle South Services, Inc., submitted for filing its refund report pursuant to Commission's letter dated March 29, 1984.

Middle South Services, Inc. states that all amounts collected in excess of the revised rates accepted for filing by the Commission have been refunded together with interest computed, under Section 35.19a of the Commission's Regulations.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 8, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14571 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-463-001]

Southwestern Electric Power Co.; Refund Report

May 24, 1984.

Take notice that on May 8, 1984, Southwestern Electric Power Company ("SWEPCO") submitted for filing a refund report pursuant to a Commission letter order of June 16, 1983, in this proceeding, which was accepted for filing, subject to refund, an Interconnection Agreement between SWEPCO and Grand River Dam Authority ("GRDA").

The Commission accepted SWEPCO's third-party transmission rates subject to refund and subject to the outcome of proceedings in related earlier dockets, ER80-607, *et al.* The settlement rates

approved in ER80–607, *et al.*, for third-party purchase and resale transactions are lower than third-party transmission rates accepted in this docket subject to refund. SWEPCO states that there are no refunds due GRDA because no third-party purchase and resale transactions occurred under the affected schedules.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 11, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–14572 Filed 5–30–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER81–629–001]

Southwestern Electric Power Co.; Refund Report

May 24, 1984.

Take notice that on April 3, 1984, Southwestern Electric Power Company ("SWEPCO") submitted for filing a refund report pursuant to a Commission letter order of September 9, 1981 in this proceeding which accepted for filing an Interconnection Agreement between Gulf States Utilities Company ("GSU") and SWEPCO.

The Commission accepted SWEPCO's third-party transmission rates subject to refund and subject to the outcome of proceedings in a related earlier docket, ER80–660. The settlement rates approved in ER80–660 for third-party purchase and resale transactions are lower than the third-party transmission rates accepted in this docket subject to refund. SWEPCO states that it has refunded the excess collections, with interest, to GSU.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 11, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–14573 Filed 5–30–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–317–001]

Sea Robin Pipeline Co.; Amendment

May 25, 1984.

Take notice that on April 26, 1984, Sea Robin Pipeline Company (Sea Robin), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82–317–001 an amendment to its pending application filed May 6, 1982, in Docket No. CP82–317–000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect the conversion of an interruptible transportation service rendered for Natural Gas Pipeline Company of America (Natural) to a firm service and the addition and deletion of receipt points offshore Louisiana, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Sea Robin states that its application requested authorization to convert certain transportation service for Natural from interruptible to firm service of 25,000 Mcf of natural gas per day.

Sea Robin further asserts that subsequent to the filing of its application, Natural has informed Sea Robin of its desire for two new delivery points under the existing transportation contract. Sea Robin proposes by the amendment to operate receipt points in South Marsh Island Block 127, offshore Louisiana, and Eugene Island Block 330, offshore Louisiana, as new receipt points and delete Eugene Island Block 315 offshore, Louisiana as a receipt point. Additionally, Sea Robin requests that its Maximum Daily Quantity be a total of 25,000 Mcf of gas per day. There would be no interruptible service under the amended arrangements, it is stated.

Sea Robin further states that no new facilities would be required to implement the proposed transportation receipt points.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–14548 Filed 5–30–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–387–000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

May 25, 1984.

Take notice that on May 3, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84–387–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a transportation service for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to transport up to 30,000 Mcf of natural gas per day (transportation quantity) for the account of United from a point of interconnection between the onshore terminus of the Project SP77 facilities [1] and Applicant's facilities in Plaquemines Parish, Louisiana, and to deliver thermally equivalent volumes of natural gas at a point of interconnection between Applicant's and United's jointly-owned 16-inch pipeline No. 523R100 and Applicant's 24-inch pipeline No. 500–1 located in Terrebonne Parish, Louisiana (Cocodrie point of delivery) and/or at a point of interconnection on Applicant's Muskrat Line and United's 30-inch line near Bayou Sale, St. Mary Parish, Louisiana (Centerville point of delivery). It is also indicated that Applicant would transport and delivery volumes for the account of United for processing and extraction of liquefiable hydrocarbons and helium gas. Such plant volume reductions (PVR) would be delivered to the Yscloskey Plant, St. Bernard Parish, Louisiana (Yscloskey point of delivery), it is stated.

Applicant proposes to charge United (1) A volume charge equal to the

[1] Project SP77 facilities are jointly owned by Applicant and Columbia Gulf Transmission Company (Columbia Gulf) and extend from Plaquemines Parish, Louisiana, to South Pass area, offshore Louisiana. Columbia Gulf and Applicant filed for authorization to transport United's volumes through SP77 facilities in Docket No. CP84–196–000.

product of 9.58 cent per Mcf of gas delivered at the Cocodrie and Centerville point(s) of delivery, plus a PVR charge equal to 6.38 cents per Mcf for the PVR delivered at the Yscloskey point of delivery.

(2) A minimum monthly bill which would consist of the volume charge of 9.58 cents multiplied by the minimum bill volume, which would consist of the number of days in said month, multiplied by sixty-six and two-thirds percent of the transportation quantity; provided that the minimum bill would be reduced by the volumes, if any, tendered by United and not taken by Applicant.

It is also stated that United would provide to Applicant a daily volume equal to 1.2 percent of the volumes transported to the Cocodrie, Centerville and Yscloskey points of delivery.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14549 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-79-002]

Transcontinental Gas Pipe Line Corp., et al.; Re-Notice of Petition To Amend

May 25, 1984.

Take notice that on January 23, 1984, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP79-79-002 a petition to amend the order issued May 23, 1979, in Docket No. CP79-79 pursuant to Sections 7(c) of the Natural Gas Act to add Breton Sound Block 54 as an additional receipt point of Transco gas being transported and exchanged offshore Louisiana by Texas Eastern, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by the May 23, 1979, order, Transco was authorized to transport up to 17,400 Mcf of gas per day for Texas Eastern from Vermilion Block 331 to South Marsh Island Block 66 on a firm contract demand basis. Transco was further authorized to exchange gas transported to South Marsh Island Block 66 by Transco for Texas Eastern's account with gas received by Texas Eastern for Transco's account at Main Pass Block 7 from Chandeleur Sound Blocks 58 and 59.

It is further stated that by amendatory agreement dated March 21, 1983, Transco and Texas Eastern agreed, subject to Commission approval, to add Breton Sound Block 54 as an additional receipt point of Transco gas being transported and exchanged by Texas Eastern as noted above. The addition of this new source of exchange gas would not affect total daily quantities of gas exchanged between Texas Eastern and Transco, it is said.

Petitioners state that Transco's new source of supply at Breton Sound Block 54 arises as a result of the commitment to Transco of 85 percent of the reserves at Breton Sound Blocks 54 and 55 by Transco Exploration Company (TXC). The remaining 15 percent of reserves has been committed to Public Service Electric and Gas Company (Public Service) by its production affiliate, Energy Development Corporation (EDC), it is explained.

To enable transportation of gas from TXC's and EDC's production facilities at Breton Sound Block 54 to Texas Eastern's existing facilities at Breton Sound Block 54, Petitioners state that Transco and Gasdel Pipeline System Incorporated (Gasdel), another affiliate of Public Service, jointly constructed 2.46 miles of 6-inch line and appurtenant facilities to the point of interconnection with such Texas Eastern facilities. The subject pipeline facility was constructed, according to Petitioners, pursuant to Transco's and Gasdel's blanket certificates issued in Docket Nos. CP82-426-000 and CP83-276-000, respectively.

Petitioners propose that Texas Eastern's points of receipt for exchange gas tendered to it by Transco be amended to include the point of interconnection between the jointly-owned line of Transco and Gasdel and the existing Texas Eastern facilities at Breton Sound Block 54.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 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 Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14550 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-401-000]

Trunkline Gas Co.; Application

May 25, 1984.

Take notice that on May 9, 1984, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-401-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by sale a certificated natural gas gathering line in Galveston County, Texas, all as more fully set forth in the application which is

on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon by sale to Coastal Oil and Gas Corporation (Coastal) 0.473 mile of 4-inch gathering line and appurtenant facilities located in the Alta Loma Field, Galveston, Texas, known as line 30A–3300. Applicant explains that the gathering line was constructed in 1959 pursuant to authorization granted in Docket No. G–15394. It is stated that Applicant no longer requires use of the line and that Coastal desires to purchase it for its own use.

It is asserted that a letter agreement between Applicant and Coastal, dated December 5, 1983, provides for the sale and transfer of the subject line 30A–3300 at a cost of $100.

Applicant maintains that the proposed abandonment of the 30A–300 line would have no effect on Coastal's ability to deliver or Applicant's ability to receive gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by 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 filled within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the pubic convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–14551 Filed 5–30–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–396–000]

United Gas Pipe Line Co.; Application

May 25, 1984.

Take notice that on May 7, 1984, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77002, filed in Docket No. CP84–396–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two 1,100 horsepower compression units at an existing compressor station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, United proposes to install two 1,100 horsepower compressor units and appurtenant facilities at United's existing Napoleonville Compressor Station located in Assumption Parish, Louisiana. United states that at the present time it is experiencing operational difficulties in meeting the wintertime requirements of its customers in the New Orleans area due to the shifting of United's available gas supply. It is stated that the proposed facilities will enable United to take a portion of the gas from the Bayou Sale-to-Napoleonville line and reverse the traditional northeasterly movement to a southeasterly flow to Lirette, Louisiana, and on into the New Orleans market area. The estimated cost of the additional facilities is $2,180,872.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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 United to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–14552 Filed 5–30–84; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6351–002]

Western Hydro Electric, Inc.; Surrender of Exemption From Licensing

May 25, 1984.

Take notice that Western Hydro Electric, Inc. (WHE), Exemptee for the Briggs Creek Project No. 6351, has requested that its exemption be terminated. The exemption for Project No. 6351 was issued on October 1, 1982. The project would have been located on Briggs Creek in Josephine County, Oregon. WHE has stated that project construction has not commenced.

WHE filed its request on April 6, 1984. The surrender of the exemption for Project No. 6351 is deemed accepted as of April 6, 1984, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–14553 Filed 5–30–84; 8:45 am]

BILLING CODE 6710–01–M

[Project Nos. 8102–000, et al.]

Hydroelectric Applications (Iowa Hydropower Development Corp., et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory

Commission and are available for public inspection:

1a. Type of Application: Preliminary Permit.

b. Project No: 8102-000.

c. Date Filed: February 16, 1984.

d. Applicant: Iowa Hydropower Development Corporation.

e. Name of Project: Adel Mill Hydro.

f. Location: On the Racoon River near Adel, Dallas County, Iowa.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Jean-Pierre Bourgeacq, 228 Melrose Court, Iowa, City, Iowa 52240.

i. Comment Date: July 30, 1984.

j. Description of Project: The proposed project would consist of: (1) an existing concrete dam approximately 12 feet high and 167 feet long; (2) a small reservoir with negligible storage capacity; (3) a new powerhouse with a total installed capacity of 750 kW; (4) transmission lines; and (5) appurtenant facilities. The Applicant estimates the average annual generation to be 2,670 MWh. All power generated would be sold to a local utility company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

l. Proposed Scope of Studies under Permit: preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $10,000.

2a. Type of Application: License (Over 5 MW).

b. Project No: 5772–002.

c. Date Filed: July 8, 1983, and supplemented January 10, 1984.

d. Applicant: City of Augusta.

e. Name of Project: Augusta Canal Water Power Project.

f. Location: Savannah River, Richmond County, Georgia.

g. Filed Pursaunt to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. James B. Messerly, Commissioner of Public Works, City of Augusta, 701 Municipal Building, Augusta, Georgia 30911.

i. Comment Date: July 30,1984.

j. Description of Project: The proposed project would consist of: (1) an existing 1,666-foot-long and 11.5-foot-high stone masonry diversion dam; (2) an existing four-mile section of the Augusta Canal; (3) a proposed 500-foot-long, 150-foot-wide spur canal off the existing Augusta Canal; (4) four proposed reinforced concrete penstock sections, each about 550 feet in length, and a cross-section 14 feet by 14 feet-square; (5) a proposed powerhouse containing two generating units of 7.5 MW capacity each; (6) a proposed tailrace structure, approximately 250 feet long; (7) a proposed 2,000-foot-long, 115-kV transmission line; and (8) appurtenant facilities.

k. Purpose of Project: The estimated average annual generation of 90,500,000 kWh would be sold to Oglethorpe Power Corporation.

l. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

3a. Type of Application: Preliminary Permit.

b. Project No: 8064–000.

c. Date Filed: Febraury 7, 1984.

d. Applicant: Schneider Hydropower Company and Energenics Systems, Inc.

e. Name of Project: Vincent Dam.

f. Location: On the Schuylkill River in Chester and Montgomery Counties, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contract Person: Mr. Granville J. Smith II, President, Energenics Systems Inc., 1725 K Street, NW., Suite 1112, Washington, D.C. 20006.

i. Comment Date: July 30, 1984.

j. Description of Project: The proposed project would consist of: (1) the existing, approximately 350-foot-long, 8-foot-high Vincent Dam; (2) the existing reservior with an approximate surface area of 70 acres at a normal maximum surface elevation of 108.8 feet MSL; (3) a proposed powerhouse at the left side of the dam which will contain four 300-kW generating units; (4) a proposed 5,000-foot-long, 12.47-kV transmission line; and (5) appurtenant facilities. The dam is owned by the Commonwealth of Pennsylvania.

k. Purpose of Project: The Applicant intends to sell the power to the Philadelphia Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $30,000.

3a. Type of Application: 5MW or less Exemption.

b. Project No: 7611–001.

c. Date Filed: April 3, 1984.

d. Applicant: Iron Mountain Mines, Inc.

e. Name of Project: Iron Mountain Spring Creek Hydroelectric Project.

f. Location: On Spring Creek, near Redding, in Shasta County, California.

g. Filed Pursuant to: Section 408 of the Federal Energy Security Act, 16 U.S.C. 2705 and 2708 *as amended.*

h. Contract Person: Mr. T. W. Arman, Iron Mountain Mines, Inc., 1900 Point West Way, Suite 102, Sacramento, California 95815.

i. Comment Date: July 6, 1984.

j. Competing Application: Project No. 7777–000 Date Filed: 10/25/83 Due Date: June 1, 1984.

k. Description of Project: The proposed project would consist of: (1) a 6-foot-high, 16-foot-long concrete diversion structure at elevation 1800 feet msl; (2) a 36-inch-diameter, 12,200-foot-long steel conduit/penstock; (3) a powerhouse with a total installed capacity of 3,500 kW operating under a head of 1,200 feet; and (4) a 2,400-foot-long, 12.5-kV transmission line from the powerhouse to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates the average annual energy generation at 14.82 million KWh to be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A2, A9, B, C, & D3(a).

3a. Type of Application: Conduit Exemption.

b. Project No: 7731–000.

c. Date Filed: October 17, 1983.

d. Applicant: Nevada Irrigation District (NID).

e. Name of Project: Combie North Aquedut.

f. Location: Combie North Aqueduct, near Auburn, in Nevada County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act, 16 U.S.C. 823(a).

h. Contact Person: Mr. Frederick G. Brandy, General Manager, Nevada Irrigation District, P.O. Box 1019, Grass Valley, California 95945.

i. Comment Date: July 9, 1984.

j. Description of Project: The proposed project would utilize the existing NID Combie North Aqueduct which diverts

water from Lake Combie at the Van Giessen Dam on the Bear River. The proposed project would consist of a powerhouse containing a single turbine-generator unit with a total installed capacity of 350 kW and an average annual generation of 2.5 GWh. A 300-foot-long transmission line would connect the powerhouse to NID's Magnolia No. 3 pumping station.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3b.

6a. Type of Application: Preliminary Permit.

b. Project No: 8248–000.

c. Date Filed: April 17, 1984.

d. Applicant: James W. Roberts.

e. Name of Project: Mill Brook.

f. Location: Mill Brook in Essex County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: James W. Roberts, Railroad St., Danville, Vermont 05828.

i. Comment Date: July 27, 1984.

j. Description of Project: The proposed project would consist of: (1) a proposed concrete inlet structure; (2) a proposed powerhouse containing one turbine/generator unit with an installed capacity of 75 kW, operating under a head of 220 feet; (4) a proposed 50-foot-long, 7.2-kV underground transmission line; and (5) appurtenant facilities. The estimated average annual energy would be 306 MWh.

k. Purpose of Project: Project power would be sold to Lyndon Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant wuld decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $2,000.

7a. Type of Application: Preliminary Permit.

b. Project No: 8172–000.

c. Date Filed: March 13, 1984.

d. Applicant: Quincy-Columbia Basin Irrigation District et al.

e. Name of Project: Royal Lake Hydroelectric Project.

f. Location: On the Bureau of Reclamation's Crab Creek Lateral Wasteway, near the town of Othello, in Adams County, Washington state.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Tom H. Cotton, Quincy-Columbia Basin Irrigation, District P.O. Box 188, 1720 South Central Avenue, Quincy, Washington 98848.

i. Comment Date: July 30, 1984.

j. Description of Project: The proposed project would be within the Columbia National Wildlife Refuge and would consist of: (1) a diversion and intake structure on Crab Creek Lateral Wasteway at elevation 900 feet; (2) a 42-inch-diameter, 700-foot-long steel penstock; (3) a powerhouse at elevation 825 feet containing a single 320-kW generating unit; and (4) a 1.5-mile-long, 13.2-kV wood-pole transmission line. Applicant estimates that the project would have an average annual output of 1,700 MWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $22,100. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project will be sold to Grant County Public Utility District No. 1.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

8a. Type of Application: Preliminary Permit.

b. Project No: 8044–000.

c. Date Filed: February 2, 1984.

d. Applicant: Enertech, Inc.

e. Name of Project: Upper and Lower Mesa Falls.

f. Location: Henry's Fork, Fremont County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Contact Person: Mr. Peter C. Kissel, Esq., O'Connor and Hannan, 1919 Pennsylvania Avenue, NW., Suite 800, Washington, D.C. 20006.

i. Comment Date: July 30, 1984.

j. Description of Project: The proposed project would be located upon lands of the United States within the Targhee National Forest and would consist of two Developments:

A. The Upper Development comprising: (1) A 350-foot long and 6-foot high concrete diversion structure with crest elevation 5606 m.s.l.; (2) a reservoir extending less than 800 feet upstream (3) an intake structure; (4) two underground 8-foot diameter 230-foot long penstocks; (5) a powerhouse containing two generating units having a total rated capacity of 8,000 kW; (6) a 3,000-foot long 115-kV transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 63,100,000 kWh.

B. The Lower Development comprising: (1) a 280-foot long and 6-foot high concrete diversion structure with crest elevation 5,426 m.s.l.; (2) a reservoir extending less than 800 feet upstream; (3) an intake structure; (4) two underground 8-foot diameter 400-foot long penstocks; (5) a powerhouse containing two generating units having a total rated capacity fo 4,500 kW; (6) a 1,500-foot long 115-kV transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 35,500,000 kWh.

k. Purpose of Project: The power produced at the project would be sold to local utilities or Cooperatives, or the Bonneville Power Administration.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. Applicant estimates the cost of the work under the permit would be $75,000.

9a. Type of Application: Preliminary Permit.

b. Project No: 8061–000.

c. Date Filed: February 7, 1984.

d. Applicant: Schneider Hydropower Company/Energenics Systems, Inc.

e. Name of Project: Norristown Dam.

f. Location: On the Schuylkill River, in Montgomery and Chester Counties, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Granville J. Smith II, Energenics Systems, Inc., 1100 17th Street, NW., Suite 1109, Washington, D.C. 20036.

i. Comment Date: July 25, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing rock-filled timber crib dam 900-feet long and 9-feet high; (2) a reservoir with

estimated pool area of 180 acres and negligible storage capacity, at normal maximum surface elevation of 60 feet MSL; (3) a proposed powerhouse at the left side of the dam which will contain four generating units with a total installed generating capacity of 1.8 MW; (4) a proposed 500-foot-long, 12.47–kV transmission line; (5) and appurtenant facilities. The dam is owned by the Philadelphia Electric Company.

k. Purpose of Project: The Applicant intends to sell the power to the Philadelphia Electric Company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $30,000.

10a. Type of Application: Preliminary Permit.

b. Project No: 8094–000.

c. Date Filed: February 16, 1984.

d. Applicant: City of Halfway, Oregon.

e. Name of Project: Pine Creek.

f. Location: Partially in the Wallowa-Whitman National Forest, on Pine Creek, near Halfway, in Baker County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Michael H. Giddings, P.O. Box 154, La Grande, Oregon 97850.

i. Comment Date: July 30, 1984.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high, 30-foot-long timber and concrete diversion structure at elevation 4620 feet; (2) an 8500 foot-long, 42-inch-diameter steel penstock; (3) a powerhouse containing a single generator with a rated capacity of 1,700 kW at elevation 4051 feet, and an estimated annual energy production of 9.5 GWh; (4) a 50-feet-long concrete tailrace; and (5) a new 16,900-foot-long and a reconstructed 30,360-foot-long, 34.5–kV transmission line to an existing Idaho Power Company line.

A preliminary permit if issued, does not authorize construction. Applicant seeks an 18 month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Applicant has stated that no new roads are necessary and that drilling is not anticipated as part of the studies. The estimated cost of permit activities is $291,000.

k. Purpose of Project: Power may be marketed to the Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

11a. Type of Application: Preliminary Permit.

b. Project No: 7942–000.

c. Date Filed: January 3, 1984.

d. Applicant: Bosler Associates.

e. Name of Project: Laramie Power Project.

f. Location: On Tunnel/Bluegrass Creek in Albany and Platte Counties, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Joel Rector, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: July 27, 1984.

j. Description of Project: The project would consist of: (1) A proposed penstock, 10 feet in diameter and 2,700 feet in length; (2) a proposed powerhouse, 50 feet by 100 feet, with a total installed capacity of 3,900 kW; (3) a proposed tailrace afterbay, 100 feet long, with a water surface area of 1-acre, storage capacity of 10 acre-feet, and normal maximum water surface elevation of 6,260 feet MSL; (4) a proposed 12,500-volt transmission line, appropriately ¼-mile-long; and (5) appurtenant facilities. Applicant estimates that the average annual generation would be 14,000,000 kWh. All lands within the project boundary are owned by the Bureau of Land Management.

k. Purpose of Project: The Applicant, anticipates that project energy will be sold to local municipalities.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an applicaion for an FERC license. Applicant estimates the cost of the studies under the permit would be $125,000.

12a. Type of Application: Preliminary Permit.

b. Project No: 8139–000.

c. Date Filed: March 1, 1984

d. Applicant: Schneider Hydropower Co.

e. Name of Project: Caddo Lake Dam Hydroelectric.

f. Location: On the Cypress Bayou River, in Caddo Parish, Louisiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Contact Person: Mr. Granville J. Smith II, Schneider Hydropower Co., Route 1, Box 81, Justin, Texas 76247.

i. Comment Date: July 5, 1984.

j. Competing Application: Project No. 8201–000.

Date Filed: March 26, 1984.

k. Description of Project: The proposed project would utilize the existing Corps of Engineers Caddo Lake Dam and Reservoir and would consist of: (1) A proposed reinforced concrete powerhouse, approximately 90 feet in width by 35 feet in length, that will house seven generating units with a total installed capacity of 4,000 kW; (2) a proposed concrete forebay approximately 90 feet wide and 10 feet long; (3) a proposed tailrace, a part of the draft tube which is approximately 90 feet wide and 50 feet long; (4) a proposed 12.47kV transmission line, approximately one mile long; and (5) appurtenant facilities. Applicant estimates that the average annual energy generation would be 14,000,000 kWh.

l. Purpose of Project: The Applicant anticipates that project energy would be marketed to Cajun Electric Power Cooperative. Other markets would be nearby public institutions or industrial users.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $40,000.

13a. Type of Application: Preliminary Permit.

b. Project No: 8111–000.

c. Dated Filed: February 16, 1984.

d. Applicant: Iowa Hydropower Development Corporation.

e. Name of Project: Waterloo Dam.

f. Location: On the Cedar River near Waterloo, Blackhawk County, Iowa.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Jean-Pierre Bourgeacq, 228 Melrose Court, Iowa City, Iowa 52240.

i. Comment Date: July 25, 1984.

j. Description of Project: The proposed project would consist of: (1) an existing concrete dam approximately 7 feet high and 594 feet long; (2) a small reservoir with negligible storage capacity; (3) a new powerhouse with a total installed capacity of 1840 kW; (4) transmission lines; and (5) appurtenant facilities. The Applicant estimates the average annual generation to be 7900 MWh. All power generated would be sold to local utility company.

k. This notice also consists of the following standards paragraphs: A5, A7, A9, B, C and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $10,000

14a. Type of Application: Exemption Under 5 MW.

b. Project No: 6955–002.

c. Dated Filed: April 30, 1984.

d. Applicant: Pan Pacific Hydro, Inc.

e. Name of Project: Stoney Creek.

f. Location: On Stoney Creek, near Weaverville, in Trinity County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended.*

h. Contact Person: Mr. James B. Tompkins, Pan Pacific Hydro, Inc., 16464 Plateau Circle, Redding, California 96001.

i. Comment Date: July 2, 1984.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 5-foot-high, 22-foot-long, concrete diversion structure; (2) a 11,000-foot-long, 24 to 36-inch diameter pipeline/penstock; (3) a powerhouse containing a single 750 kW turbine-generator unit with an average annual generation of 3.0 GWh; (4) a 36-inch diameter culvert pipe tailrace; and (5) 150 feet of 12.0–kV transmission line to connect the project to a Pacific Gas and Electric Company (PG&E) line. Project power would be sold to PG&E. The project would be partially located on Trinity National Forest lands.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standards paragraphs: A1, A9, B, C, and D3a.

15a. Type of Application: 5 MW Exemption.

b. Project No: 4610–001.

c. Dated Filed: February 27, 1984

d. Applicant: City and County of Denver, Colorado.

e. Name of Project: Blue River.

f. Location: On the Blue River, near the Towns of Dillion and Silverthorne, in Summit County, Colorado.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708, *as amended*).

h. Contact Person: Mr. William H. Miller, Manager, Denver Water Department, 1600 West 12th Avenue, Denver, Colorado 80254.

i. Comment Date: July 2, 1984.

j. Description of Project: The proposed project would consist of: (1) The Dillion Reservoir, with an area of 3,300 acres and a gross storage capacity of 261,800 acre-feet; (2) Dillion Dam, a zoned embankment structure 310 feet hight and 5,900 feet lont; (3) a steel penstock, the first section 4 feet in diameter and 1,000 feet long buried beneath the 15-foot-diameter concrete lined pressure tunnel and the second a bifuracting section 200 feet long; (4) a 28 by 54-foot concrete block powerhouse containing one horizontal Francis turbine with a maximum output of 1,920 horsepower at a head of 241 feet connected to a 1,450-kW generator; (5) a tailrace, (6) a switchyard; (7) a 25-kV transmission line 700 feet long; and (8) appurtenant electrical and mechanical facilities.

This exemption application was filed within the term of its preliminary permit by the Applicant.

k. Purpose of Project: The estimated average annual generation of 5,746,000 kWh will be sold to the Public Service Company of Colorado.

l. Propose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

m. This notice also consists of the following standards paragraphs: A1, A9, B, C and D3a.

16a. Type of Application: Major License (over 5MW).

b. Project No: 3178–002.

c. Date Filed: August 9, 1983.

d. Applicant: Public Utility District No. 1 of Mason County, Washington.

e. Name of Project: Hamma Hamma Hydroelectric.

f. Location: On Hamma Hamma River in Mason County Washington, near the Town of Shelton.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. John Robertson, Manager, Public Utility District No. 1 of Mason County, Washington, Route 5, Box 555, Shelton, Washington 98584.

i. Comment Date: July 23, 1984.

J. Description of Project: The proposed project would consist of: (1) a 37-foot-high, 255 foot-long diversion dam at a normal pool elevation of 395 feet, with an ogee spillway, 110 feet long creating (2) an impoundment with a storage capacity of 270-acre-feet with a surface area 28 acres; (3) a 20-foot-long intake structure for the main powerhouse; (4) a 6,000-foot-long buried tunnel, varying in diameter 10 to 12 feet; (5) a 25-foot-diameter, underground surge chamber; (6) a powerhouse at the diversion dam containing a single generating unit with a rated capacity of 140 kW, operating under a head of 28 feet; (7) a main powerhouse containing two generating units with a total rated capacity of 20,840 kW, operating under a head of 364 feet; (8) a tailrace; (9) two 13.8-kV buried transmission cables, 7,000 feet long tying into an existing line.

The total combined estimated average annual energy output would be 80,500,000 kWh.

The estimated construction cost in 1982 dollars in $28,257.

k. Purpose of Project: Project power will be sold to the District and the City of Tacoma, Washington.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D2.

17a. Type of Application: Amendment of Exemption.

b. Project No: 5902–004.

c. Date Filed: January 27, 1984.

d. Applicant: Frank Hooper.

e. Name of Project: Frank Hooper Hydroelectric Project.

f. Location: On Warm Springs and Cold Creek, in Elko County, Nevada.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Raymond T. Michener, P. O. Box 2176, Tri-Cities, Washington 99302.

i. Comment Date: June 29, 1984.

j. Description of Project: The existing Frank Hooper Hydroelectric Project was exempted on October 18, 1982, and is presently generating power at the rate of 1,774 MWh. The project consist of: (1) A 2.3 mile, 24-inch-diameter penstock; (2) a powerhouse containing 1 generating unit rated at 225 kW; (3) a 30-kV transmission line; and (4) appurtenant facilities.

The proposed modifications to the project consists of: (1) Increasing the flow from 8 cfs to 30 cfs by utilizing 12 additional cfs from Warm Creek and adding 10 cfs from Cold Creek; (2) increasing the installed capacity from 225 kW to 710b kW; and (3) increasing the size of the penstock diameter from 24 inches to 24.875 inches. The estimated average annual energy output for the project would increase from 1,774 MWh to 3,884 MWh.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

l. This notice also consists of the following standard paragraphs: B and D3a.

m. Filing and Service of Responsive Documents: Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Deputy Director, Project Management, Division of Hydroelectric Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative ot the Applicant specified in the first paragraph of this notice.

18 a. Type of Application: Exemption from Licensing (5MW or Less).

b. Project No: 6015–004.

c. Date Filed: March 30, 1984.

d. Applicant: Charles D. Howard.

e. Name of Project: Rock Creek No. 2.

f. Location: On Rock Creek in Twin Falls County, Idaho.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Charles D. Howard, Falls Professional Center, Suite B, 1139 Falls Avenue East, Twin Falls, Idaho 83301.

i. Comment Date: June 29, 1984.

j. Description of Project: The proposed project would consist of: (1) a 9.5-foot-high concrete diversion structure with spillway crest elevation 3,306 feet; (2) a 62-inch-diameter, 2,700-foot-long steel penstock; (3) a 20-foot by 30-foot concrete and block powerhouse containing one generating unit rated at 0.6 MW and a second unit rated at 1.3 MW, producing together an average annual output of 11.8 GWh; (4) a concrete tailrace with a normal water surface elevation of 3,160 feet; (5) a 4,500-foot-long, 2.3-kV transmission line connecting to an existing Idaho Power Company line; and (6) a 24-foot-wide, 3,000-foot-long gravel access road.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

19a. Type of Application: Preliminary Permit.

b. Project No: 8104–000.

c. Date Filed: February 16, 1984.

d. Applicant: Iowa Hydropower Development Corporation.

e. Name of Project: Redfield Dam.

f. Location: On the Racoon River near Redfield, Dallas County, Iowa.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Jean-Pierre Bougeacq, 228 Melrose Court, Iowa City, Iowa 52240.

i. Comment Date: July 30, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing concrete dam approximately 9.5 feet high and 110 feet long; (2) a small reservoir with negligible storage capacity; (3) a new powerhouse with a total installed capacity of 160 kW; (4) transmission lines; and (5) appurtenant facilities. The Applicant estimates the average annual generation to 700 MWh. All power generated would be sold to a local utility company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the applicant would decide whether to proceed with an application for FERC license. Applicanty estimates that the cost of the studies under permit would be $10,000.

Competing Applications

A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A2. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric exemption will not be accepted in response to this notice.

A3. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a

competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A4. License or Conduit Exemption—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectric exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit: Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A6. Preliminary Permit: No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or where there are proposed major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A7. Preliminary Permit—Except as provided in the following paragraph, any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) a preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) a preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management

Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statues. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980 to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game Agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: May 25, 1984.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-14547 Filed 5-30-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-55-001]

Mountain Fuel Resources, Inc.; Proposed Changes in FERC Gas Tariff

May 25, 1984

Take notice that on May 11, 1984, Mountain Fuel Resources, Inc. (Resources), tendered for filing and acceptance Fourth Revised Sheet No. 25 and Third Revised Sheet No. 26 to its FERC Gas Tariff, Original Volume No. 1.

The proposed effective date of the tariff sheets is March 1, 1984. Resources states that the tariff sheets implement the accrual and collection of carrying charges under its Purchased Gas Cost Adjustment Provision in accordance with the April 5, 1984, Commission acceptance and approval of an Offer of Settlement in Docket No. TA84–1–55–000.

Resources states that it has provided a copy of this filing to its jurisdictional sales customer and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-14451 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-52-001]

Northwest Pipeline Corp.; Tariff Filing

May 25, 1984.

Take notice that on May 4, 1984 Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet:

First Revised Sheet No. 81

On March 2, 1984 Northwest filed it's annual fuel gas reimbursement percentages pursuant to the terms of it's FERC Gas Tariff. This filing was made effective April 1, 1984 subject to refund by Commission order dated March 30, 1984. Northwest inadvertently failed to include the above listed tariff sheet in its original filing. The purpose of this filing is to correct that oversight.

Northwest has requested an effective date of April 1, 1984 for the above tendered tariff sheet corresponding to the effective date granted by the Commission in it's March 30, 1984 order.

A copy of this filing is being served on Pacific Interstate Transmission Company, Northwest's Jurisdictional customers and affected state regulatory commissions.

Any persons desiring to be heard or protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commssion, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 31, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR doc. 84-14452 Filed 5-30-84; 8:45 am]

BILLING CODE 6717-01-M

Southwestern Power Administration

Order Confirming, Approving and Placing Into Effect Contract Rates to Tex-La on an Interim Basis

AGENCY: Southwestern Power Administration, Department of Energy.

ACTION: Notice of Tex-La Contract Rate Order.

SUMMARY: The Deputy Secretary of Energy under Delegation Order No. 0204-108, 48 FR 55664 (December 14, 1983), has confirmed, approved and placed into effect on an interim basis, Contract Rates to Tex-La Electric Cooperative, Inc., under Contract No. 14-02-001-864 (Tex-La Contract), which the Administrator of the Southwestern Power Administration has developed.

EFFECTIVE DATES: The increased Tex-La Contract Rate is effective on the date of the order or April 1, 1984, whichever is later, and the extension of the existing Tex-La Contract Rate is effective to the date of the Order.

FOR FURTHER INFORMATION CONTACT: Walter M. Bowers, Director, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101, (918) 581-7529.

SUPPLEMENTARY INFORMATION: The increased Contract Rate to Tex-La supersedes the existing Tex-La Contract Rate which has been in effect since April 1, 1979.

Issued in Washington, D.C. this 18th day of May 1984.

Danny J. Boggs,

Deputy Secretary.

In the matter of: Southwestern Power Administration; Tex-La Contract Rate (No. 14-02-001-864) Rate Order, No. SWPA-13; order confirming, approving and placing contract rates in effect on an interim basis.

May 18, 1984.

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, for the Southwestern Power Administration (SWPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978) the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve and place into effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the Delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204-33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. By Delegation Order No. 0204-108, effective December 14, 1983, 48 FR 55664 (December 14, 1983) the Secretary of Energy delegated to the Deputy Secretary of Energy on a non-exclusive basis the authority to confirm, approve and place into effect on an interim basis power and transmission rates, and delegated to the FERC on an exclusive basis the authority to confirm, approve and place in effect power and transmission rates on a final basis. This rate order is issued pursuant to the delegation to the Deputy Secretary of Energy.

Background

Pursuant to a tripartite power exchange, Texas Power and Light Company (TP&L) purchases 35 MW of hydro peaking power generated at the Denison Dam hydro-electric project owner and operated by the U.S. Government and marketed by SWPA, an agency of the United States Department of Energy. TP&L, in turn, sells SWPA 15 MW of firm power for delivery and sale to Tex-La pursuant to its tariff schedule entitled "SPA Withdrawals." The current SWPA rates for power and energy sold to Tex-La Electric Cooperative, Inc. (Tex-Energy. TP&L, in turn, sells SWPA 15 MW of firm power for delivery and sale to Tex-La pursuant to its tariff schedule entitled "SPA Withdrawals." The current SWPA rates for power and energy sold to Tex-La Electric Cooperative, Inc. (Tex-La) under Contract No. 14-02-001-864 became effective on April 1, 1979 (FERC Docket No. EF79-4011).

In order to assure more stable rates, the SWPA/Tex-La contract provides that SWPA cannot change its rate to Tex-La but once every five years. Therefore, April 1, 1984, is the earliest date that SWPA can adjust its rates to Tex-La. The FERC extended, on a final basis, its prior confirmation and approval of the existing contract rate to Tex-La under Section 2 of Contract No. 14-02-001-864 for the period October 1, 1983, through April 1, 1984, (FERC Docket No. EF83-4011-000, dated August 1, 1983).

Following SWPA's system rate increase on August 1, 1983, TP&L increased its rates to SWPA for service to Tex-La. The TP&L rates were approved by the Public Utility Commission of Texas in Docket No. 5345, dated September 28, 1983. Since SWPA's annual costs of providing service to Tex-La must be recovered by equal revenues from that cooperative, the Administrator, SWPA, has made a rate study regarding rates for service under Section 2 of Contract No. 14-02-001-864, which shows the need for a $293,300 increase, as applied to Tex-La, in SWPA annual revenues. On February 23, 1984, SWPA published notice in the **Federal Register** (49 FR 6787) that provided for a 30-day comment period on the proposed rate increase. The **Federal Register** notice was issued in accordance with Title 10, Part 903, Subpart A, of the Code of Federal Rgulations entitled, "Procedures for Public Participation in Power and Transmission Rate Adjustments." On February 15, 1984, SWPA mailed a preliminary copy of the **Federal Register** Notice and supporting data to Tex-La for information. SWPA requested that a meeting be held with customer representatives to reveiw and discuss the study. SWPA officially provided the customer a copy of the publication by letter dated March 5, 1984. In the above publication, SWPA solicited written comments from the customer and interested parties through March 26, 1984. The customer chose not to meet with SWPA personnel but, instead, on March 26, 1984, submitted formal written comments regarding the proposed rate increase. Their comments and SWPA's responses are included in the Comments Section of this Order.

Discussion

Tex-La Electric Cooperative, Inc., is the only party affected by the proposed rate increase. The need for additional revenue is due mainly to the increased cost of purchased power from TP&L for service to Tex-La. Historically, the SWPA rate to Tex-La has been based on the costs to SWPA for power and energy withdrawn from the TP&L system. Thus, the proposed rate to Tex-La takes the same form as the rate TP&L charges SWPA for service to Tex-La. It is estimated that SWPA expenses (paid to TP&L) will exceed its revenues (received for Tex-La) by $141,200 for the period August 20, 1983, to April 1, 1984 (the earliest effective date of any new rate). This revenue shortfall is directly attributable to Tex-La; thus SWPA is proposing to recover these deferred costs, plus imputed interest, directly from Tex-La in equal adjustments to Tex-La's monthly payments for the duration of the above contract which expires June 30, 1987.

Since SWPA's estimated annual costs of providing service to Tex-La (purchased power costs from TP&L for the account of Tex-La) must be recovered by equal revenues from Tex-La, the proposed rate increase will not alter the net repayment results of the 1982 SWPA Power Repayment Study. The 1982 Power Repayment Study is, therefore, used as the basis for the proposed rate increase. SWPA's proposed rates to Tex-La would increase the estimated annual revenues from Tex-La by 56 percent from $523,200 to $816,500. A comparison of the existing rate and the rate proposed by the Administrator is shown below:

	Rate	
	Existing	Proposed
a. Capacity charge, $/kw/mo	1.86	[1] [2] 2.84
b. Energy charge:		
I. First 100 hrs. per month, mills/kWh	3.090	[2] 4.688
II. Next 340 hrs. per month, mills/kWh	4.590	[2] 6.188
III. Over 440 hrs. per month, mills/kWh	6.590	[2] 8.188
c. Monthly adjustment charge, dollars		[3] 4,457

[1] After Clarence Cannon becomes operational the proposed capacity rate will be $.05/kW/mo. higher.
[2] TP&L Tariffs to SWPA under "SPA Withdrawals" effective August 19, 1983, and approved by the Texas Public Utility Commission.
[3] This monthly adjustment will recover SWPA's revenue shortfall incurred from August 19, 1983, to April 1, 1984, during which time SWPA, by contract limitation of the frequency of rate adjustments, could not pass through to Tex-La the increased costs of power purchased from TP&L.

Comments

Tex-La submitted comments regarding the proposed rate, choosing to take issue with what it characterizes as a retroactive increase in Tex-La's contract rate for the period August 19, 1983, to April 1, 1984. Tex-La states that the proposed rate violates the SWPA/Tex-La Contract, is contrary to a previous order of the FERC, and is impermissible retroactive ratemaking.

In its comments, Tex-La requested "that the additional $293,000 revenues proposed by SWPA be reduced by $146,200." Apparently, Tex-La confused SWPA's proposed *annual* increase of $293,300 with the $146,200 total amount of revenue shortfall (also expressed as an unrecovered cost) proposed to be collected from Tex-La equally over the remaining 39 months of the contract term. The monthly cost recovery adjustment charge of $4,457 results in a total *annual* adjustment of only some $53,500 rather than the $146,200 as Tex-La indicated (see SWPA's Tex-La Rate Study of February 1984 Results).

SWPA's rate to Tex-La is a contractual rate, which means it is developed as a rate schedule separate from other rate schedules to reflect particular contractual arrangements for the delivery of power and energy purely benefiting the recipient. Under this type of rate the guiding principle followed is that revenues under the contractual rate *must* recover the costs of providing service under the contract. This cost recovery principle is derived directly from Section 5 of the Flood Control Act of 1944 which requires that all costs associated with the power marketing activities of the Government be recovered from the rates. If costs are not paid in a certain year, they must be deferred for payment when revenues become sufficient to do so. The DOE manual on repayment, RA 6120.2, implements this cost recovery criteria by providing that deficiencies in any year are to be capitalized and repaid with imputed interest in later years (See RA 6120.2, 8c (2,3)). To limit SWPA's ability to recover losses in one year by increased revenues in a future year would clearly be inconsistent with the statutory criteria and Congressional action amending Section 5 of the Flood Control Act of 1944 would be required to forgive past deficiencies. Thus, SWPA is required by law and DOE regulations to recover all costs including revenue shortfalls.

The SWPA/Tex-La Contract limits the *frequency* of rate adjustments (increases or decreases) to no more often than once every five years for the purpose of assuring long-term rate stability, rather than imposing a limitation on either the amount of an increase or decrease, or SWPA's statutory obligation to recover its costs. SWPA, of course, does not intend to abrogate or violate its contract, which in this case allows SWPA full freedom to review, redetermine, and adjust the contractual rates at five-year intervals, and contains no specification of the amount of any rate adjustment. Tex-La also has a contract right of termination in case of dissatisfaction with any increase ordered. SWPA's proposed rate extension regarding Tex-La in Rate Order No. SWPA–9, and FERC's subsequent approval on August 1, 1983, are obvious evidence of SWPA's intent to comply with its contract obligations to adjust rates at minimum intervals. SWPA's proposed rate, including the adjustment for unrecovered costs, is intended to recover all costs of providing service under the contract. SWPA is not prohibited, either by contract or the FERC, from doing its lawful duty. We believe, therefore, that SWPA's proposed rates do not, in fact, violate the SWPA/Tex-La Contract, are not contrary to FERC's previous order, and do not constitute retroactive ratemaking.

Availability of Information

Information regarding this rate adjustment including studies, comments, and other supporting material are available for public review in the offices of the Southwestern Power Administration, 333 W 4th, Tulsa, Oklahoma 74101.

Administrator's Certification

The Administrator has determined that the proposed rates for the duration of the contract term are consistent with applicable law and that they are the lowest possible rates to Tex-La consistent with sound business principles in accordance with Section 1 of Delegation Order No. 0204–108.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm, approve and place in effect on an interim basis, effective on the date of this Order or April 1, 1984, whichever is later, the proposed Contract Rate for the sale of power and energy to Tex-La Electric Cooperative of Texas, Inc., under Contract No. 14–02–001–864, and extend the existing Contract Rate to the date of this Order. The increased Contract Rate shall remain in effect on an interim basis through June 30, 1987, or until the FERC confirms and approves this or a substitute rate on a final basis.

Issued at Washington, D.C., this 18th day of May, 1984.

Danny J. Boggs,

Deputy Secretary.

[FR Doc. 84-14616 Filed 5-30-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OMS-FRL 2597-2]

Final Agency Actions Regarding the Motor Vehicle Provisions of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Agency Actions.

SUMMARY: This notice announces final EPA actions taken in conjunction with its mobile source program. Except the final actions taken with respect to Albert Mardikian Engineering Inc. (AME) and its test results, persons disagreeing with these final actions may petition the United States Court of Appeals for the District of Columbia Circuit for review of these actions. Persons disagreeing with the final actions taken with respect to AME and AME test results may petition the United States Court of Appeals for review of these actions in that Circuit in which the action is applicable. Failure to petition for review of these actions on or before July 30, 1984 will preclude a challenge later in an EPA enforcement action.

FOR FURTHER INFORMATION CONTACT: John A. Garbak, Manufacturers Operations Division, (EN-340), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-2512.

SUPPLEMENTARY INFORMATION: EPA has determined that all of the actions summarized below are final. Where possible, the specific date on which the action became final is specified.

Under section 307(b)(1) of the Clean Air Act, EPA has determined that except for the AME actions, these actions are of nationwide scope and effect. Accordingly, judicial review of any of these actions is available *only* by the filing of petition for review in the United States Court of Appeals for the District of Columbia Circuit on or before July 30, 1984. EPA has determined that the AME actions are locally or regionally applicable. Hence, judicial review of the AME actions is available *only* by the filing of a petition for review in the United States Court of Appeals for the Circuit in which the action is applicable on or before July 30, 1984. Under section 307(b)(2) of the Clean Air Act these final actions and the bases for them, which are the subject of today's notice, may not be challenged later in civil or criminal proceedings brought by EPA to enforce these actions.

The following EPA actions regarding motor vehicles have become final:

1. In a letter of June 21, 1982, General Motors Corporation (GM) submitted a plan to remedy the oxides of nitrogen (NO_x) nonformity in 1978 Cadillac Sevilles (California and Federal). EPA approved this plan as a remedy for the NO_x nonconformity in these 1978 Sevilles in a letter dated September 30, 1982. Therefore, on September 30, 1982, EPA's approval of GM's remedial plan for the 1978 Cadillac Sevilles (California and Federal) became final.

2. On October 21, 1982, the Administrator notified GM that she had found that 1978 GM vehicles of engine families 840B2 (231 CID only) and 840E5VU failed to comply with the applicable Federal emission standard for NO_x. Under 40 CFR 85.1807, a manufacturer who disagrees with the Administrator's finding of nonconformity may file a request for a public hearing with the Administrator within 45 days after the receipt of the Administrator's notification of nonconformity. GM has not made a request for a public hearing and, therefore, the Administrator's finding of nonconformity of October 21, 1982, became final.

3. On December 21, 1982, the Administrator notified GM that she had found that 1979 GM vehicles of engine family 920X2EU had failed to comply with the applicable Federal emission standard for NO_x. Because GM did not request a public hearing regarding the Administrator's nonconformity finding within the allowed 45 days, the Administrator's finding of nonconformity of December 21, 1982, became final.

4. On January 26, 1983, the Administrator notified GM that she had found that 1980 GM vehicles of engine family 02S4V had failed to comply with the applicable Federal standard for NO_x. Because GM did not request a public hearing regarding the Administrator's nonconformity finding within the allowed 45 days, the Administrator's finding of nonconformity of January 26, 1983, became final.

5. In a letter of January 21, 1983, GM submitted a plan to remedy the NO_x nonconformity in 1978 GM vehicles of engine families 840B2 (231 CID only) and 840E5VU. EPA, in a letter of March 14, 1983, approved GM's remedial plan of January 21, 1983, insofar as it remedied, at GM's expense, 1978 GM vehicles of engine families 840B2 (231 CID only) and 840E5VU which would still be within seven years or 70,000 miles (whichever occurs first) at the time of their repair, conditioned upon a modification. EPA's approval of GM's remedial plan for 1978 GM vehicles or engine families 840B2 (231 CID only) and 840E5VU which will still be within seven years/70,000 miles at the time of their repair became final when this modification was subsequently supplied by GM.

In addition, in its letter of March 14, 1983, EPA disapproved that portion of GM's remedial plan of January 21, 1983, which pertained to 1978 GM vehicles of engine families 840B2 (231 CID only) and 840E5VU which would be beyond seven years or 70,000 miles (whichever occurs first) at the time of their repair because GM had refused to remedy these vehicles at its expense. GM was also encouraged in this letter to submit a plan to remedy, at its expense, 1978 GM vehicles of engine families 840B2 (231 CID only) and 840E5VU beyond seven years/70,000 miles. To date GM has not submitted such a plan. Therefore, EPA's disapproval of GM's remedial plan for 1978 GM vehicles of engine families 840B2 (231 CID only) and 840E5VU which will be beyond seven years/70,000 miles at the time of their repair is now final.

6. In a letter dated March 22, 1983, the Acting Administrator notified GM that he had found that 1978 GM vehicles of engine family 810Y2 (engine codes 5, 6, 7 and 8 only) failed to comply with the applicable Federal emission standard for NO_x. Because GM did not request a public hearing regarding the Acting Administrator's nonconformity finding within the allowed 45 days, the Acting Administrator's finding of nonconformity of March 22, 1983, became final.

7. On April 7, 1983, the Acting Administrator notified GM that he had determined that 1978 GM vehicles of engine family 810A2F and 1979 GM vehicles of engine families 910A2F, 940B2 (3.8L only) and 940E4DVU, failed to comply with the applicable Federal emission standard for NO_x. Because GM did not request a public hearing regarding the Acting Administrator's nonconformity finding within the allowed 45 days, the Acting Administrator's finding of nonconformity of April 7, 1983, became final.

8. In a letter dated June 9, 1983, GM submitted a plan to remedy the NO_x nonconformity in vehicles of 1978 GM engine family 810Y2 with engine codes 5 and 6. EPA, in a letter dated August 30, 1983, approved that portion of GM's

remedial plan, contingent upon modifications, which pertained to vehicles with engine codes 5 and 6 which would still be within five years and 50,000 miles at the time of repair. EPA's approval of the portion of GM's remedial plan pertaining to vehicles with engine codes 5 and 6 which would be within five years and 50,000 miles at the time of repair became final when GM subsequently supplied EPA's requested modifications.

Additionally, in its August 30, 1983 letter, EPA disapproved that portion of GM's remedial plan which pertained to vehicles of engine codes 5 and 6 which will be beyond five years or 50,000 miles at the time of repair because GM had failed to remedy them at its expense. GM was encouraged in this letter to submit a plan to remedy, at its expense, 1978 GM vehicles of engine family 810Y2 (engine codes 5 and 6) beyond five years/50,000 miles. GM did not submit such a plan and therefore, EPAS's disapproval of GM's remedial plan for 1978 GM vehicles of engine family 810Y2 (engine codes 5 and 6) which will be beyond five years/50,000 miles at the time of their repair is now final.

In its letter of June 9, 1983, GM noted that its remedial plan for engine family 810Y2 did not provide for the repair of vehicles with engine codes 7 and 8. In a letter of August 30, 1983, EPA provided an additional 20 day time period during which GM was encouraged to submit either new information controverting EPA's nonconformity determination or, alternately, a plan to remedy the nonconformity in vehicles of engine codes 7 and 8.

GM submitted a revised plan in a September 22, 1983, letter to remedy vehicles of engine family 810Y2. EPA in a letter of October 19, 1983, approved GM's remedial plan insofar as it remedied at GM's expense, 1978 vehicles of engine family 810Y2 (engine codes 7 and 8 only) which would still be within five years or 50,000 miles at the time of their repair. Therefore, on October 19, 1983, EPA's approval of GM's remedial plan for 1978 GM vehicles of engine family 810Y2 (engine codes 7 and 8 only) which would be within five years/50,000 miles at the time of their repair became final.

Additionally, in its October 19, 1983, letter EPA disapproved that portion of GM's revised remedial plan of September 22, 1983, which pertained to those vehicles of engine codes 7 and 8 which would be beyond five years or 50,000 miles at the time of their repair because GM had failed to provide for their repair at its expense. Therefore, on October 19, 1983, EPA's disapproval of GM's remedial plan of September 22, 1983, which pertained to 1978 GM vehicles of engine family 810Y2 (engine codes 7 and 8 only) which would be beyond five years or 50,000 miles at the time of their repair became final.

9. In a letter of October 19, 1983, the Assistant Administrator for Air and Radiation notified GM that he had found that 1979 GM Chevette vehicles of engine family 910W2 (with automatic transmission and L-17 base engine only) failed to comply with the Federal emission standard for carbon monoxide (CO). Because GM did not request a public hearing regarding the Assistant Administrator's nonconformity finding within the allowed 45 days, the Assistant Administrator's finding of nonconformity of October 19, 1983, became final.

10. In a letter of November 30, 1983, GM submitted a plan to remedy the NO_x nonconformities in 1979 GM vehicles of engine families 940B2 (3.8L only) and 940E4DVU. In a letter of January 4, 1984, EPA approved GM's remedial plan. Therefore, on January 4, 1984, EPA's approval of GM's remedial plan for 1979 engine families 940B2 (3.8L only) and 940E4DVU, became final.

11. In a letter of December 16, 1983, GM submitted a plan to remedy the CO nonconformity in 1979 GM Chevette vehicles of engine family 910W2 with automatic transmission and L-17 base engine only. EPA conditionally approved this plan in a letter dated January 24, 1984, as a remedy for the CO nonconformity in this engine family, pending modifications. EPA's approval of GM's remedial plan for 1979 Chevettes of engine family 910W2 with automatic transmission and L-17 base engine option became final when GM substantially complied with EPA's requested modifications.

12. In a letter of February 4, 1984, GM submitted a combined plan to remedy the NO_x nonconformities of 1979 GM vehicles in engine family 920X2EU and 1980 GM vehicles in engine family 02S4V. The proposed plan involved offsetting the nonconformity of these engine families through the production of certain 1984 and later model year vehicles designed to meet a standard more stringent than the statutory standard. EPA disapproved this plan in a letter dated March 1, 1984. GM was also encouraged in this letter to submit a plan within 20 days to repair, at its expense, vehicles of engine families 920X2EU and 02S4V. GM failed to submit such a plan. Therefore, on March 21, 1984, EPA's disapproval of GM's remedial plan for 1979 engine family 920X2EU and 1980 engine family 02S4V became final.

13. In a letter of May 13, 1983, GM submitted a plan to remedy the NO_x nonconformity in 1978 GM vehicles of engine family 810A2F and 1979 GM vehicles of engine family 910A2F. This plan was subsequently revised several times. In a letter of January 4, 1984, EPA approved GM's remedial plan, conditioned upon incorporation of certain modifications. EPA's approval of GM's remedial plan for 1978 engine family 810A2F and 1979 engine family 910A2F became final when GM assented to EPA's requested modifications.

14. On March 15, 1984, the Assistant Administrator for Air and Radiation issued a final decision that test results submitted by the Costa Mesa, California laboratories of Albert Mardikian Engineering, Inc. (AME) are generally unreliable and lack integrity. As a result of this determination, the Assistant Administrator informed AME that it would not place AME on a list of laboratories deemed capable of conducting a Federal emissions test and that it would not accept for purposes of demonstrating compliance with EPA's imports regulations, test results from AME's Costa Mesa laboratories. Specifically, EPA would not accept test results for imported vehicles which had not received releases of the EPA obligation on the importation bond. Letters dated April 10, 1984, rejecting such test results were subsequently mailed to individual vehicle owners which had vehicles tested by AME. Moreover, the Assistant Administrator stated that future test results would not be accepted until AME had demonstrated to EPA that its test results would be and would continue to be reliable. Therefore, on March 15, 1984, the Assistant Administrator's decisions regarding AME became final.

Dated: May 25, 1984.

Richard D. Wilson,

Director, Office of Mobile Sources.

[FR Doc. 84-14486 Filed 5-30-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-707-DR]

Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of

Virginia (FEMA–707–DR), dated May 23, 1984, and related determinations.

DATE: May 23, 1984.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

Notice: Notice is hereby given that, in a letter of May 23, 1984, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended, (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288) as follows:

I have determined that the damage resulting from severe storms and flooding in certain areas of the Commonwealth of Virginia beginning on May 6, 1984, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93–288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Alfred A. Hahn of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Virginia to have been affected adversely by this declared major disaster:

Buchanan and Dickenson Counties for Public Assistance and Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718–02)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 84–14469 Filed 5–30–84; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

Central Bancshares of the South, Inc.; Applications to Engage de novo in Nonbanking Activities

The company listed in this notice has filed applications under § 225.23(a)(3) 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 engage *de novo* through national bank subsidiaries in deposit-taking, including the taking of demand deposits, and other activities specified below. The proposed subsidiaries will not engage in commercial lending transactions as defined in Regulation Y. The Board has determined by order that such activities are closely related to banking. *U.S. Trust Company* (70 Federal Reserve Bulletin 371 (1984)). Although the Board is publishing notice of these applications, under established Board policy the record of the applications will not be regarded as complete and the Board will not act on the applications unless and until a preliminary charter for each proposed national bank subsidiary has been submitted to the Board.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the applications have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the applications must be received at the Federal Reserve Bank or the offices of the Board of Governors not later than June 14, 1984.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Central Bankshares of the South, Inc.*, Birmingham, Alabama; to engage in deposit-taking, consumer and mortgage lending (1–4 family dwellings only), trust, investment advisory and other banking services, through the following national bank subsidiaries: Central Bank of the South-Ft. Lauderdale, N.A., Ft. Lauderdale, Florida; Central Bank of the South-Orlando, N.A., Orlando, Florida; and Central Bank of the South-Maryland, N.A., Kensington, Maryland.

Board of Governors of the Federal Reserve System, May 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–14495 Filed 5–30–84; 8:45 am]

BILLING CODE 6210–01–M

Charter 17 Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the officers of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 21, 1984.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Charter 17 Bancorp, Inc.*, Richmond, Indiana; to acquire 22 percent of the voting shares of Northwest National Bank, Rensselaer, Indiana.

2. *Liberty Bancorp, Inc.*, Broadview, Illinois; to become a bank holding company by acquiring 87 percent of the

voting shares of Liberty Bank, Broadview, Illinois.

3. *Americorp Financial, Inc.*, Rockford, Illinois; to acquire 80 percent of the voting shares of First National Bank and Trust Company of Pekin, Pekin, Illinois.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Farmers Bank Holding Company*, Bardstown, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers Bank & Trust Company, Bardstown, Kentucky.

2. *Schmid Bros. Investment Company, Inc.*, St. Louis, Missouri and Financial Bancshares, Inc., St. Louis, Missouri; to acquire 96 percent of the voting shares of Bank of Illmo, Scott City, Missouri.

C. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Citizens Bancshares of Woodville, Inc.*, Woodville, Wisconsin; to become a bank holding company by acquiring 98.78 percent of the voting shares of Citizens State Bank of Woodville, Woodville, Wisconsin.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoening, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Neodesha Bancshares, Inc.*, Neodesha, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank of Neodesha, Neodesha, Kansas.

2. *Fourth National Corporation*, Tulsa, Oklahoma; to acquire 100 percent of the voting shares of United Bancshares, Incorporated, Tulsa, Oklahoma, thereby indirectly acquiring United Bank, Tulsa, Oklahoma.

Board of Governors of the Federal Reserve System, May 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-14496 Filed 5-30-84; 8:45 am]

BILLING CODE 6210-01-M

First Exchange 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 19, 1984.

A. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Exchange Corp.*, Jackson, Missouri; to engage *de novo* in the activities of real estate appraisal. This activity will be conducted in the States of Missiour, Illinois, Kentucky, and Arkansas.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Interstate Bancorp*, Los Angeles, California; to engage *de novo* through its subsidiary, First Interstate Public Finance Company, Los Angeles, California in the activities of underwriting and dealing in bank eligible securities and providing consultation services in connection therewith.

Board of Governors of the Federal Reserve System, May 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-14497 Filed 5-30-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration

[Docket No. 84M-0164]

Wesley-Jessen; Premarket Approval of the DURASOFT® 3 (Phemfilcon A) Extended Wear Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the DURASOFT® 3 (phemfilcon A) Extended Wear Hydrophilic Contact Lens sponsored by Wesley-Jessen, Chicago, IL. After reviewing the recommendation of the Ophthalmic Devices Panel (formerly Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel), FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by July 2, 1984.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) (HFZ-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On July 7, 1983, Wesley-Jessen, Chicago, IL 60603, submitted to FDA an application for premarket approval of DURASOFT® 3 (phemfilcon A) Extended Wear Hydrophilic Contact Lens. The lens is indicated for up to 14 days of continuous wear between cleaning and disinfection (extended wear) by persons with eyes that are nondiseased, not-aphakic, have no more than 2.00 diopters (D) of astigmatism, and require a spherical lens in the power range from −20.00 D to +6.00 D for the correction of nearsightedness (myopia) or farsightedness (hyperopia). The lens is to be disinfected using either a heat (thermal) or a chemical (not heat) disinfection system. The application was reviewed on November 18, 1983, by the then Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat;

and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. (On April 14, 1984, the Ophthalmic; Ear, Nose, and Throat, and Dental Devices Panel was terminated. Concurrently, FDA established the Ophthalmic Devices Panel (see 49 FR 17446; April 24, 1984).) On April 24, 1984, FDA approved the application by letter to the sponsor from the Director of the Office of Device Evaluation of the Center for Devices and Radiological Health.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), contact lenses made of polymers other than polymethylmethacrylate (PMMA) and solutions for use with such contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), contact lenses made of polymers other than PMMA and solutions for use with such lenses are now regulated as class III medical devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of contact lenses made of polymers other than PMMA or solutions for use with such lenses comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310), until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based in on file with the Dockets Management Branch (address above) and is available upon request from the office. A copy of all approved draft labeling is available for public inspection at the Center of Devices and Radiological Health—contract Charles H. Kyper (HFZ–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the DURASOFT® 3 (phemfilcon A) Extended Wear Hydrophilic Contact Lens states that the lenses are to be used only with certain solutions for disinfection and other purposes. This restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contract lenses. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions the FDA approves for use with approved contact lenses made of polymers other than PMMA. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–647). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lense under section 515(e)(1)(F) of the act (21 U.S.C. 36e(e)(1)(F). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 2, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of the document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Mondary through Friday.

Dated: May 24, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–14456 Filed 5–30–84; 8:45 am]

BILLING CODE 4169–01–M

National Institutes of Health

Laboratory Animal Welfare: Proposed Public Health Service Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions

AGENCY: National Institutes of Health.

ACTION: Notice of availability of proposed PHS policy for public comment, and notice of open hearings to be conducted on the proposed PHS policy.

SUMMARY: In a special edition of the NIH Guide for Grants and Contracts, Vol. 13, No. 5, April 5, 1984, the Public Health Service (PHS) proposed to amend the PHS Extramural Animal Welfare Policy as originally specified in DHEW Grants Administration Manual Chapter 1–43, "Animal Welfare." Written comments on the Policy were requested. The preamble to the proposed PHS policy also announced that the PHS intends to hold three open hearings to give the public an opportunity to comment orally on the proposed policy. This notice is intended to inform interested parties and individuals of the availability of the proposed PHS policy for public comment, and to announce the dates, times and places of the three open hearings.

ADDRESS: Please send requests for copies of the proposed PHS policy, written comments on the proposed PHS policy, and requests to speak at the open hearings to: Ms. Carol Young, Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 4B09, Bethesda, Maryland 20205. All comments received will be available for inspection weekdays (Federal holidays excepted) between the hours of 9:00 a.m. and 4:30 p.m. at this address.

SUPPLEMENTARY INFORMATION: Notice is hereby given of three open hearings to be conducted on the proposed PHS Policy on Humane Care and Use of Animals by Awardee Institutions. The

purpose of the hearings is to permit interested parties an opportunity to present their comments on the proposed changes and requirements. All hearings will be open to the public, subject to the limitation of available space. The schedule for the hearings is as follows:

July 19, 1984

Federal Office Building, Room 140, 601 East 12th Street, Kansas City, Missouri

July 24, 1984

John F. Kennedy Federal Building, Government Center, Room 2003, Boston, Massachusetts

August 2, 1984

Third and Broad Building, 2901 Third Avenue, Room 180, Seattle, Washington

All hearings will convene at 9:00 a.m. Any person wishing to speak at a hearing should file a written request and receive prior confirmation from the Office for Protection from Research Risks. Requests to speak will be granted on a first-come first-serve basis. Copies of presentations may be submitted for the record. Oral presentations will be limited to ten minutes. Requests to speak at hearings should be received at least 10 days prior to the hearing at the following address: Ms. Carol Young, National Institutes of Health, Building 31, Room 4B09, Bethesda, Maryland 20205. Written materials of any length may be submitted.

Dated: May 21, 1984.

Joseph E. Rall,

Acting Director, National Institutes of Health.

[FR Doc. 84-14461 Filed 5-30-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Privacy Act of 1974; System of Records

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

ACTION: Notification of a proposal to add routine uses to the following three systems of records:

09-30-0027, "Grants and Cooperative Agreements: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Service, HHS/ADAMHA/PA."

09-30-0023, "Records of Contracts Awarded to Individuals, HHS/ADAMHA/OA."

09-30-0031, "Saint Elizabeths Hospital Management Information Reporting System, HHA/ADAMHA/NIMH."

SUMMARY: In accordance with the requirements of the Privacy Act and the Debt Collection Act of 1982 (Pub. L. 97-365), the Public Health Service (PHS) is publishing a notice of a proposal to expand one routine use and to add one routine use to three systems of records in the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA). We are adding a further routine use to system of records 09-30-0031 only.

PHS invites interested persons to submit comments on the proposed routine uses on or before July 2, 1984.

DATE: ADAMHA will adopt the new routine uses without further notice 30 days after the date of publication (July 2, 1984), unless comments are received which would result in a contrary determination.

ADDRESS: Please address comments to: Ms. Betty J. Cook, Privacy Act Officer, ADAMHA, Room 6C-02, 5600 Fishers Lane, Rockville, MD 20857.

Comments received will be available for inspection at the same address from 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Kent Auguston, Division of Financial Management, ADAMHA, Room 12C-10, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-2094. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: ADAMHA has awarded National Research Service Awards since 1975 under Section 472 of the Public Health Service Act (PHSA) (42 U.S.C. 2891-1), and clinical traineeships under Section 303 of the PHSA (42 U.S.C. 242a), as amended. The recipients of the awards are required to pay back their training support through service by engaging in research/teaching or working in a clinical setting. In exceptional cases where the individual does not/can not pay back through service, financial compensation must be made to the Government in the amount determined in accordance with a recovery formula specified in the legislation. Records pertaining to those individuals are found in Privacy Act system of records, 90-30-0027, "Grants and Cooperative Agreements: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships Clinical Training, Community Services, HHS/ADAMHA/OA."

A second system of records, 09-30-0023, "Records of Contracts Awarded to Individuals, HHS/ADAMHA/OA," contains information on contractors furnishing administrative or miscellaneous services. These procurements were made under Section 301 of the PHSA.

A third system of records, 09-30-0031, "Saint Elizabeths Hospital Management Information Reporting System, HHS/ADAMHA/NIMH," is used for patient billing and the generation of special and recurrent reports for a variety of program management and research purposes. The authority for this system is 24 U.S.C. 161, *et seq.*

On January 27, 1984, ADAMHA published a routine use in these systems of records which permits the disclosure, under the authority of subsection (b)(3) of the Privacy Act, of personal information such as debtor's address to debt collection agencies for the purpose of locating such debtors to collect debts owned to the Federal Government. The current publication revises and expands that routine use to permit disclosure to another Federal agency so that agency can effect a salary offset; to another Federal agency so that agency can effect an administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to, or held on behalf of the individual); to the Treasury Department to request an individual's mailing address; to agents of the Department and to other third parties to help locate an individual in order to help collect or compromise a debt; or to the Justice Department for litigation or further administrative action.

However, prior to making any actual disclosures under this routine use, ADAMHA will take the following due process steps: Verify the existence of the debt, take reasonable action to locate an individual to send written notice to the debtor that the claim is overdue, that the agency intends to disclose information to debt collection agencies, or consumer reporting agencies, of what the disclosure(s) will consist, and what his/her rights are with respect to the claim as set forth in Guidelines issued by the Office of Management and Budget (48 FR 15556 and at page 15559, April 11, 1983). For example, ADAMHA will allow the debtor to examine agency documentation of the debt, provide for the debtor to seek agency review of the debt; and provide an opportunity for the individual to enter into a written agreement satisfactory to the agency for repayment of any outstanding debts.

Furthermore, disclosures to agents of the Department and to other third parties will be limited to the individual's name, address, Social Security number, and other information necessary to identify him/her. Disclosures to others

listed above will be limited to those items; the amount, status, and history of the claim; and the agency or program under which the claim arose.

The new routine use, added to all three systems of records, will permit disclosure to another Federal agency that has asked the Department to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States. Disclosure under this routine use is limited to: Name, address, Social Security number, and other information necessary to identify the individual, information about the money payable to or held for the individual, and other information concerning the administrative offset.

In addition, we are adding a further routine use to system of records 09–30–0031, Saint Elizabeths Hospital is preparing to contract for billing and collection services, which will require contractor access to this system. ADAMHA will train contractor personnel in Privacy Act requirements related to handling information in this system, and will require the contractor to maintain Privacy Act safeguards with respect to these records. The Safeguards section has been augmented accordingly. ADAMHA will monitor compliance with these requirements.

We are also revising language in all three systems in the Notification Procedure section to inform readers on accounting for disclosures and in the Contesting Record Procedures section to clarify the procedure.

The three system notices were last published in the **Federal Register** (49 FR 3533–3540), January 27, 1984.

We are publishing all three notices in their entirety below to incorporate the proposed changes, which are printed in italics for ready identification.

Dated: May 17, 1984.

Peter J. Bensano,

Acting Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-30-0023

SYSTEM NAME:

Records of Contracts Awarded to Individuals. HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute on Drug Abuse, Contracts Management Branch, Room 10–49, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

National Institute on Alcohol Abuse and Alcoholism, Contracts Management Branch, Room 14–C–06, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

National Institute of Mental Health, Contracts Management Branch, OPS, Room 18–101, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

Procurement Section, Saint Elizabeths Hospital, Washington, D.C. 20032.

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

An individual who receives a contract as well as individuals who apply or compete for an award but do not receive the award and their consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Curriculum vitae, salary information, evaluations of proposals by contract review committees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301 (42 U.S.C. 241 and 41 U.S.C. 252(c)). NIDA: Drug Abuse Prevention, Treatment and Rehabilitation Act, Sections 410 and 501 (21 U.S.C. 1177 and 1191). NIAAA: Community Mental Health Centers Act, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 Sections 101 and 311 (42 U.S.C. 4551 and 4577). NIMH: Public Health Service Act Section 455 (42 U.S.C. 289(k-l)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

PURPOSE(S):

To document the history of each contract procurement action and award made within ADAMHA to an individual. The records are also used by contract review committee members when evaluating a proposal submitted by an individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. In the event of litigation where the defendent is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claims, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employees in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. A record from this system may be disclosed to the following entities in order to help collect a debt owed the United States:

(a) To another Federal agency so that agency can effect a salary offset;

(b) To another Federal agency so that agency can effect an administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to, or held on behalf of, the individual);

(c) To the Treasury Department to request his/her mailing address under I.R.C. 6103(m)(2) in order to locate him/her or in order to have a credit report prepared;

(d) To agents of the Department and to other third parties to help locate him/her in order to help collect or compromise a debt;

(e) To debt collection agents under 31 U.S.C. 3718 or under common law to help collect a debt; and

(f) To the Justice Department for litigation or further administrative action.

Disclosure under part (d) of this routine use is limited to the individual's name, address, Social Security number, and other information necessary to identify him/her. Disclosure under parts (a)–(c) and (e) is limited to those items; the amount, status, and history of the claim; and the agency or program under which the claim arose. An address obtained from IRS may be disclosed to a credit reporting agency under part (d) only for purposes of preparing a commercial credit report on the individual. Part (a) applies to claims or debts arising or payable under the Social Security Act if and only if the employee consents in writing to the offset.

4. ADAMHA may disclose information from its records in this system to consumer reporting agencies in order to obtain credit reports to verify credit worthiness of contract applicants. Permissible disclosures include name, address, Social Security Number or other information necessary to identify the individual; the funding being sought; and the program for which the information is being obtained.

5. When a debt becomes partly or wholly uncollectable, either because the time period for collection under the statute of limitations has expired or because the Government agrees with the individual to forgive or compromise the debt, a record from this system of records may be disclosed to the Internal Revenue Service to report the written-off amount as taxable income to the individual.

6. A record from this system may be disclosed to another Federal agency that has asked the Department to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States.

Disclosure under this routine use is limited to: Name, address, Social Security number, and other information necessary to identify the individual, information about the money payable to or held for the individual, and other information concerning the administrative offset.

DISCLOSURES TO CONSUMER REPORTING AGENCIES

Disclosures pursuant to 5 U.S.C. 522a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of such disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Information disclosed will be limited to name, social security number, address, other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. Such disclosures will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Documents filed in folders in enclosed and/or locked file cabinets

RETRIEVABILITY:

By contract number and cross-indexed by individual's name.

SAFEGUARDS:

Released only to authorized Federal contract and support personnel. These safeguards are in accordance with DHHS Chapter 45–13 and supplementary chapter PHS.hf 45–13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records are retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

National Institute on Drug Abuse, Chief, Contracts Management Branch, OPS, Room 10–49, Parklawn Building, 5600 Fishers Lane Rockville, Maryland 20857.

National Institute on Alcohol Abuse and Alcoholism, Chief, Contracts Management Branch, Room 14–C–06, Parklawn Building 5600 Fishers Lane, Rockville, Md 20857

National Institution of Mental Health, Chief, Contracts Management Branch, Room 18-101, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857

Procurement Officer, Saint Elizabeths Hospital, Washington, D.C. 20032

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the appropriate System Manager at the address above. An individual may learn if a record exists about himself/herself upon written request with notarized signature. The request should include, if known, contractor's name, contract number, and approximate date contract was awarded. An individual may also request accounting of disclosures that have been made of his/her record, if any.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record, specify the information being contested, the corrective action sought, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Contract proposals and supporting contract documents, contract review committees, site visitors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–30–0027

SYSTEM NAME:

Grants and Cooperative Agreements: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Services, HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute on Drug Abuse, Grants Management Branch, Room 10–29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20857

National Institute on Alcohol Abuse and Alcoholism, Grants Management Branch, Room 16–86, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

National Institute of Mental Health, Grants Management Branch, OPS, Room 7C–26 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principal investigation, program directors, trainees, fellows, research scientist development awardees, and other employees of applicant or grantee institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant and cooperative agreement applications and review history, including curriculum vitae, salary information, summary of review committee deliberations and supporting documents, progress reports, financial records, payback records of research training awardees (i.e., recipients under the National Research Services Awards Programs), and payback records of clinical training awardees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301 (42 U.S.C. 241) Public Health Service Act, Section 410, Drug Abuse Prevention, Treatment, and Rehabilitation Act (42 U.S.C. 1177), Section 301 (42 U.S.C. 241) and Section 303 (42 U.S.C. 242a); Public Health Service Act, Sections 101, 311, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act (42 U.S.C. 4591), Sections 301, 303, 433(a), 455, and 472(a)(1)(a), Public Health Service Act (42 U.S.C. 241, 242a, 289C, 289k–1 and 289l–1), and Federal Grant and

Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.).

PURPOSE(S):

Records are maintained as official documentation relevant to the review, award, and administration of grant programs. Specifically, records are: 1. Used by staff program and management specialists for purpose of awarding and monitoring grant funds; 2. used to maintain communication with former trainees/fellows who have incurred an obligation for research training under the National Research Service Awards Program (42 U.S.C. 289l–1) or for clinical training (42 U.S.C. 242a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Referrals may be made of assignments of research investigators and project monitors on specific research projects to the National Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange.

2. Disclosure may be made to qualified experts not within the definition of Department employees for opinion during the application review process.

3. Disclosure may be made to ADAMHA contractors for the purpose of carrying out quality assessment, program evaluation, and management reviews. Contractors are required to maintain Privacy Act safeguards with respect to the records.

4. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal (e.g., the Department of Justice) or State (e.g., the State's Attorney's Office), charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto for litigation.

5. Disclosure may be made to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issue of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

6. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

7. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

8. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice of enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

9. A record from this system may be disclosed to the following entities in order to help collect a debt owed the United States:

(a) To another Federal agency so that agency can effect a salary offset;

(b) To another Federal agency so that agency can effect an administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to, or held on behalf of, the individual);

(c) To the Treasury Department to request his/her mailing address under I.R.C. 6103(m)(2) in order to locate him/her or in order to have a credit report prepared;

(d) To agents of the Department and, to other third parties to help locate him/her in order to help collect or compromise a debt;

(e) To debt collection agents under 31 U.S.C. 3718 or under common law to help collect a debt; and

(f) To the Justice Department for litigation or further administrative action.

Disclosure under part (d) of this routine use is limited to the individual's name, address, Social Security number, and other information necessary to identify him/her. Disclosure under parts (a)–(c) and (e) is limited to those items: the amount, status, and history of the claim; and the agency or program under which the claim arose. An address obtained from IRS may be disclosed to a credit reporting agency under part (d) only for purposes of preparing a commercial credit report on the individual. Part (a) applies to claims or debts arising or payable under the Social Security Act if and only if the employee consents in writing to the offset.

10. ADAMHA may disclose information from its records in this system to consumer reporting agencies in order to obtain credit reports to verify credit worthiness of grant/cooperative agreement applicants. Permissible disclosures include name, address, Social Security Number or other information necessary to identify the individual; the funding being sought; and the program for which the information is being obtained.

11. When a debt becomes partly or wholly uncollectable, either because the time period for collection under the statute of limitations has expired or because the Government agrees with the individual to forgive or compromise the debt, a record from this system of records may be disclosed to the Internal Revenue Service to report the written-off amount as taxable income to the individual.

12. A record from this system may be disclosed to another Federal agency that has asked the Department to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States.

Disclosure under this routine use is limited to: Name, address, Social Security number, and other information necessary to identify the individual, information about the money payable to or held for the individual, and other information concerning the administrative offset.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit

Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of such disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Information disclosed will be limited to name, social security number, address, other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. Such disclosures will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Noncomputerized documents are filed in folders in enclosed file cabinets and open shelves. Information on 3 x 5 cards in file cabinets. Computerized records exist in tape and disk form.

RETRIEVABILITY:

By grant by numbers and cross-indexed by name.

SAFEGUARDS:

Personnel authorized to have access to the files are limited to: The chief of the Grants Management Branch and staff authorized by him/her: Grants specialists, grants technicians, program officials, assigned computer personnel and possible contractor staff including the project director and research associates. Computerized records are password protected; passwords are changed from time to time. Contractors working on computerized records are given passwords to access data only on a need to know basis. Computerized records are maintained in a secured area. During normal work hours, this area is staffed by authorized personnel who must show identification for entry. At other times, the computer area is locked. Hard copy files are stored in rooms which are locked at night. There is 24-hour guard patrol in the building. These safeguards are in accordance with DHHS Chapter 45–13, and supplementary Chapter PHS.hf: 45–13 in the General Administrative Manual, and Part 6, "ADP System Security" in the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are retired to a Federal Records Center two years after termination of support and the completion of final audit.

SYSTEM MANAGER(S) AND ADDRESS:

National Institute on Drug Abuse, Chief, Grants Management Branch, OA, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857

National Institute on Alcohol Abuse and Alcoholism, Chief, Grants Management Branch, Room 16–86, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857

National Institute of Mental Health, Chief, Grants Management Branch, Room 7C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address. Verifiable proof of identify is required. An individual may also request accounting of disclosures that have been made of his/her record, if any.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought, and should provide the official grant number when possible.

CONTESTING RECORD PROCEDURES:

Contact the appropriate system manager at the address specified above and reasonably identify the record, specify the information being contested, and state the corrective action sought, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Applicants, grantees, fellows, trainees, personnel at grantee institution on whom the record is maintained, Federal advisory committees, site visitors, consultants, references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–30–0031

SYSTEM NAME:

Saint Elizabeths Hospital Management Information Reporting System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Management Information Reporting Branch, Saint Elizabeths Hospital, Administration Building. Billing records may also be located at contractor sites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and Current Patients.

CATEGORIES OF RECORDS IN THE SYSTEM:

Patient name, hospital number, demographic and individual characteristics, tracking of patient movement and billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq., Organic Act

PURPOSE(S):

Data is used for patient billing and debt collection and to generate special and recurring reports for administrators, health professionals, managers, and researchers for their program management, planning, analysis, evaluation and research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information is disclosed to D.C. Mental Health Areas for continuity of care, after care and community follow-up.

2. A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has resented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit or (D) when required by law:

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by, these provisions.

3. Data is provided to volunteers involved in the treatment process of the hospital.

4. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of the individual.

5. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

6. A record from this system may be disclosed to the following entities in order to help collect a debt owed the United States:

(a) To another Federal agency so that agency can effect a salary offset;

(b) To another Federal agency so that agency can effect an administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to, or held on behalf of, the individual);

(c) To the Treasury Department to request his/her mailing address under I.R.C. 6103(m)(2) in order to locate him/her or in order to have a credit report prepared;

(d) To agents of the Department and to other third parties to help locate him/her in order to help collect or compromise a debt;

(e) To debt collection agents under 31 U.S.C. 3718 or under common law to help collect a debt; and

(f) To the Justice Department for litigation or further administrative action.

Disclosure under part (d) of this routine use is limited to the individual's name, address, Social Security number, and other information necessary to identify him/her. Disclosure under parts (a)–(c) and (e) is limited to those items; the amount, status, and history of the claim; and the agency or program under which the claim arose. An address obtained from IRS may be disclosed to a credit reporting agency under part (d) only for purposes of preparing a commercial credit report on the individual. Part (a) applies to claims or debts arising or payable under the Social Security Act if and only if the employee consents in writing to the offset.

7. ADAMHA may disclose information from its records in this system to consumer reporting agencies in order to obtain credit reports to assess the ability of delinquent debtors to repay their debts. Permissible disclosures include name, address, social security number or other information necessary to identify the individual; the amount of debt; and the program for which the information is being obtained.

8. When a debt becomes partly or wholly uncollectable, either because the time period for collection under the statute of limitations has expired or because the Government agrees with the individual to forgive or compromise the debt, a record from this system of records may be disclosed to the Internal Revenue Service to report the written-off amount as taxable income to the individual.

9. A record from this system may be disclosed to another Federal agency that has asked the Department to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States. Disclosure under this routine use is limited to: name, address, Social Security number, and other information necessary to identify the individual, information about the money payable to or held for the individual, and other information concerning the administrative offset.

10. An ADAMHA contractor routinely uses the records in this system to perform billing and collecting services for Saint Elizabeths Hospital. The contractor is required to maintain Privacy Act safeguards with respect to these records.

DISCLOSURES TO CONSUMER REPORTING AGENCIES

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consummer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of such disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Information disclosed will be limited to name, social security number, address, other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. Such disclosures will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been met.

RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Saint Elizabeths Hospital forms, file folders, punch cards and magnetic tape.

RETRIEVABILITY:

Hospital case number, name, predetermined codes. Some subsystems kept in chronological order.

SAFEGUARDS:

Employee and contractor training in Privacy Act compliance, restricted access to offices and computer room; and rooms locked at night. For computerized records there is a password system in effect. Contractors and researchers are instructed to make no further disclosure of the records except as authorized by the system manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts and in agreements with researchers. Responsible ADAMHA officials oversee compliance with these requirements. These safeguards are in accordance with DHHS chapter 45–13 and Supplementary Chapter PHS.hf: 45–13 in the General Administration Manual and Part 6, "ADP System Security" in the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Record Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Management Information Reporting Branch, Administration Bldg, St. Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

A patient or former patient may learn if a record exists upon written request, with notarized signature, directed to: Privacy Act Corrdinator, Management Information Reporting Branch, Administration Bldg., Saint Elizabeths Hospital. Washington, D.C. 20032.

All of the following information must be provided:

(a) Full name;

(b) Approximate dates of enrollment at Saint Elizabeths Hospital;

(c) The nature of the material desired. A parent or guardian who requests notification of a childs/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, must be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

An individual may also request accounting of disclosures that have been made of his/her record, if any.

RECORD ACCESS PROCEDURES:

Same as notification procedures:

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record, specify the information being contested the corrective action sought, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Saint Elizabeths Hospital forms prepared by staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-14458 Filed 5-30-84; 8:45 am]
BILLING CODE 4160-20-M

Saint Elizabeths Hospital

Circular A-76 Review

SUMMARY: In Accordance with the requirements of the Office of Management and Budget, Circular A-76 as revised August, 1983, and the General Administration Manual (GAM) Chapter 18-10-100 (3), Saint Elizabeths Hospital announces the following activities and schedule of review for the activities identified.

The A-76 process will begin review of four (4) activities at Saint Elizabeths Hospital on June 30, 1984 or shortly thereafter. The following four (4) activities will be studied: (1) Blackburn Laboratory, (2) Pharmacy services, (3) Construction Section, (4) Medical and Surgical Support Programs (including General Medical Officers and Employee Health).

The present method of performance of activities identified above is in-house. As part of the A-76 process, Saint Elizabeths Hospital plans to evaluate the economies that are possible through contracting out. Accordingly, bids for the activities specified above will be solicited at a later date.

The results of these studies are expected to be announced in July of 1985.

Joan Mason,

Contract Specialist.

[FR Doc. 84-14460 Filed 5-30-84; 8:45am]
BILLING CODE 4170-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Preliminary Recommendations for the Western Counties; Wilderness Study Areas and Availability of the Supplemental Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability on the Supplemental Draft Western Counties Wilderness Environmental Impact Statement (EIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and Section 603(a) of the Federal Land Policy and Management Act of 1976, the Department of the Interior has prepared a Supplemental Draft Environmental Impact Statement examining the preliminary wilderness recommendations for five Wilderness Study Areas (WSAs) totaling 30,881 acres of public land administered by the Bureau of Land Management in the California Desert District, Southern California Metropolitan Project Area, California. The supplement was prepared in response to public comments received on the draft EIS which resulted in the Bureau changing its previous wilderness recommendations. The new proposed action recommends 360 acres as suitable and 30,521 acres as nonsuitable for wilderness designation. Special management attention would be provided for sensitive plant species through designation of 16,390 acres as an Area of Critical Environmental Concern.

Alternatives consider all wilderness (30,881 acres suitable), partial wilderness A (22,522 acres suitable), partial wilderness B (17,772 acres suitable) and no wilderness (no action).

Major issues identified as significant include wilderness values, recreation use, fire control, mineral exploration and development, sensitive plants, and national security.

Comments on the supplemental draft environmental impact statement are being solicited from public agencies and interested individuals and organizations.

Copies of the supplemental draft Western Counties Environmental Impact Statement are available for review at the following locations:

California Desert District Office, Bureau of Land Management, 1695 Spruce Street, Riverside, CA 92507, Telephone: (714) 351-6394.

California State Office, Bureau of Land Management, 2800 Cottage Way, Room E-2841, Sacramento, CA 95825, Telephone: (916) 484-4541.

Public Affairs, Bureau of Land Management, Interior Building, 18th & C Streets, NW., Washington, D.C. 20240, Telephone: (202) 343-5717.

A limited number of single copies of the statement can be obtained by contacting the California State Director or District Manager at the above addresses.

DATE: The public comment period is open for 90 days through September 5, 1984. Comments received or postmarked after that date may not be considered in the final environmental impact statement.

ADDRESSES: Written comments may be sent to the District Manager, California Desert District Office, 1695 Spruce Street, Riverside, California 92507.

FOR FURTHER INFORMATION CONTACT: Bill Haigh, CDD Office, telephone (714) 351-6428 or Bill Payne, California State Office, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4541.

Dated: May 22, 1984.

Rom Hofman,

Associate State Director.

[FR Doc. 84-14499 Filed 5-30-84; 8:45 am]
BILLING CODE 4310-84-M

[A-19164]

Realty Action; Exchange; Federal Minerals in Mohave County, Arizona

SUMMARY: The Federal mineral estate on the following described land has been determined to be available 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. 39 N., R. 5 W.,
Sec. 5, lots 1 to 4 inclusive, S½N½, S½
Sec. 6, lots 1, 2, 3, 6, and 7, S½NE¼, SE¼ NW¼, E½SW¼, SE¼
Sec. 10.
T. 39 N., R. 6 W.,
Sec. 14, NW¼, S½
Sec. 29.
T. 40 N., R. 5 W.,

Sec. 17.
T. 40 N., R. 6 W.,
Sec. 8, NE¼NW¼, S½NW¼, SW¼, E½
Sec. 30, lots, 1 to 4 inclusive, E½W½, E½
Sec. 31, lots 1 to 4 inclusive, NE¼NE¼, S½ NE¼, SE¼NW¼, E½SW¼, SE¼.
Comprising 5,377.97 acres, more or less.

In exchange for all or part of the above described 5,377.97 acres of the federal mineral estate, the Sate of Arizona offers 5,256.80 acres, more or less, of Arizona State-owned mineral estate located in the proposed Arizona Strip Wilderness Bill in the mountainous areas north of the Colorado River, Arizona.

The purpose of the exchange is to acquire the non-federal mineral estate thereby uniting the public split-estate within proposed wilderness areas in Arizona north of the Colorado River.

The purpose of this Notice of Realty Action is two-fold. First, this action will provide a response period of forty-five (45) days during which public comments will be accepted. Secondly, this action as provided in 43 CFR 2201.1(b) shall segregate the federal minerals, as described in this Notice, to the extent that they will not be subject to appropriation under the mining laws, subject to any prior valid rights and excluding the mineral leasing laws. The segregative effects shall terminate either upon publication in the **Federal Register** of a termination of the segregation or if after two years from the date of this publication, the exchange is not consummated, whichever occurs first. This action is necessary to avoid the occurrence of nuisance mining claims that could encumber the federal minerals while the preparation of an environmental assessment and mineral report are ongoing.

Upon completion of environmental assessment, a final Notice of Realty Action will be published. The Notice will provide a final description of the federal and state mineral estate to be transferred, including reservations.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange proposal, including a listing of the offered state mineral estate, may be obtained from the District Manager, Arizona Strip District, 196 East Tabernacle, St. George, Utah 84770, or the Arizona State Land Commissioner, Arizona State Land Department, 1624 W. Adams, Phoenix, Arizona 85007.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Arizona Strip District, 196 East Tabernacle, St. George, Utah 84770.

G. William Lamb,

District Manager.

May 22, 1984.

[FR Doc. 84-14463 Filed 5-30-84; 8:45 am]

BILLING CODE 4310-84-M

[U-33470]

Realty Action; Exchange of Public Lands in Emery County, Utah

The following described public 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):

Salt Lake Base and Meridian, Emery County, Utah

T. 16 S., R. 10 E.,
Section 33, S½SE¼;
T. 17 S., R. 10 E.,
Section 4, Lots 1 and 2
Comprising 160.12 acres.

In exchange for these lands, the Federal Government would acquire the following private lands from Glen E. Jensen, P.O. Box 454, Elmo, Utah 84521, described as follows:

Salt Lake Base and Meridian, Emery County, Utah

T. 16 S., R. 11 E.,
Section 27, E½SW¼, SW¼SW¼;
Section 34, NW¼NW¼
Comprising 160.0 acres.

The purpose of the exchange is to dispose of an isolated, unmanageable tract of public land and to acquire a tract of private land surrounded primarily by public land valuable for riparian habitat. The exchange is consistent with the Bureau's planning for the lands involved and with Emery County zoning plans. The public interest would be well served by making the exchange.

The value of the lands to be exchanged is approximately equal. Acreage would be adjusted or money used to equalize the values upon completion of the final appraisal of the lands. A mineral evaluation indicated that mineral values are equal on an acre for acre basis.

The selected land would be subject to the following conditions:

1. A reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States, under the Act of August 30, 1890 (43 U.S.C. 945).

2. A reservation of all minerals to the United States together with the right to prospect for mine and remove the same.

3. A right-of-way 25 feet in width for an existing water pipeline, U-25024, issued to the Utah State Division of Wildlife Resources.

4. A right-of-way 66 feet in width for the Desert Lake Loop Road, #7109, as shown on Attachment A of the Emery County Road Construction and Maintenance Memorandum of December 22, 1980.

5. All valid existing rights.

The publication of this notice in the **Federal Register** segregates the public lands described above from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. As provided by the regulations in 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant.

Mr. Vernon R. Allred, grazing permittee on the selected land, was notified that his grazing permit and preference was cancelled effective February 29, 1984.

Detailed information concerning the exchange, including the environmental analysis, is available for review at the Moab District Office, 125 West 2nd South Main, Moab, Utah 84532.

For a period of 45 days interested parties may submit comments to the Moab District Manager, P.O. Box 970, Moab, Utah 84532. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

Dated: May 21, 1984.

Gene Nodine,

District Manager.

[FR Doc. 84-14466 Filed 5-30-84; 8:45 am]

BILLING CODE 4310-DQ-M

[W-80965, W-80966]

Wyoming; Proposed Continuation of Withdrawal

Correction

In FR Doc. 84-11370 beginning on page 18187 in the issue of Friday, April 27, 1984, on page 18187, in the third column, in the eleventh line from the bottom, "W½W½" should read "W½W½,".

BILLING CODE 1505-01-M

Minerals Management Service

Development Operations Coordination Document; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4888, Block 292, South Timbalier Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on May 21, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Williamson, Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838-0874.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: May 21, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-14517 Filed 5-30-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-166 (Final)]

Bicycle Tires and Tubes from Taiwan

Determinations

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that industries in the United States are materially injured [3] by reason of imports from Taiwan of bicycle tires and tubes, provided for in items 772.48 and 772.57, respectively, of the Tariff Schedules of the United States, which were found by the Department of Commerce to have been sold in the United States at less than fair value (LTFV).

Background

The Commission instituted the investigation effective January 20, 1984, as a result of a redetermination by the Department of Commerce that imports of bicycle tires and tubes from Taiwan were being or were likely to be sold in the United States at LTFV.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting a copy of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on February 15, 1984 (49 FR 5837). The hearing was held in Washington, D.C. on April 17, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission voted on this investigation in public session on May 14, 1984.

The Commission transmitted its report on this investigation to the Secretary of Commerce on May 21, 1984. A public version of the report, *Bicycle Tires and Tubes from Taiwan* (investigation No. 731-TA-166 (Final), USITC Publication 1532, 1984), contains the views of the Commission and information developed during the investigation.

Issued: May 21, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-14539 Filed 5-30-84; 8:45 am]

BILLING CODE 7020-02-M

[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Liebeler not participating.

[3] Commissioner Stern also determines that industries in the United States are threatened with material injury.

[Investigation No. 104-TAA-22]

Bottled Green Olives From Spain

Determination

On the basis of the record [1] developed in investigation No. 104-TAA-22, the Commission determines,[2] pursuant to section 104(b) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), that an industry in the United States would not be materially injured or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason of imports from Spain of bottled green olives, provided for in items 148.44, 148.48, and 148.50 of the Tariff Schedules of the United States, if the countervailing duty order covering those imports were to be revoked.

Background

The outstanding countervailing duty order on imports of bottled green olives from Spain was issued on September 12, 1974,[3] as a result of an investigation that was conducted by the Department of the Treasury in response to a petition filed by the Green Olive Trade Association.

On April 23, 1982, the Government of Spain requested that the Commission review the outstanding order, pursuant to section 104(b)(1) of the act, to determine whether an industry in the United States would be materially injured or threatened with material injury, or whether the establishment of

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioners Haggart and Liebeler did not participate.

[3] The order was published as Treasury Decision 74-234 (39 FR 32904).

an industry in the United States would be materially retarded, by reason of imports of bottled green olives from Spain if the outstanding countervailing duty order applicable to such olives were to be revoked. Accordingly, on January 19, 1984, the Commission instituted investigation No. 104–TAA–22.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on January 25, 1984 (49 FR 3147). The hearing was held in Washington, D.C., on April 9, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission voted on this investigation in public session on May 8, 1984.

The Commission transmitted its report on this investigation to the Secretary of Commerce on May 21, 1984. A public version of the report, *Bottled Green Olives from Spain* (investigation No. 104–TAA–22, USITC Publication 1531, 1984), contains the views of the Commission and information developed during the investigation.

Issued: May 21, 1984.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–14536 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–194]

Certain Aramid Fiber; Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Paul J. Luckern as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: May 18, 1984.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 84–14541 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–184]

Certain Foam Earplugs; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Stephen L. Sulzer, Esq., of the Unfair Import Investigations Division will be the Commission investigative attorney in the above-cited investigation instead of Linda L. Moy, Esq.

The Secretary is requested to publish this Notice in the **Federal Register.**

Respectfully submitted,

Dated: May 18, 1984.

David I. Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc. 84–14528 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–54B]

Certain Multicellular Plastic Film; Notice

Notice is hereby given that the prehearing conference and the hearing in this proceeding scheduled for May 30, 1984, at the Interstate Commerce Commission Building, Hearing Room 6315, 12th & Constitution Avenue, N.W., Washington, D.C. (49 FR 18793) are cancelled.

The Secretary shall publish this Notice in the **Federal Register.**

Issued: May 22, 1984.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 84–14533 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–157]

Certain Office Desk Accessories and Related Products; Commission Decision Not To Review Initial Determination Terminating Three Respondents; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination (Order No. 10) terminating Mael, Inc., Burkett's Office Supplies, Inc., and Ablegreen Co., Ltd. as a respondents to the above-captioned investigation. As these three firms are the only remaining respondents, their termination terminates the investigation.

Authority: Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.53(c) and 210.53(h).

SUPPLEMENTARY INFORMATION: On April 9, 1984, complainant Eldon Industries, Inc. filed a motion (Motion No. 157–11) to terminate respondents Mael, Inc., Burkett's Office Supplies, Inc., and Ablegreen Co., Ltd. No responses to the motion were filed. On April 23, 1984, the presiding officer issued an initial determination granting the motion. No petitions for review or agency comments were received. All respondents in this investigation have now been terminated thereby terminating the investigation.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Gracia M. Berg, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1627.

Issued: May 25, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–14537 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–157]

Certain Office Desk Accessories and Related Products; Commission Decision Not To Review Initial Determination Terminating Five Respondents on the Basis of a Consent Order Agreement; Issuance of Consent Order

AGENCY: International Trade Commission.

ACTION: Notice is hereby iven that the Commission has determined not to review the presiding officer's initial determination (Order No. 9) terminating respondents Husun's Industrial, Inc., Kensonic Industrial, Inc., Motto Industrial, Inc., Sun Office Products, Inc., and Mr. Jam Sun as respodents to the above-captioned investigation on the basis of a consent order agreement.

Authority: Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.51(a) and 210.53(h).

SUPPLEMENTARY INFORMATION: On April 9, 1984, Eldon Industries, Inc. and the Commission investigative attorney filed a joint motion (Motion No. 157–10) to terminate the investigation as to the above-named respondents on the basis of the consent order agreement of April 6, 1984, and the prior amended settlement agreement of February 14, and April 4, 1984. No responses to the motion were filed. On April 23, 1984, the presiding officer issued an initial determination granting the motion. No petitions for review or agency or public comments were received.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Gracia M. Berg, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–532–1627.

Issued: May 25, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–14538 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–176]

Certain Outboard Motors and Components Thereof; Commission Decision Not To Review Initial Determination Terminating Investigation on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review an initial determination (I.D.) to terminate this investigation on the basis of a settlement agreement.

Authority: 19 U.S.C. 1337; 19 CFR 210.53 (c) and (h).

SUPPLEMENTARY INFORMATION: Notice of the I.D. was published in the **Federal Register** of May 2, 1984, 49 FR 18793.

Copies of the I.D. and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Frank Schuchat, Esq. Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0421.

Issued: May 18, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–14543 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–193]

Certain Rowing Machines and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: May 18, 1984.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 84–14529 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–192]

Certain Spring Balanced Arm Lamp Heads; Order No. 1

Puarsuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge John J. Mathias as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: May 18, 1984.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR. Doc. 84–14530 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–150]

Certain Self-Stripping Electrical Tap Connectors; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has issued a general exclusion order in the above-captioned investigation.

Authority: 19 U.S.C. 1337.

SUPPLEMENTARY INFORMATION: The presiding officer issued an initial determination on January 11, 1984, in which she determined that there has been a violation of section 337 in the unauthorized importation and sale of certain self-stripping electrical tap connectors by reason of infringement of claim 1 of U.S. Letters Patent 3,388,370, owned by complainant Minnesota Mining and Manufacturing Company, Inc., the effect and tendency of which importation and sale was to substantially injure the relevant domestic industry.

On February 25, 1984, the Commission determined not to review the presiding officer's initial determination, thereby allowing it to become the Commission determination on violation of section 337. The Commission requested written submissions on the issues of remedy, the public interest, and bonding from the parties, other government agencies, and the public. Complainant and the Commission investigative attorney filed written submissions; no other submissions were received.

Copies of the Commission's Action and Order, its Opinion, and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–3395.

Issued: May 24, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–14534 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–157, 159, and 160 (Final)]

Carbon Steel Wire Rod From Argentina, Poland, and Spain

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations.

EFFECTIVE DATE: May 8, 1984.

SUMMARY: As a result of affirmative preliminary determinations by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Argentina, Poland, and Spain of carbon steel wire rod, provided for in item 607.17 of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigations Nos. 731–TA–157, 159, and 160 (Final) under

section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Unless the investigations are extended, the Department of Commerce will make its final dumping determinations in these cases on or before July 16, 1984, and the Commission will make its final injury determinations by September 4, 1984 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–523–0296), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On January 9, 1984, the Commission notified the Department of Commerce that, on the basis of the information developed during the course of its preliminary investigations, there was a reasonable indication that an industry in the United States was materially injured by reason of alleged LTFV imports of carbon steel wire rod from Argentina, Poland, and Spain. The preliminary investigations were instituted in response to a petition filed on November 23, 1983, by the Atlantic Steel Co., Continental Steel Co., Georgetown Steel Corp., North Star Steel Co., Texas, and Raritan River Steel Co.

Participation in the investigations

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of apppearance field after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to these investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c)).

Staff report

A public version of the staff report containing preliminary findings of fact in these investigations will be placed in the public record on July 16, 1984, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m., on July 31, 1984, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on July 20, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on July 25, 1984, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is July 26, 1984.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials revelent to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on August 7, 1984.

Written submissions

As mentioned, parties to these investigations may file prehearing and post hearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to these investigations may submit a written statement of information pertinent to the subject of the investigations on or before August 7, 1984. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: May 23, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–14532 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–191]

Certain Stretch Wrapping Apparatus and Components Thereof; Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: May 18, 1984.

Donald K. Durvall,

Chief Administrative Law Judge.

[FR Doc. 84–14542 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–186]

Certain Tennis Rackets; Commission Decision Not To Review Initial Determination Terminating Respondent

AGENCY: International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (ID) to terminate Kneissel, Inc. (Kneissel), as a respondent in the above-captioned investigation.

Authority: 19 U.S.C. 1337; 19 CFR 210.53 (c) and (h).

SUPPLEMENTARY INFORMATION: On April 2, 1984, respondent Trak, Inc. (Trak), filed a motion (Motion No. 186–7) to terminate Kneissel as a respondent in the investigation on the grounds that Kneissel on March 31, 1983, merged into Trak and thereafter ceased to have a separate corporate existence. Complainant Prince Manufacturing Co. agreed that this investigation should be terminated as to Kneissel.

On April 23, 1984, the presiding officer issued an ID (Order No. 8) granting the motion. The Commission received neither a petition for review of the ID nor comments from other Government agencies.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, telephone 202–523–0499.

Issued: May 21, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–14531 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–174]

Certain Woodworking Machines; Commission Determination Not To Review Initial Determination Designating Investigation More Complicated

AGENCY: International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (ID) granting respondents' motion to declare the above-captioned investigation "more complicated."

Authority: 19 U.S.C. 1337; 19 CFR 210.53 (c) and (h).

SUPPLEMENTARY INFORMATION: On April 9, 1984, the Taiwanese respondents filed a motion to declare the investigation "more complicated" (Motion No. 174–19). Both complainant Rockwell International Corp. ("Rockwell") and the Commission investigative attorney supported the motion, but requested a two-month extension instead of the six-month extension requested by respondents.

On April 24, 1984, the presiding officer issued an ID granting respondents' motion (Order No. 14). No petitions for review were received from the parties nor were comments received from any government agency.

In light of the recent amendment of the complaint, which added twenty-two new respondents and two new counts of patent infringement, the unusually large number of actively participating parties, and the existing procedural schedule, in which only three weeks remain for conducting discovery, the Commission determined that the difficulty in obtaining information required that the investigation be designated "more complicated."

FOR FURTHER INFORMATION CONTACT: Hannelore V. M. Hasl, Esq., Office of the General Counsel, telephone 202–523–0375.

Issued: May 22, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–14535 Filed 5–30–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–161 and 162 (Final)]

Titanium Sponge From Japan and the United Kingdom

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations.

EFFECTIVE DATE: May 11, 1984.

SUMMARY: As a result of affirmative preliminary determinations by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Japan and the United Kingdom of titanium sponge, provided for in items 629.1420 or 833.00 of the Tariff Schedules of the United States, are being sold in the United States at less than fair value, the United States International Trade Commission hereby gives notice of the institution of investigations Nos. 731–TA–161 and 162 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. The Department of Commerce will make its final determinations of sales at less than fair value in this case on or before July 23, 1984, and the Commission will make its final injury determinations by September 7, 1984 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Judith Zeck (202–523–0339), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 1984, the Commission determined on the basis of the information developed during the course of its preliminary investigations that there was a reasonable indication that an industry in the United States was threatened with material injury by reason of imports of titanium sponge from Japan and the United Kingdom. The preliminary investigations were instituted in response to a petiton filed on November 28, 1983, by counsel on behalf of RMI Co., Niles, Ohio.

Participation in the Investigation

Persons wishing to participate in the investigations as parties must file an entry of appearance with the Secretary of the Commission, as provided in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations, pursuant to § 201.11(d) of the Commission's rules (19 CFR 202.11(d)). Each document filed by a party to these investigations must be served on all other parties (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c)).

Staff Report

A public version of the staff report containing preliminary findings of fact in these investigations will be placed in the public record on July 19, 1984, pursuant to § 207.21 of the Commission's Rules (19 CFR § 207.21).

Hearing

The Commission will hold a public hearing in connection with these investigations beginning at 10:00 a.m. on August 2, 1984, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on July 19, 1984. All

persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 11:00 a.m. on July 25, 1984, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is July 30, 1984.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22). Posthearing briefs must conform with provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on August 7, 1984.

Written Submissions

As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before August 7, 1984. A signed original and fourteen (14) true copies of each submission musts be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR § 207.20).

Issued: May 24, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-14540 Filed 5-30-84; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30407]

Atchison, Topeka and Santa Fe Railway Co.; Exemption; Lease of Rail Trackage From Southern Pacific Transportation Co. in Milam County, TX; and Southern Pacific Transportation Co.; Exemption; Discontinuance of Service in Milam and Burlson Counties, TX

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemptions.

SUMMARY: The Interstate Commerce Commission exempts, from the requirements of 49 U.S.C. 11343, the lease by Atchison, Topeka and Santa Fe Railway (Santa Fe) Company of a line of railroad of Southern Pacific Transportation Company between Cameron and Quinif, in Milam County, TX. The Commission also exempts, from the requirements of 49 U.S.C. 10903, the discontinuance by Southern Pacific Transportation Company of service: (a) Over its line between Cameron and Quinif, TX, and (b) under trackage rights over the line of Santa Fe between Caldwell and Cameron, in Milam and Burlson Counties, TX.

DATES: The exemptions will be effective on July 2, 1984. Petitions for reconsideration must be filed by June 20, 1984. Petitions to stay must be filed by June 11, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30407 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

(2) Petitioners' representatives: Gary A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105. Michael W. Blaszak, 80 East Jackson Boulevard, Chicago, IL 60604.

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 23, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84-14473 Filed 5-30-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance docket No. 30480]

Missouri Pacific Railroad Co. and Seaboard System Railroad, Inc. Trackage Rights Exemption Over New Orleans Terminal Co.; Exemption

Missouri Pacific Railroad Company (MoPac) and Seaboard System Railroad, Inc. (Seaboard) have filed a joint notice of temporary exemption for trackage rights over certain lines of the New Orleans Terminal Company (NOT), in and around New Orleans, LA to permit temporary relocation of their operations during the New Orleans World's Fair (Fair).

MoPac and Seaboard operations over NOT began on the opening day of the Fair, May 12, 1984 and will terminate on the closing of the Fair, November 13, 1984. MoPac and Seaboard lines in New Orleans currently pass through the site of the Fair and temporary relocation will eliminate hazards and delays, particularly in and around the site of the Fair.

This joint project is a temporary relocation of lines of railroad which does not disrupt service to shippers and falls within the class of transactions identified at 49 CFR 1180.2(d)(5) which the Commission has found to be exempt under 49 U.S.C. 10505.

As a condition to the use of this temporary exemption, any employee affected by the trackage rights agreement shall be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is effective on publication.

Decided: May 23 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-4472 Filed 5-30-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30475]

Union Pacific Railroad Co., Operation-IN GAGE, Jefferson, Lancaster, and Saline Counties, NE; Modified Rail Certificate

May 23, 1984.

On April 30, 1984, a notice was filed by the Union Pacific Railroad Company (UP) for a modified certificate of public convenience and necessity under 49 CFR Part 1150, Subpart C. The line to be operated is a former line of the Chicago, Rock Island and Pacific Railroad Company between Fairbury, NE and Hallam, NE, a distance of approximately 37.5 miles. Mid-States Port authority, an instrumentality of the State of Kansas, has acquired the line formerly abandoned in *Chicago, R. I. & P. R. Co. Abandonment*, 363 I.C.C. 150 (1980).

UP will operate the line pursuant to a service agreement with Mid-States Port Authority.

This notice shall be served upon the Association of American Railroads (Car Service Division) as agent of all railroads subscribing to the car-service and car-hire agreement, and upon the American Short Line Railroad Association.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-14471 Filed 5-30-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 10-84]

Privacy Act of 1974; Modified System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Civil Rights Division, Department of Justice hereby publishes notice that it proposes to modify a system of records most recently published on September 2, 1983, in **Federal Register** Volume 48, page 40012, and identified as the "Civil Rights Division Index File and Associated Records, JUSTICE/CRT-001."

The modification of this system will clarify one of the routine uses by specifying that the Civil Rights Division may disseminate information during an investigation or the litigation of a case or matter to an individual or organization with expertise to analyze the information. The nature of that litigation or investigation may require that individual or organization to present that analysis by serving as an expert witness.

Any comments may be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Department of Justice, Room 6314, 10th and Constitution Avenue, NW., Washington, D.C. 20530. Comments must be submitted by July 2, 1984.

Since the routine use is compatible with the purpose for which the system is maintained, no report to the Office of Management and Budget and the Congress is required.

Dated: May 17, 1984.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/CRT-001

SYSTEM NAME

Central Civil Rights Division Index File and Associated Records.

SYSTEM LOCATION:

United States Department of Justice, Civil Rights Division (CRT), 10th and Constitution Avenue, NW., Washington, D.C. 20530; HOLC Building, 320 First Street, NW., Washington, D.C. 20534; and Federal Records Center, Suitland Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These persons may include: Subjects of investigation, victims, potential witnesses, correspondents on subjects directed or referred to CRT or other persons or organizations referred to in potential or actual cases and matters of concern to CRT, and CRT employees who handle complaints, cases or matters of concern to CRT.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of alphabetical indices bearing the names of those individuals identified above and the associated record to which the indices relate containing the general and particular records of all CRT correspondence, cases, matters, and memoranda, including but not limited to investigative reports, correspondence to and from the Division, memoranda, legal papers, evidence, and exhibits. The names of some individuals, e.g., witnesses, may not yet be on the central indices. Records relating to such individuals may be obtained by direct access to the file jackets. Such file jackets are located within the respective sections of CRT according to the legal subject matter assigned to each CRT section. The delegated legal duties and responsibilities of each section are described as follows:

The records related to the duties of the Criminal Section of CRT include cases or matters arising under 18 U.S.C. 241 and 242 which prohibit persons acting under color of law or in conspiracy with others to interfere with or deny the exercise of Federal constitutional rights, cases involving criminal violations of the Voting Rights Act of 1965 (42 U.S.C. 1971 through 1974), cases or matters involving criminal interference with housing rights as is prohibited by 42 U.S.C. 3631 and criminal interference with other federally protected rights as is prohibited by 18 U.S.C. 245. Other Criminal Section records include cases or matters involving 18 U.S.C. 1581 through 1588 which prohibit involuntary servitude, some case involving maritime law, and such other matters as may be required to fulfill the duties mandated by Congress.

The records related to the duties of the Federal Enforcement Section of CRT include cases or matters arising under Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Revenue Sharing Act, the Crime Control Act of 1973, the Comprehensive Employment Training Act of 1973, the Housing and Community Development Act of 1974, and the coordination of Title VI and Title IX implementation by the Federal grant agencies. In addition, records related to Federal Enforcement Section cases include matters arising under Title VII of the Civil Rights Act of 1964 and Executive Order No. 11246 involving equal opportunity laws against public employers. Federal contractors and contractors involved in federally financed projects and such other matters as may be required to fulfill the duties mandated by Congress.

The records related to the duties of the General Litigation Section of CRT include cases or matters arising under Federal laws requiring nondiscrimination in public education. Other General Litigation Section records include cases or matters involving the fair housing laws. Title VIII of the Fair Housing Act of 1968 (42 U.S.C. 3601 through 3618), the Equal Credit Opportunity Act (15 U.S.C. 1691 through 1091(f)) as well as its implementing regulations, Regulation B (12 CFR Part 202) which prohibits discrimination in credit transactions, and such other matters as may be required to fulfill the duties mandated by Congress.

The records related to the duties of the Special Litigation Section of CRT include cases or matters arising under Title III of the Civil Rights Act of 1964 which prohibits discrimination in public facilities, and cases or matters arising under 18 U.S.C. 245(b)(2)(f) which prohibits the interference, for racial

reasons, with access to a place of public accommodation. Other Special Litigation Section records include cases or matters arising under the Civil Rights of Institutionalized Persons Act of 1980 (42 U.S.C. 1997), matters involving the constitutional rights of children and the constitutional rights of mentally and physically handicapped persons of all ages including cases arising under Section 504 of the Rehabilitation Act of 1973, as amended, and such other matters as may be required to fulfill the duties mandated by Congress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The records in the system of records are kept under the authority of 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

A. Information in the system may be used by employees and officials of the Department to make decisions in the course of investigations and legal proceedings; to assist in preparing responses to correspondence from persons outside the Department to prepare budget requests, and various reports on the work product of the Civil Rights Division; and to carry out other authorized internal functions of the Department.

B. A record maintained in this system of records may be disseminated as a routine use of such records as follows: (1) A record relating to a possible or potential violation of law, whether civil, criminal, or regulatory in nature may be disseminated to the appropriate federal, state or local agency charged with the responsibility of enforcing or implementing such law; (2) in the course of investigation or litigation of a case or matter, a record may be disseminated to a federal, state or local agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information or has the expertise in an official or technical capacity to analyze information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or expert analysis or to obtain the cooperation of a prospective witness or informant; (3) a record relating to a case or matter may be disseminated to an appropriate court, grand jury or administrative or regulatory proceeding in accordance with applicable law or practice; (4) a record relating to a case or matter may be disseminated to an actual or potential party to litigation or his attorney (a) for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining or (b) in formal or informal discovery proceedings; (5) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any determination that has been made; (6) a record relating to a person held in custody or probation during a criminal proceeding or after conviction, may be disseminated to any agency or individual having responsibility for the maintenance, supervision or release of such person; (7) a record may be disseminated to the United States Commission on Civil Rights in response to its request and pursuant to 42 U.S.C. 1975d.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is stored on index cards, in file jackets, and on computer disks/or tape.

RETRIEVABILITY:

Information is retrieved through either use of an index card system or logical queries to the computer-based system. Entries are arranged alphabetically by the names of individuals or organizations that have been involved in possible civil rights violations either as the subject of investigations by the Department or as victims or complainants, or by the name of the Division personnel handling the complaint. (Complaints received from individuals which have not been investigated by the Department have not been systematically indexed and information pertaining to such individuals may or may not be retrievable.) Information on such individuals may be retrievable from the file jackets by a number assigned and appearing on the index cards.

SAFEGUARDS:

Information in manual and computer form is safeguarded and protected in accordance with applicable Departmental security regulations for systems of records. Only a limited number of staff members who are assigned a specific identification code will be able to use the computer or to access the stored information.

RETENTION AND DISPOSAL:

Records are maintained on the system while current and required for official Government use. When no longer needed on an active basis, the records are transferred to computer tape and stored in accordance with Departmental security regulations for systems of records. Final disposition is in accordance with records retirement or destruction as scheduled by NARS.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Officer, Civil Rights Division, United States Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2) and (k)(2). Address inquiries to the System Manager listed above.

RECORD ACCESS PROCEDURES:

Part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2) and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record retrievable in this system shall be made in writing, with the envelope and letter clearly marked "Privacy Access Request." Include in the request the full name of the individual, his or her current address, date and place of birth, notarized signature (28 CFR 16.41(b)), the subject of the case or matter as described under "Categories of records in the system," and any other information which is known and may be of assistance in

locating the record, such as the name of the civil rights related case or matter involved, where and when it occurred and the name of the judicial district involved. The requester will also provide a return address for transmitting the information. Access requests should be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend non-exempt information retrievable in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system may be any agency or person who has or offers information related to the law enforcement responsibilities of the Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted parts of this system from subsections (c)(3), (d), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (c) and (e) and have been published in the **Federal Register.**

[FR Doc. 84-14457 Filed 5-30-84; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Justice

Visiting Fellowships Announcement of a Competitive Grant Program; Solicitation

The National Institute of Justice announces the competitive Visiting Fellowship Program which enables qualified criminal justice scholars and practitioners to conduct research and work with Institute staff in the development and implementation of NIJ's research program. Candidates propose their own topics for fellowship research.

The Visiting Fellowship Program has two components, and depending on their background and orientation, applicants may apply to either the Practitioner or Researcher Fellowship Program. The deadline for applications to both components is November 15, 1984.

Fellowships vary in length between 6 and 18 months. Recipients are expected to spend at least 80%, of the fellowship period at the National Institute of Justice in Washington, D.C.

Additional information and copies of the announcement may be obtained by sending a self-addressed mailing label to: Solicitation—Visiting Fellowship Program, National Institute of Justice, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: May 22, 1984.

James K. Stewart,

Director, National Institute of Justice.

[FR Doc. 84-14468 Filed 5-30-84; 8:45 am]

BILLING CODE 4410-18-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-322 OL; Emergency Planning]

Long Island Lighting Co. (Shoreham Nuclear Power Station Unit 1); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of May 24, 1984, oral argument on the appeal of the Federal Emergency Management Agency (FEMA) from the Licensing Board's May 18, 1984 order directing the production of various documents in connection with the ongoing litigation of emergency planning issues in this operating license proceeding will be held at *10:00 a.m. on Thursday, June 7, 1984, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.*

Dated: May 25, 1984.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 84-14526 Filed 5-30-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344; SFP Amendment, ASLBP 84-498-05 LA]

Portland General Electric Co., et al. (Trojan Nuclear Power Plant); Memorandum and Order

May 24, 1984.

On April 23, 1984, the Atomic Safety and Licensing Board issued its memorandum and order admitting intervenors to the proceeding and setting a public prehearing conference to be held the week of June 11, 1984. The prehearing conference will commence at 9:00 a.m. PDT on June 12, 1984 at the Edith Green-Wyatt Federal Building, Room 333, 1220 S.W. 3rd Avenue, Portland, Oregon 97204. All parties or their counsel are directed to attend and to participate.

Bethesda, Maryland, May 24, 1984.

For the Atomic Safety and Licensing Board.

Ivan W. Smith,

Chairman, Administrative Law Judge.

[FR Doc. 84-14527 Filed 5-30-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on June 14–16, 1984, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on May 21, 1984.

The agenda for the subject meeting will be as follows:

Thursday, June 14, 1984

8:30 a.m.–8:45 a.m.: Chairman's Report (Open)—The ACRS Chairman will report briefly to the Committee regarding items of current interest.

8:45 a.m.–12:00 noon: Diablo Canyon Nuclear Power Plant (Open)—The Committee will hear reports from representatives of the NRC Staff and the licensee regarding a proposed license condition which would require a seismic study to reevaluate the Diablo Canyon Nuclear Plant seismic design basis, the appropriateness of having the licensee do such a study, and matters related to the nature of the Hosgri Fault.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

1:00 p.m.–5:00 p.m.: NRC Safety Research Program and Budget (Closed)—The members of the Committee will discuss reports from members of the NRC Staff regarding the proposed NRC safety research program and budget for FY 1986 and 1987.

This portion of the meeting will be closed to discuss information the premature release of which would be likely to significantly frustrate the agency's ability to implement the affected programs.

5:00 p.m.–5:30 p.m.: ACRS Subcommittee Reports (Open)—The members will hear and discuss the reports of designated ACRS Subcommittees regarding assigned activities related to safety-related matters, including proposed changes in NRC Regulatory Guides.

5:30 p.m.–5:45 p.m.: Future Agenda (Open)—The members will discuss anticipated Subcommittee activities and proposed items for consideration by the full Committee.

Friday, June 15, 1984

8:30 a.m.–10:30 a.m.: Safeguards and Security (Open)—The members will hear reports from representatives of the NRC Staff regarding a proposed rule which would require use of low-enriched uranium in domestic non-power reactors and requirements for improving security measures at non-power reactors.

Portions of this session may be closed as necessary to discuss Safeguards Information and information classified as National Security Information.

10:30 a.m.–12:30 p.m.: NRC Safety Research Program and Budget (Closed)—The Committee will continue its discussion of the proposed NRC safety research program and budget and its proposed report to the NRC regarding this matter.

This portion of the meeting will be closed to discuss information the premature release of which would be likely to significantly frustrate the agency's ability to implement the affected programs.

1:30 p.m.–3:30 p.m.: NRC Maintenance Program Plan (Open)—The members of the Committee will hear and discuss a report from representatives of the NRC Staff regarding the proposed Commission maintenance program plan for maintenance policies and procedures at nuclear facilities.

3:30 p.m.–6:30 p.m.: Severe Accident Policy (Open)—The ACRS members will hear reports from representatives of the NRC Staff and discuss proposed ACRS comments regarding a proposed NRC policy statement regarding consideration of severe accidents in the regulation of nuclear power plants.

Saturday, June 16, 1984

8:30 a.m.—12:30 p.m.: ACRS Reports to NRC (Open/Closed)—The members will discuss proposed reports to NRC regarding items considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being considered, information related to Safeguards and National Security Information, and information the premature release of which would be likely to significantly frustrate the agency's ability to implement affected programs.

1:30 p.m.—2:00 p.m.: Activities of ACRS Members (Closed)—This portion of the meeting will be closed to discuss the activities of individual ACRS members.

This portion of the meeting will be closed to discuss information the release of which would represent an unwarranted invasion of personal privacy.

2:00 p.m.—2:30 p.m.: ACRS Report on Probabilistic Risk Assessment (Open)—Discuss proposed clarification of ACRS report on NUREG–1050, "Probabilistic Risk Assessment (PRA): Status Report and Guidance for Regulatory Application."

2:30 p.m.—4:00 p.m.: ACRS Reports to NRC (Open/Closed)—Complete preparation of ACRS reports to NRC.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being considered and information related to Safeguards and National Security Information.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 28, 1983 (48 FR 44291). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R. F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information [5 U.S.C. 552b(c)(4)], information the release of which would represent an unwarranted invasion of personal privacy [5 U.S.C. 552b(c)(6)], information the premature release of which would disclose information specifically authorized by criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy [5 U.S.C. 552b(c)(1)], information specifically exempted from disclosure by statute [5 U.S.C. 552b(c)(3)], and information the premature release of which would be likely to significantly frustrate implementation of a proposed agency action [5 U.S.C. 552b(c)(9)].

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. EST.

Dated: May 25, 1984.

John C. Hoyle,

Advisory Committee Mangement Officer.

[FR Doc. 84–14525 Filed 5–30–84; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 23311; 70–6978]

Consolidated Natural Gas Co. et al.; Proposed Issuance and Sale of Notes to Banks and Commercial Paper to Dealer by Holding Company; Intrasystem Financing; Issuance and Sale of Subsidiary Common Stock to Holding Company; Exception From Competitive Bidding

May 24, 1984.

Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York, 10005, a registered holding company, and its subsidiaries, CNG Coal Company, CNG Development Company, CNG Energy Company, CNG Producing Company, CNG Research Company, Consolidated Gas Transmission Corporation, Consolidated Natural Gas Service, Inc., Consolidated System LNG Company, Hope Gas, Inc., The East Ohio Gas Company, The People's Natural Gas Company, The River Gas Company and West Ohio Gas Company, have filed an application-declaration with this Commission pursuant to sections 6, 7, 9(a), 10, 12(b), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, 50(a)(5), and 70 promulgated thereunder.

Consolidated proposes to obtain funds for financing the seasonal increase in gas storage inventories of subsidiary companies by borrowing, on one or more dates through March 31, 1985, up to $175,000,000 from banks on its unsecured promissory notes having a maturity of not more than twelve months from the date of its first borrowing. There will be no commitment

fees, required compensating balances, or closing or related changes. The notes will bear variable interest at Consolidated's option at either (i) the prime commercial rate in effect from time to time at The Chase Manhattan Bank, N.A. ("Chase Manhattan") at its principal office in New York City (assuming a 12.00% prime rate the effective interest cost of the borrowings would be 12.00%), (ii) an increment of three-eighths of one percent (0.375) over the London Interbank offered Rate ("LIBOR"), as quoted by the London Office of Chase Manhattan (assuming a LIBOR of 10.75% the effective interest cost of the borrowings would be 11.47%), or (iii) an increment of one-half of one percent (0.50%) over the bid rate for Certificates of Deposit ("CD"), quoted to Chase Manhattan for the purchase at face value of its Certificates of Deposit (assuming a CD rate of 10.43% the effective interest cost of the borrowings would be 11.25%). Such LIBOR and CD rates would be adjusted for reserve requirements and FDIC insurance, if either or both are applicable. Borrowing at prime may be prepaid, in whole or in part, without penalty or premium, upon five days written notice. Borrowings at LIBOR or by CD may only be repaid at the end of the LIBOR or CD period. The borrowings will be made from time to time as required to finance the subsidiaries' gas storage inventories and will be repaid as gas is withdrawn from storage and sold during the 1984–1985 heating season.

Consolidated, in order to meet working capital requirements, proposes to issue and sell commercial paper, in the form of short-term bearer notes, to A. G. Becker Incorporated ("Becker"), a dealer in commercial paper, in a principal amount not to exceed $175 million, from time to time through June 15, 1985. The commercial paper will have varying maturities of not more than 270 days after date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $5 million directly to Becker, at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturity. Consolidated proposes to sell commercial paper only so long as the discount rate or the effective interest cost on the date of sale does not exceed the equivalent cost of borrowings from a commercial bank. No commission or fee will be payable in connection with the issue and sale of such commercial paper notes. Becker, as principal, will reoffer such notes at a discount not to exceed one-tenth of one percent per annum less than the prevailing discount rate to Consolidated and in such a manner as not to constitute a public offering.

If the issuance of commercial paper becomes impractical because of market conditions or other factors, Consolidated proposes to issue short-term notes to Chase Manhattan and Citibank, N.A. ("Citibank"). Consolidated would borrow up to an aggregate principal amount of up to $75 million outstanding at any one time from Chase Manhattan from time to time through June 15, 1985. Such borrowings would be at the bank's prime commercial interest rate on the borrowing date. Consolidated would also borrow an aggregate principal amount of up to $50 million outstanding at any one time from Citibank, from time to time through June 15, 1985. Such unsecured borrowings from Citibank would be charged a commitment fee of one eighth of one percent (0.125%) on the principal amount at Citibank's base rate of interest on each borrowing date. Borrowings from both banks would be evidenced by promissory notes of Consolidated maturing within 90 days of each borrowing date. The notes may be prepaid, in whole or in part, at any time without prior notice or premium. There will be no closing or related charges with respect to such bank loans. The additional bank line of up to $50 million required to support the issuance of $175 million of commercial paper notes will be supported by existing bank lines. Should these lines be used and commercial paper outstanding exceeds $125 million an additional line of credit would be obtained.

Consolidated seeks to have the 5% limitation contained in condition (3) of the first sentence of the Section 6(b) exemption to Section 6(a) of the Act raised to 18% from the order date in this matter through June 15, 1985. Such an increase would permit Consolidated to have outstanding at any one time up to $175 million aggregate principal amount of short term notes.

Consolidated proposes to make, from time to time up to June 15, 1985, open account advances aggregating an amount not to exceed $408,500,000 at any one time, to the subsidiary companies for inventory gas financing and working capital. The advances would be made as requested by each subsidiary and will be repaid within a year of the first advance to such subsidiary company. Interest would be at substantially the same effective rate of interest as the related gas storage bank loan, sale of commercial paper, and/or bank borrowing by Consolidated. If there is no outstanding short-term debt, the interest rate would be at the prime commercial rate of interest in effect from time to time at Chase Manhattan. Such advances will be made up to the following principal amounts:

Company	Amount
CNG Development Co	$25,000,000
CNG Producing Co	30,000,000
Consolidated Gas Transmission Corp	120,000,000
Consolidated Natural Gas Service Co	1,500,000
Hope Gas, Inc. (Supply Corp.)	10,000,000
The East Ohio Gas Co	160,000,000
The Peoples Natural Gas Co	50,000,000
The River Gas Co	2,000,000
West Ohio Gas Co	10,000,000
Total	408,500,000

Consolidated proposes to make long-term non-negotiable loans, of up to $131,000,000 to the subsidiaries set forth below. These loans will be evidenced by long-term, non-negotiable notes of the subsidiaries maturing over a period of time to be determined by Consolidated's officers, with the interest rate predicated on the prime commerical rate of Chase Manhattan. The loans would partically finance the capital expenditures of the subsidiaries and would be made up to the following principle amounts:

Company	Amount
CNG Development Co	$32,000,000
CNG Producing Co	30,000,000
Consolidated Natural Gas Service Co., Inc.	3,500,000
Consolidated System LNG Co	25,000,000
The East Ohio Gas Co	30,000,000
The Peoples Natural Gas Co	10,000,000
The River Gas Co	500,000
Total	131,000,000

Consolidated proposes to make revolving credit advances not to exceed $100 million at any one time to the subsidiary companies set forth below to finance revolving credit advances made in 1983 and repaid in 1984. Such advances may be made, repaid and remade through June 15, 1985, as requested by the treasurer of each subsidiary company, upon letter agreement by each subsidiary company in accordance with Consolidated's Credit agreement, with interest at substantially the same effective rate of interest as paid by Consolidated under the Credit Agreement. Should Consolidated have no outstanding amount under its Credit Agreement, the interest rate would be the prime commercial rate in effect from time to time at Chase Manhattan. Such advances will be made up to the following principal amounts:

Company	Amount
CNG Producing Co	$40,000,000
Consolidated Gas Gas Transmission Corp	30,000,000
The East Ohio Gas Co	25,000,000
The Peoples Natural Gas Co	5,000,000
Total	100,000,000

Consolidated proposes to purchase from the five subsidiary companies set forth below, and these subsidiary companies propose to issue and sell to Consolidated for the financing, in part, of their capital expenditures, an aggregate of $51,100,000 in capital stock at par value. Purchase of capital stock by Consolidated will be made principally with funds from internal cash generation and from the sale of authorized unissued common stock to the Dividend Reinvestment Plan and to its Employee Stock Ownership Plan, estimated to be approximately $14,220,000 in 1984. The sale of the capital stock by the subsidiaries to Consolidated will be as called for from time to time through June 15, 1985 by the treasurer of each subsidiary company, as follows:

Company and number of shares	Aggregate par value
CNG Coal Co.; 20,000 ($100 par)sd	$2,000,000
CNG Development Co.; 30,000 ($100 par)	3,000,000
CNG Energy Co.; 7,000 ($100 par)	700,000
CNG Producing Co.; 450,000 ($100 par)	45,000,000
CNG Research Co.; 4,000 ($100 par)	400,000
Total	51,100,000

Consolidated requests an exception pursuant to Rule 50(a)(5) from the competitive bidding requirements with respect to the sale for commercial paper because such commercial paper will have maturities of nine months or less, current rates for commercial paper for prime borrowers, such as Consolidated, are published daily in financial publications and it is not practical to invite competitive bids for commercial paper. Consolidated also proposes that the Rule 24 certificates of notification regarding the proposed transactions be filed on a quarterly basis.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 18, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certicate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-14561 Filed 5-30-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13961; 811-2682]

The Lowry Fund, Inc.; Application Pursuant to Section 8(f) of the Act Declaring That Company Has Ceased To Be an Investment Company

May 24, 1984.

Notice is hereby given that The Lowry Fund, Incorporated (the "Fund"), Suite 312, 419 Boylston Street, Boston, Massachusetts 02116, registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, filed an application on November 10, 1983, and an amendment thereto on May 21, 1984, for an order of the Commission pursuant to Section 8(f) of the Act, declaring that it has ceased to be an investment company. 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 and the rules thereunder for the provisions thereof which are relevant to a consideration of the application.

The Fund, a Massachusetts corporation, is said to be an investment company of the type known as "fund of funds." The Fund states that it was registered under the Act on September 22, 1976, and filed a registration statement on that same date. The Fund further states that it conducted a continuous offering of its shares until November 1, 1980. According to the application, the Board of Directors of the Fund determined that the best interests of the shareholders would be served by liquidating and dissolving the Fund for several reasons: (1) The Fund's investment policy made it increasingly likely that the Fund would be unable to qualify under Subchapter M of the Internal Revenue Code for pass-through tax treatment; (2) the Fund's operating expenses and fees were higher than those borne by many other investment companies; (3) the Fund's ability to exercise the exchange privilege in switching among mutual funds in a complex of funds had been hampered by substantial obstacles; and (4) the Fund had been unable to attract new investors.

According to the application, on March 6, 1982, the Fund's Board of Directors unanimously adopted a Plan of Liquidation and Dissolution (the "Plan") and established a reserve of $70,000 to pay the expenses of liquidation and dissolution and the Fund's ongoing operational costs during the winding up period. The application states that the Plan provides that the Board could pay to shareholders of record on March 11, 1982, all or any part of any amounts remaining in the reserve after payment of the operating and liquidating expenses. The Fund represents that, on March 17, 1982, it issued a press release announcing the decision of the Board to liquidate and, on March 19, 1982, it sent a letter to shareholders informing them of this decision. The Fund further states that, on July 17, 1982, it filed with the Commission preliminary proxy material for a special meeting of shareholders to consider the liquidation; however, definitive proxy material has not been filed and the special meeting has not been held. As the application states, because of the announcement and the letter to shareholders, the Fund experienced substantial redemptions by its shareholders. The application states that, on June 30, 1982, the Fund had 17,519 shares outstanding held of record by 52 shareholders, but by May 1, 1984, all of the remaining shares of the Fund had been redeemed and, since May 1, 1984, the Fund has had no shareholders. The Fund submits that it should be permitted to deregister as an investment company on the grounds that it is excluded from the definition of an "investment company" under Section 3(c)(1) of the Act.

The application states that, under Section 100 of chapter 156B of the Massachusetts General Laws, the dissolution of a corporation must be approved by the corporation's shareholders. In order to comply with these procedures, the Fund intends to sell one share of stock in a private placement to a Director of the Fund who, as the sole shareholder, will vote to approve the Plan of Liquidation and Dissolution and to terminate the Fund's existence as a corporation. The application further states that this shareholder action will be taken by consent vote without a meeting, as permitted under Massachusetts law.

If an order is issued on the application and the Fund is permitted to deregister, the Fund represents that its Board of Directors will proceed with the Plan and terminate the Fund's existence as a corporation. The Fund further represents that if the liquidation and dissolution of the Fund is approved by the sole shareholder, the Fund will cease its business as an investment company; will not engage in any business activities except for the purpose of winding up its business and affairs, investigating such claims, if any, the Fund might have, and distributing its assets to the shareholder; and will dissolve in accordance with the laws of the Commonwealth of Massachusetts. The Fund will redeem the one sole shareholder with the proceeds of the purchase price of his share. In addition, at any time and from time to time after the sole shareholder approves the dissolution of the Fund, the Board of Directors of the Fund may, in its sole discretion, pay, on a pro rata basis to shareholders of record of the Fund on March 11, 1982, the date of establishment of the reserve, all or part of any amounts remaining in the reserve until final distribution has been made of all amounts in the reserve. Following complete distribution of the remaining shareholder's interests in the Fund and of any amounts remaining in the reserve, the Fund will dissolve in accordance with Massachusetts law by filing articles of dissolution with the Secretary of State of the Commonwealth of Massachusetts.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 18, 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 the Fund at the address state above. Proof of service (by affidavit or, in the cae of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-14558 Filed 5-30-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23312; 70-6983]

Northeast Utilities, Western Massachusetts Electric Co., et al.; the Quinnehtuk Co., Proposed Issuance and Sale of Short-Term Notes to Banks and Commercial Paper, Capital Contributions and Open Account Advances by Holding Company to Subsidiaries, and Exception From Competitive Bidding as to Commercial Paper

May 24, 1984.

Northeast Utilities ("NU"), 174 Brush Hill Avenue, West Springfield, Massachusetts, 01089, a registered holding company, and its subsidiary companies, The Connecticut Light and Power Company ("CL&P"), Western Massachusetts Electric Company ("WMECO"), Holyoke Water Power Company ("HWP"), Northeast Nuclear Energy Company ("NNECO"), and The Quinnehtuk Company ("Quinnehtuk"), have filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(5) thereunder.

The delcaration relates to (1) proposed short-term borrowings by the declarants (other than Quinnehtuk) from time to time after June 30, 1984, and on or before June 30, 1985, through (a) in the case of NU, CL&P, WMECO, HWP, and NNECO, the issuance of notes to banks and (b) in the case of NU, CL&P, and WMECO, the issuance of commercial paper to a dealer in commercial paper and (2) proposed capital contributions and open account advances by NU to its subsidiary companies. The aggregate amount of all such notes at any time outstanding, whether issued to banks or to a dealer in commercial paper, will not exceed $100,000,000 in the case of NU, $350,000,000 in the case of CL&P, $100,000,000 in the case of WMECO, $15,000,000 in the case of HWP, and $35,000,000 in the case of NNECO. The total amount of short-term borrowings by CL&P through June 30, 1985, whether represented by the bank notes and the commercial paper, or borrowings under a previously authorized Amended and Restated Credit Agreement or an "Eurodollar" Loan Agreement, will not exceed $350,000,000. The total amount of short-term borrowings by WMECO through June 30, 1985, whether represented by the bank notes or the commercial paper, or borrowings under the previously authorized Amended and Restated Credit Agreement, will not exceed $100,000,000.

The bank notes will each be dated the date of issue, will have maximum maturity dates of nine months with right of renewal, will bear interest at the prime rate or at the prime rate plus a fraction thereof or will bear interest at rates determined with reference to other financial indices, will be issued no later than June 30, 1985, and will be subject to prepayment at any time at the declarant's option with or without premium. The effective interest rates (based on a prime rate of 12% and assuming full usage) range from 12.63% to 12.73%.

The commercial paper will be issued in the form of short-term promissory notes in denominations of not less than $50,000 and not more than $5,000,000, of varying maturities, with no maturity more than 270 days after the date of issue, and will not be repayable prior to maturity. The commercial paper will be sold directly to a dealer in commercial paper at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. The purchasing dealer, as principal, will reoffer the commercial paper to not more than 200 institutional investors at a discount of not more than ⅛ of 1% per annum less than the prevailing discount rate.

NU expects to use the new funds derived from the issuance and sale of the bank notes and the commercial paper, as well as new funds derived from the sale of common shares in a public offering or a continuous offering (HCAR No. 23285) and through the Dividend Reinvestment and Common Share Purchase Plan (HCAR No. 22311) (1) to make capital contributions of up to $140,000,000 to CL&P and up to $60,000,000 to WMECO, (2) to make additional open account advances to Quinnehtuk, a wholly-owned real estate subsidiary of NU, and to HWP in amounts not to exceed in the aggregate $450,000 and $8,500,000, respectively, and (3) to supply funds as needed to other subsidiary companies as heretofore or hereafter authorized by the Commission. All capital contributions to subsidiaries will be credited to their capital surplus accounts. The amounts of capital contributions stated above include the amount of proposed capital contributions described in HCAR No. 23285 (up to $70,000,000 to CL&P and up to $30,000,000 for WMECO).

The funds to be derived by CL&P and WMECO from the issuance and sale of the bank notes and commercial paper, and from the receipt of capital contributions and/or open account advances from NU, will be applied, together with other funds available to

these companies, to provide working capital and to finance their respective construction expenditures (including Allowance for Funds Used During Construction but excluding nuclear fuel) in 1984 and 1985 which are estimated to be $986,551,000 and $196,717,000, respectively. NNECO will apply funds derived from the sale of bank notes and other funds available to it for operating and maintenance expenses for the Millstone plants and to meet its obligations with respect to two nuclear plant control room simulators and the building which houses them.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 20, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-14557 Filed 5-30-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20992; SR-NYSE-84-19]

New York Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

May 25, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 7, 1984, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York, 10005, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The NYSE's proposed rule change would extend the NYSE's pilot program relating to the operation of enhancements to the Automated Bond System ("ABS Enhancements") [1] from April 30, 1984 to June 30, 1984. The ABS Enhancements, as approved in SR-NYSE-83-11, consist of a pilot program whereby a universal contra party name is used (1) to compare transactions effected by matching orders through the ABS, and (2) to automate submission of trade date entered in the ABS to comparison.[2] The Exchange has stated that prior to June 30, 1984, the Exchange expects to submit a filing to the Commission to remove the "sunset date" on the ABS Enhancements. The NYSE has noted it is requesting an extension to allow the Exchange additional time to codify the ABS Enhancements in a permanent rule change proposal. According to the NYSE, the statutory basis for the proposed rule change is section 6(b)(5), 11A(a)(1), and 17A(a) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-84-19.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the ABS Enhancements are currently in operation on a pilot basis and, according to the NYSE, provide more efficient clearance and settlement of transactions in debt securities. An extension of the pilot until June 30, 1984 will provide the Exchange with the additional time necessary to submit a filing to the Commission to remove the "sunset date" on the ABS Enhancements and to codify the ABS Enhancements into a permanent rule change proposal.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-14559 Filed 5-30-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20991; File No. SR-OCC-84-9]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Options Clearing Corporation

May 24, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 14, 1984, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

OCC states in its filing that the proposed rule change cures an inadvertent omission from a prior OCC rule change that amended OCC's By-Laws and Stockholder Agreement [1] to

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[1] The Commission approved the adoption of the pilot program (SR-NYSE-83-11) on July 14, 1982 (Securities Exchange Act No. 18890, July 14, 1982; 47 FR 32674, July 28, 1982). The Commission most recently approved an extension to the pilot program until April 30, 1984 as proposed in SR-NYSE-83-58. (Securities Exchange Act No. 20537, January 6, 1984; 49 FR 1807, January 13, 1984).

[2] In its original filing (SR-NYSE-83-11), the NYSE noted that the pilot program would require modification to certain NYSE rules prior to Commission approval of the program on a permanent basis, and that any necessary changes to its rules would be submitted to the Commission during the pilot program.

[1] OCC and its participating options exchanges entered into this Agreement in connection with the reorganization of OCC to serve as the common clearing facility for exchange-listed, standardized options contracts. The Agreement requires each participating options exchange to be a stockholder of OCC, provides for the manner in which stock

Continued

provide that the Chairman of OCC shall be OCC's Management Director.[2] Specifically, the proposed rule change amends Section 2, clause (ii) of the OCC Stockholders Agreement to provide that each stockholder, *i.e.*, each participating options exchange, agrees to vote Class B stock in favor of the election of the Chairman of OCC as OCC's Management Director. Prior to the proposal, Section 2, clause (iii) provided that Class B stock was to be voted in favor of the election of the President of OCC as OCC's Management Director.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A)(iii) of the Act and Subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and agruments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–OCC–84–9.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–14560 Filed 5–30–84; 8:45 am]

BILLING CODE 8010–01–M

must be voted relative to specified matters, and imposes certain restrictions on the issuance, disposition, or encumbrance of such stock.

[2] *See* File No. SR–OCC–77–14, which was filed by OCC under Section 19(b)(3)(A) of the Act and published for comment in Securities Exchange Act Release No. 14389 (January 18, 1978), 43 FR 4301 (February 1, 1978).

[Release No. 20985; File No. SR–SCCP–84–4]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Stock Clearing Corporation of Philadelphia

May 23, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 15, 1984, the Stock Clearing Corporation of Philadephia ("SCCP") filed with the Securities and Exchange Commission the proposed rule change as described below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change increases from fifteen to sixteen the total number of directors on SCCP's Board of Directors. The Board of Directors, upon recommendation of the Board's Nominating Committee, adopted a resolution making this increase pursuant to Article IV, Section 2(a) of SCCP's By-Laws.[1] The additional director is to be one of the eleven directors elected by SCCP's sole shareholder, the Philadelphia Stock Exchange, Inc. ("Phlx").[2] The remaining five directors hold office *ex officio.*

SCCP states in its filing that the proposed rule change will assist SCCP in attracting qualified candidates for director positions and in complying with various director classification requirements of SCCP. SCCP further states that the proposed rule change is consistent with Section 17A(b)(3)(c) of the Act.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–SCCP–84–4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary,

[FR Doc. 84–14554 Filed 5–30–84; 8:45 am]

BILLING CODE 8010–01–M

[1] That provision provides that the total number of SCCP directors shall be not less than fifteen nor more than seventeen, and that the determination of the actual number of directors shall be made by SCCP directors then in office. The SCCP Nomination Committee must perform its responsibilities with a view toward assuring fair representation of a cross-section of SCCP's participant community. *See* Article III of SCCP's By-Laws.

[2] Phlx is required to consider fairly the interests of participants in electing SCCP's Board, and must provide participants with an opportunity to nominate additional directors. *See* Article III, SCCP By-Laws.

[Rel. No. 20987]

Self Regulatory Organizations; Application for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

May 24, 1984.

In the Matter of Application of the PACIFIC STOCK EXCHANGE, INC. For

Unlisted Trading Privileges in Certain Securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed an application 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 common stock of: Trans World Airlines, Inc., Common Stock, $.01 Par Value (File No. 7–7481).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 14, 1984 written data, views and arguments concerning the above-referenced application. 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 application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is 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. 84–14555 Filed 5–30–84; 8:45 am]

BILLING CODE 8010–01–M

[Rel No. 20988]

Self-Regulatory Organizations; Application for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

May 24, 1984.

In the Matter of Application of the Philadelphia Stock Exchange, Inc. For Unlisted Trading Privileges in Certain Securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed an application 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 common stock of: U.S. Air Group, Inc., Common Stock, $1 Par Value (File No. 7–7482).[1]

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 14, 1984 written data, views and arguments concerning the above-referenced application. 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 application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is 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.

[FR Doc. 84–14556 Filed 5–30–84; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Airports District Office at Seattle, Washington; Establishment

Notice is hereby given that on or about July 2, 1984, an Airports District Office at Seattle, Washington, will be established. Services to the public will consist of technical and financial assistance for all airport matters in the states of Washington, Oregon, and Idaho. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Seattle, Washington, on May 15, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–14445 Filed 5–30–84; 8:45 am]

BILLING CODE 4910–13–M

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[1] U.S. Air Group, Inc. ("Company") is currently listed and registered on the Philadelphia Stock Exchange, Inc. ("Phlx"). However, on May 11, 1984, the Company filed an application to remove the above security from listing and registration on the Phlx. The phlx has requested that the effective date for the delisting and the unlisted trading privileges application be concurrent so there will be no lapse in the trading of the issue. The Company has posed no objection to this matter.

Radio Technical Commission for Aeronautics (RTCA) Ad Hoc Committee on Aircraft Audio Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of an RTCA Ad Hoc Committee on Aircraft Audio Systems to be held on June 19–20, 1984, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Review of the Purpose and Objectives of the Ad Hoc Committee; (3) Consideration of Changes to RTCA Document DO–170 "Audio Systems Characteristics and Minimum Performance Standards for Aircraft Microphones (Except Carbon), Aircraft Headsets and Speakers, Aircraft Audio Selector Panels and Amplifiers" Dated January, 1980; (4) Develop Recommendations Regarding Future RTCA Action; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005, (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on May 21, 1984.

Karl F. Bierach,

Designated Officer.

[FR Doc. 84–14444 Filed 5–30–84 8:45 am]

BILLING CODE 4910–13–M

Toledo Flight Service Station; Closing

Notice is hereby given that effective May 10, 1984, the Toledo Flight Service Station, Toledo, Washington was closed. Services formerly provided by this facility are provided by the Seattle Flight Service Station, Seattle, Washington. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Seattle, Washington on May 15, 1984.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 84–14446 Filed 5–30–84; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 15–84]

Notes of Series U–1986; Interest Rates

May 24, 1984.

The Secretary announced on May 23, 1984, that the interest rate on the notes designated Series U–1986, described in Department Circular—Public Debt Series—No. 15–84 dated May 17, 1984, will be 12⅝ percent. Interest on the notes will be payable at the rate of 12⅝ percent per annum.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84–14453 Filed 5–30–84; 8:45 am]

BILLING CODE 4810–40–M

Internal Revenue Service

Form 990 Advisory Committee; Meeting

The Form 990 Advisory Committee will meet from 12:30 p.m. to 5:00 p.m. on Thursday, June 14, 1984, and from 8:30 a.m. to 12:00 p.m. on Friday, June 15, 1984. The meeting will be held in Room 3313 of the Internal Revenue Service Building at the address shown below.

At this meeting the Committee will review and evaluate proposed changes to IRS Forms 990 and 990–PF and the instructions to those forms for 1984. These forms are annual information returns required to be filed by various types of organizations exempt from federal income tax and by nonexempt charitable trusts.

The meeting on both days will be open to the public. Time for oral comments from the public will be provided on the second day of the meeting. Anyone wishing to submit written comments to the Committee should address them to the Chairman, Form 990 Advisory Committee, Room 3408, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224.

Because it is necessary for the Committee to complete its consideration of the 1984 forms and instructions at this time, no other meetings of the Committee are planned for this year.

For Further Information Contact: Robert W. Gardiner, Employee Plans and Exempt Organizations Operations Division, 202–566–3137.

Dated: May 24, 1984.

S. Allen Winborne,

Assistant Commissioner, (Employee Plans and Exempt Organizations).

[FR Doc. 84–14619 Filed 5–30–84; 8:45 am]

BILLING CODE 4830–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 106
Thursday, May 31, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Consumer Product Safety Commission	1
Federal Communications Commission	2
Federal Election Commission	3
Federal Home Loan Mortgage Corporation	4
Nuclear Regulatory Commission	5

1

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 22173.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, May 30, 1984, 10:00 a.m.

CHANGES IN THE MEETING: Agenda revised 5/24/84 by adding item 3 concerning cigarette safety and by deleting previous item 2 on space heaters and item 3 on clousre test equipment report. The Commission voted that agency business required scheduling the cigarette safety matter without seven days notice.

TIME AND DATE: 10:00 a.m., Wednesday, May 30, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Election of Vice Chairman

The Commission will elect a Vice Chairman for the term ending May 31, 1985.

2. Comments on Cigarette Safety Bill

The Commission will consider comments on S. 1935, a bill to establish an interagency task force on cigarette safety as it relates to upholstered furniture and mattress ignition.

STATUS: Closed to the Public.

3. FOIA Appeal (OS #3831): Nitrosamines Package

The Commission will consider FOIA Appeal OS #3831.

For a recorded message containing the latest agenda information, call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave. Bethesda, Md. 20207, 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

May 25, 1984.

[FR Doc. 84–14634 Filed 5–29–84; 11:11 am]

BILLING CODE 6355–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

May 24, 1984.

Deletion of Agenda Item From May 24th Open Meeting.

The following item has been deleted at the request of the office of Commissioner Dawson from the list of agenda items scheduled for consideration at the May 24, 1984 Open Meeting and previously listed in the Commission's Notice of May 17, 1984.

Agenda, Item No., and Subject

Common Carrier—4—Title: Petitions for Reconsideration of an Order in Policy and Rules Concerning the Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services by the Bell Operating Companies. Summary: The Commission will consider petitions for reconsideration of the requirements it adopted for the provision of enhanced services and customer premises equipment by the Regional Bell Operating Companies.

Issued: May 24, 1984.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–14748 Filed 5–29–84; 3:54 pm]

BILLING CODE 6712–01–M

3

FEDERAL ELECTION COMMISSION

DATE AND TIME: Thursday, May 24, 1984, at the conclusion of the open meeting.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting was closed to the public—Pursuant to 11 CFR 3.5(d), the Commission determined that Commission business so required, and that no earlier announcement of this meeting was possible, and accordingly voted to hold an Executive Session to consider a compliance matter.

* * * * *

DATE AND TIME: Tuesday, June 5, 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 CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, June 7, 1984, 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open 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 #1984–22, Michael S. Berman, on behalf of the American Stock Exchange, Inc.
Notice of proposed rulemaking—Testing the Waters Regulations
Finance Committee report
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer, 202–523–4065.

Mary W. Dove,

Administrative Secretary, Federal Election Commission.

[FR Doc. 84–14746 Filed 5–29–84; 3:54 pm]

BILLING CODE 6715–01–M

4

FEDERAL HOME LOAN MORTGAGE CORPORATION

Correction

In FR Doc. 84–14252 appearing on page 22173 in the "Sunshine Act Meetings" section of the issue of Friday, May 25, 1984, the signature was omitted. It should have read:

Maud Mater,

Corporate Secretary.

BILLING CODE 1505–01–M

5

NUCLEAR REGULATORY COMMISSION

DATE: Week of June 4, 1984.

PLACE: Commissioners' Conference Room 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Monday, June 4

2:00 p.m.

Staff Briefing on TMI–1 UCS 2.206 Emergency feedwater Petition (Public Meeting)

3:00 p.m.

Staff Briefing on TMI–1 Certification Update (Public Meeting)

Wednesday, June 6

10:00 a.m.

Mid-Year Program Review (Public Meeting)

Thursday, June 7

10:00 a.m.

Discussion of QA Report to Congress and Status of QA Initiatives (Public Meeting)

2:00 p.m.

Discussion of Frequency of Emergency Preparedness Exercises (Public Meeting)

ADDITIONAL INFORMATION:

Title changes of May 23 meetings—"Discussion of Pending TMI Investigation Matters" and "Discussion of Completed TMI Investigations."

Discussion of Grand Gulf Diesel Generator inspection Order was held on May 24 (Public Meeting).

Discussion of Financial Qualifications—Litigation was held May 24 (Closed—Ex. 10).

Affirmation of Financial Qualifications Policy Statement was held May 24 (Public Meeting).

Continuation of 4/24 Discussion on Possible Steps to Avoid Licensing Delays scheduled for May 25; *postponed.*

Affirmation of Final Rule on ATWS is scheduled to be held on May 31 (Public Meeting), 3:30 p.m.

Discussion of Appeal Board Decision on TMI–1 is scheduled to be held on June 1 (Closed—Ex. 10).

TO VERIFY THE STATUS OF MEETINGS CALL: (Recording)—(202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Walter Magee,

Office of the Secretary.

[FR Doc. 84–14749 Filed 5–29–84; 3:59 pm]

BILLING CODE 7590–01–M

Federal Register

Thursday
May 31, 1984

Part II

Department of the Interior

Minerals Management Service

Outer Continental Shelf, Southern California; Proposed Oil and Gas Lease Sale 80; Notice

Billing Code: 4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Southern California
Proposed Oil and Gas Lease Sale 80

Pursuant to section 19 of the Outer Continental Shelf Lands Act, as amended, the Secretary of the Interior provides the affected States the opportunity to review the proposed Notice. The following is a proposed Notice for Sale 80--Southern California. This Notice is hereby published as a matter of information to the public.

Wm D Bettenberg

Director, Minerals Management Service
Wm. D. Bettenberg

MAY 24 1984

Approved:

Assistant Secretary for Land and Minerals Management
Garrey Carruthers

5/24/84
Date

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Southern California
Oil and Gas Lease Sale 80

1. Authority. This Notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Manager (RM), Pacific Region, Minerals Management Service, 1340 West 6th Street, Los Angeles, California 90017. Bids may be delivered, either by mail or in person, to the above address until the Bid Submission Deadline, at 10:00 a.m., Pacific Standard Time (p.s.t.), October __, 1984. Bids will not be accepted on the day of Bid Opening, October __, 1984. Bids received by the RM later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the RM prior to 12:00 p.m., p.s.t., October __, 1984. Bids may not be withdrawn unless written withdrawal is received by the RM prior to 9:00 a.m., p.s.t., October __, 1984. Bid Opening Time will be 10:00 a.m., p.s.t., October __, 1984, at (sale site). All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at _____ on _____.

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease Sale 80; (map number(s), map name(s), (if applicable), and block number(s)), not to be opened until 10:00 a.m., p.s.t., October __, 1984," must be submitted for each block or prescribed bidding unit bid upon. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease Sale 80, Leasing Map 6A, Block 55N 89W, not to be opened until 10:00 a.m., p.s.t., October __, 1984." For those blocks which must be bid upon together as a bidding unit (see Paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear in the label on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents).. Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the Department of the Interior--Minerals Management Service. No bid for less than all of the unleased portions of a block or bidding unit as described in paragraph 12 will be considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having

only aliquot portions currently available for leasing. Partnerships also must submit or have on file in the Pacific Regional Office, a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus of $371 or more per hectare or $150 or more per acre, or fractions thereof. All leases resulting from this sale will provide for a yearly rental payment of $8.00 per hectare or $3.00 per acre, or fractions thereof. All leases awarded will provide for a minimum royalty of $8.00 per hectare or $3.00 per acre, or fractions thereof. The following systems will be utilized:

(a) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the following blocks must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent.

Leasing Map 6A	Leasing Map 6D
40N72W	14N57W
	13N56W
	11N60W
Leasing Map 6B	10N60W through 10N59W
51N62W	
49N66W through 49N65W	Leasing Map 6E
49N61W through 49N59W	
40N71W	9N59W
	Official Protraction Diagram
Leasing Map 6C	NI 11-10, San Clemente
34N38W	418, 462, 506, 507

(b) Bonus Bidding with a 12½ Percent Royalty. Bids on the remaining blocks in this sale must be submitted on a cash bonus basis with a fixed royalty of 12½ percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See paragraph 14, "Information to Lessees."

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid will be deposited by the Government in an interest bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted and no lease for any block or bidding unit will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $371 or more per hectare or $150 or more per acre, or fractions thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, or other applicable regulations, may be returned to the person submitting that bid by the RM and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid together with the first year's annual rental as specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart I.

For this lease sale, the Minerals Management Service will utilize procedures for the electronic funds transfer (EFT) payment of four-fifths of the cash bonus bid and the first year's annual rental for each lease issued. Successful bidders are required to submit the balance of the bonus and the first year's annual rental payment by EFT utilizing the Federal Reserve Communications System and the Treasury Financial Communications System, payable to the Department of the Interior--MMS. The RM will provide more detailed instructions on making the EFT payments when bidders are qualified to submit bids at the sale. Bidders are referred to 30 CFR 218.155 (49 FR 8602, March 8, 1984).

11. Leasing Maps/Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps/Official Protraction Diagrams which may be purchased from the Pacific Region at the address stated in paragraph 2 of this notice:

(a) Outer Continental Shelf Leasing Maps--Channel Islands Area: (Maps 6A, 6B, 6D, and 6E sell for $1.00 each; Map 6C sells for $2.00.)

6A	(approved July 24, 1967)	6D	(approved August 8, 1966)
6B	(approved July 24, 1967)	6E	(approved August 8, 1966)
6C	(approved April 25, 1977)		

(b) Official Protraction Diagrams: (Sell for $2.00 each)

NI 11-10, San Clemente	(approved September 27, 1977)
NH 11-1, Bushnell Knoll	(approved December 12, 1979)

12. Description of the Areas Offered for Bids.

(a) Acreages for the Federal portion of split blocks on Leasing Maps 6A-D, including available portions of blocks outside the Channel Islands National Marine Sanctuary and Santa Barbara Channel Ecological Preserve and Buffer Zone, are available from the Pacific Region by writing the Regional Supervisor, Office of Leasing and Environment, at the address stated in paragraph 2, or by phoning (213) 688-7234/7107. Number of hectares for blocks occurring at the meeting of Official Protraction Diagram borders appears on Official Protraction Diagrams (see paragraph 11). Whole blocks on Leasing Maps contain 5,760 acres; whole blocks on Official Protraction Diagrams contain 2,304 hectares.

(b) The areas offered for leasing include the following blocks:

Leasing Map 6A

55N89W through 55N87W	50N87W through 50N84W	47N84W
54N89W through 54N87W	50N82W through 50N81W	47N77W through 47N72W
54N82W	50N78W through 50N72W	43N82W through 43N81W
53N89WNE¼ [1]	49N87WNE¼ [1]	42N82W through 42N78W
53N88W through 53N86W	49N86W through 49N83W	41N80W through 41N78W
52N88WNE¼ [1]	49N81W through 49N79W	40N79W through 40N76W
52N87W through 52N84W	49N74W through 49N73W	40N73W through 40N72W
52N82W	48N86WNE¼ [1]	39N77W through 39N74W
51N87W through 51N85W	48N85W through 48N84W	38N76W through 38N72W
51N80W through 51N79W	48N73W through 48N72W	37N75W through 37N73W
51N77W through 51N72W	47N85WNE¼ [1]	36N75W through 36N73W

[1] For blocks listed as NE¼, the area available for lease is that North and East of a diagonal line from the NW corner to the SE corner.

Leasing Map 6B

51N62W*	43N54W through 43N53W	37N68W
50N62W	42N62W	37N55W through 37N53W
49N71W	42N59W	36N68W
49N66W through 49N65W	42N54W through 42N53W	36N55W through 36N53W
49N61W through 49N59W	41N54W through 41N53W	35N55W through 35N53W
48N71W through 48N67W	40N54W through 40N53W	34N54W through 34N40W
48N65W through 48N64W	40N71W through 41N70W	33N52W through 33N40W
47N68W through 47N63W	39N68W	32N51W through 32N40W
46N62W	39N54W through 39N53W	31N43W through 31N40W
45N58W	38N68W	30N46W
44N54W through 44N53W	38N55W through 38N53W	30N41W through 30N40W

Leasing Map 6C

34N39W through 34N38W	26N39W through 26N34W	21N33W through 21N29W
33N39W through 33N38W	26N33WSW¼ [2]	21N28WSW¼ [2]
32N39W through 32N37W	25N39W through 25N33W	20N33W through 20N28W
31N39W through 31N37W	25N32WSW¼ [2]	19N32W through 19N28W
30N39W through 30N36W	24N39W through 24N32W	18N32W through 18N28W
29N39W through 29N36W	24N31WSW¼ [2]	17N32W through 17N28W
28N39W through 28N36W	23N39W through 23N31W	16N36W through 16N28W
28N35WSW¼ [2]	23N30WSW¼ [2]	15N38W through 15N37W
27N39W through 27N35W	22N34W through 22N30W	15N31W through 15N28W
27N34WSW¼ [2]	22N29WSW¼ [2]	

Leasing Map 6D

29N46W through 29N45W	23N55W through 23N53W	17N58W through 17N55W
29N40W	23N50W through 23N40W	16N58W through 16N54W
28N46W through 28N45W	22N54W	15N58W through 15N53W
27N46W through 27N44W	22N50W through 22N40W	14N60W through 14N52W
26N47W through 26N40W	21N48W through 21N47W	13N60W through 13N52W
25N54W	21N44W through 21N40W	12N60W through 12N51W
25N49W through 25N40W	20N44W through 20N40W	11N60W through 11N50W
24N55W through 24N53W	19N43W	10N60W through 10N50W
24N50W through 24N40W	18N59W through 18N56W	

Leasing Map 6E

9N60W through 9N58W	7N60W through 7N58W	5N60W through 5N58W
8N60W through 8N58W	6N60W through 6N58W	4N60W through 4N58W

* Unleased Federal portion

[2] For blocks listed as SW¼, the area available for lease is that South and West of a diagonal line from the NW corner to the SE corner.

Official Protraction Diagram NI 11-10, San Clemente

Blocks

418 through 425	648 through 649	811 through 814
462 through 469	682 through 684	821 through 825
506 through 512	691 through 693	857
550 through 555	723 through 727	864 through 869
594 through 598	734 through 737	907 through 913
605	767 through 771	950 through 957
638 through 641	778 through 781	994 through 1001

Official Protraction Diagram NH 11-1, Bushnell Knoll

Blocks

21 through 29	153 through 161	285 through 293
65 through 73	197 through 205	329 through 337
109 through 117	241 through 249	554 through 556

(c) The leases on the following blocks are due to expire in August 1984. Final determination of availability will be made prior to issuance of the final Notice of Sale.

Leasing Map 6A

55N83W	51N78W	48N78W*
54N85W through 54N83W	50N83W	48N77W*
53N85W through 53N84W	50N80W through 50N79W	48N75W through 48N74W
52N83W	49N78W*	39N73W*
52N81W	49N77W through 49N75W	39N72W
51N84W through 51N81W	49N72W	37N72W

Leasing Map 6B

51N71W	50N71W	49N70W
51N70WW½W½	50N70W	
51N63WS½	50N62W	

Leasing Map 6C

31N36W

13. Lease Terms and Stipulations.

(a) Bidders are advised that the Minerals Management Service is analyzing responses to the request for comments on primary lease terms published in the Federal Register on December 20, 1983 (48 FR 56279). It is expected that this analysis will be completed prior to issuance of a final Notice of Sale and that the results may cause alteration of subparagraph (b) and Stipulation No. 14.

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* That Federal portion seaward of the Marine Sanctuary Boundary.

(b) Leases resulting from this sale for the following blocks or indicated portions of blocks will be for an initial term of 10 years.

Leasing Map 6A

42N82W	36N75W	

Leasing Map 6B

39N68W	38N68W	37N53W
39N53W	38N53W	36N53W

Leasing Map 6C

25N39W	21N32W	18N32W through 18N28W
24N39W through 24N37W	20N32W	17N31W through 17N28W
24N35W	19N32W through 19N31W	16N30W
23N39W through 23N30W	19N29W through 19N28W	15N38W

Leasing Map 6D

28N46W	22N46W through 22N40W	16N56W through 16N54W
27N46W through 27N44W	21N44W through 21N43W	15N55W through 15N53W
26N47W through 26N40W	21N41W through 21N40W	14N54W through 14N52W
25N48W through 25N40W	20N43W	13N52W
24N47W through 24N40W	20N41W through 20N40W	12N51W
23N50W	18N57W through 18N56W	11N53W
23N46W through 23N40W	17N57W through 17N55W	10N54W through 10N51W

Leasing Map 6E

4N58W

ufficial Protraction Diagram NI 11-10, San Clemente

Blocks

422 through 425	682 through 684	864 through 868
466 through 469	691 through 693	907 through 912
511	723 through 727	950 through 956
605	767 through 771	994 through 1001
638 through 639	811 through 814	

Official Protraction Diagram NH 11-1, Bushnell Knoll

Blocks

65 through 71	197 through 205	329 through 337
109 through 117	241 through 249	554 through 556
153 through 161	285 through 293	

All other leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form MMS-2005 (August 1982), available from the Regional Manager, Pacific Region, at the address stated in paragraph 2.

(c) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale.

Stipulation No. 1--Protection of Biological Resources

(a) If the Regional Manager (RM) has reason to believe that biological populations or habitats exist and require protection, the RM shall give the lessee notice that the lessor is invoking the provisions of this stipulation and the lessee shall comply with the following requirements. Prior to any drilling activity or the construction or placement of any structure for exploration or development on lease areas including, but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation," the lessee shall conduct site specific surveys as approved by the RM and in accordance with prescribed biological survey requirements to determine the existence of any special biological resource including, but not limited to:

(1) Very unusual, rare, or uncommon ecosystems or ecotones;

(2) A species of limited regional distribution that may be adversely affected by any lease operation.

If the results of such surveys suggest the existence of a special biological resource that may be adversely affected by any lease operation, the lessee shall: 1) relocate the site of such operation so as not to adversely affect the resources identified; or 2) establish to the satisfaction of the RM on the basis of the site specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist. The RM will review all data submitted and determine, in writing, whether a special biological resource exists and whether it may be significantly affected by the lessee's operations. The lessee may take no action until the RM has given the lessee written directions on how to proceed.

(b) The lessee agrees that, if any area of biological significance should be discovered during the conduct of any operations on the leased area, the lessee shall report immediately such findings to the RM and make every reasonable effort to preserve and protect the biological resources from damage until the RM has given the lessee directions with respect to its protection.

Stipulation No. 2--Protection of Cultural Resources

(a) "Cultural resource" means any site, structure, or object of historic or prehistoric archeological significance. "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Manager (RM) believes a cultural resource may exist in the lease area, the RM will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RM, to determine the potential existence of any cultural resource that may be affected by operations. The report, prepared by an archeologist and geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent cultural and environmental information. The lessee shall submit this report to the RM for review.

(2) If the evidence suggests that a cultural resource may be present, the lessee shall either:

(i) Locate the site of any operations so as not to adversely affect the area where the cultural resource may be; or

(ii) Establish to the satisfaction of the RM that a cultural resource does not exist or will not be adversely affected by operations. This shall be done by further archeological investigation, conducted by an archeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RM. A report on the investigation shall be submitted to the RM for review.

(3) If the RM determines that a cultural resource is likely to be present on the lease and may be adversely affected by operations, the RM will notify the lessee immediately. The lessee shall take no action that may adversely affect the cultural resource until the RM has told the lessee how to protect it.

(c) If the lessee discovers any cultural resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RM. The lessee shall make every reasonable effort to preserve the cultural resource until the RM has told the lessee how to protect it.

Stipulation No. 3--Operational Controls, Electromagnetic Emissions, and Evacuation

(a) The lessee agrees that, prior to operating or causing to be operated on its behalf boat or aircraft traffic into individual designated warning areas, the lessee shall coordinate and comply with instructions from the Commander, Western Space and Missile Center (WSMC), the Commander, Pacific Missile Test Center (PMTC), and the Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency. Such coordination and instruction will provide for positive control of boats and aircraft operating in warning areas at all times.

(b) The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commander, WSMC, the Commander, PMTC, and the Commander, FACSFAC, or other appropriate military agency, to the degree necessary to prevent damage to or unacceptable interference with Department of Defense flight, testing or operations activities conducted within individual, designated warning areas. Necessary monitoring, control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors will be affected by the Commander of the

appropriate onshore military installation conducting operations in the particular warning area: provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors, and onshore facilities.

(The following part of this stipulation will be included in leases issued for the following blocks:)

Vandenberg Fallout Area

Leasing Map 6D

18N59W through 18N58W	15N58W through 15N57W	12N60W through 12N56W
17N58W	14N60W through 14N56W	11N60W through 11N55W
16N58W through 16N57W	13N60W through 13N56W	10N60W through 10N55W

Leasing Map 6E

9N60W through 9N58W	7N60W through 7N58W	5N60W through 5N58W
8N60W through 8N58W	6N60W through 6N58W	4N60W

Official Protraction Diagram NI 11-10, San Clemente

418 through 421	506 through 510	594 through 595
462 through 465	550 through 552	

(c) The lessee, recognizing that mineral exploration and exploitation and recovery operations of the leased areas of submerged lands can impede tactical military operations, hereby recognizes and agrees that the United States reserves and has the right to temporarily suspend operations of the lessee under this lease in the interests of national security requirements. Such temporary suspension of operations, including the evacuation of personnel and appropriate sheltering of personnel not evacuated (appropriate shelter shall mean the protection of all lessee personnel for the entire duration of any Department of Defense activity from flying or falling objects or substances) will come into effect upon the order of the Regional Manager (RM) after consultation with the Commander, WSMC, Vandenberg Air Force Base, or other appropriate military agency, or higher authority, when national security interests necessitate such action. It is understood that any temporary suspension of operations for national security may not exceed 72 hours; however, any such suspension may be extended by order of the RM. During such periods equipment may remain in place.

Stipulation No. 4--Hold Harmless

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any

property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Western Space and Missile Center, the Pacific Missile Test Center, or other appropriate military agency.

Notwithstanding any limitations of the lessee's liability in section 14 of the lease, the lessee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations and agencies, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

Stipulation No. 5--Transportation of Hydrocarbon Products

(a) Pipelines will be required: (1) if pipeline rights-of-way can be determined and obtained; (2) if laying of such pipelines is technologically feasible and environmentally preferable; and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of transportation of Outer Continental Shelf oil and gas with the participation of Federal, State, and local governments and the industry.

(b) Following the development of sufficient pipeline capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Regional Manager.

(c) Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 as amended (33 U.S.C. 1221, et seq.).

Stipulation No. 6--Wells and Pipelines

(a) Wells. Subsea wellheads and temporary abandonments, or suspended operations that leave protrusions above the sea floor, shall be protected, if feasible, in such a manner as to allow commercial trawl gear to pass over the structure without snagging or otherwise damaging the structure or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the Regional Manager. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with the accuracy of at least ±50 feet at 200 miles.

(b) Pipelines. All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. In the event that an irregular pipe surface is unavoidable due to the need of valves, anodes or other structures, those irregular surfaces shall be protected in such a manner as to allow trawl gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 7--Fisheries and Wildlife Training Program

The lessee shall include in its exploration and development plans, submitted under 30 CFR 250.34, a proposed fisheries and wildlife training program for review and approval by the Regional Manager. The training program shall be for all personnel involved in exploration, development and production operations, and for platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commercial fishing industry, the methods of offshore fishing operations, the potential conflicts between fishing operations and offshore oil and gas activities, the locations of marine mammal and bird rookery sites in the area, the locations of gray whale and other endangered whale migration routes in the area, the seasonal abundance and sensitivities of these animals to disturbance, and the Federal laws that have been established to protect endangered and threatened species from harassment or injury. Additionally, the lessee shall include in the training program required above, information on the behavior of gray whales migration and how to avoid conflicts with this migration. The program shall be formulated and implemented by qualified instructors.

Stipulation No. 8--Hazardous Waste

(This stipulation will be included in leases issued for the following blocks:)

(a) Leasing Map 6B: 34N47W.

(b) Leasing Map 6C: 23N34W, 20N31W, 20N30W, 16N30W, 15N30W.

(c) Leasing Map 6D: 26N47W, 25N49W, 25N48W, 24N50W.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall investigate the potential existence

of any radioactive waste, munitions, or toxic chemical waste on the lease. This investigation shall consist of examination of data acquired in the course of the shallow geologic hazard survey as conducted in accordance with the current Notice to Lessees issued by the Regional Manager (RM) and examination of the dump site records. This survey shall be over an acceptable grid and shall employ a magnetometer, water depth recorder, and dual side scan sonar or other equipment as determined necessary by the RM. If the results of the survey indicate the presence of such dumped materials, further investigation as to their nature may be required. A report of this investigation shall be included in the shallow geologic hazards survey report.

If the presence of dumped material is established, the lessee shall: (1) locate the site of the operation so as not to disturb the material; (2) conduct the operation in a manner that minimally disturbs the ocean floor (e.g., dynamically positioned drilling vessel); or (3) establish to the satisfaction of the RM, on the basis of further investigation, that disturbance of the material would not result in any adverse effects on the human or marine environments.

Stipulation No. 9--Protection of Important Biological Resources

(To protect important biological resources from potential oil spills, the following stipulation will be included in the leases issued for blocks within 8 miles of the outer boundary of the Channel Islands National Marine Sanctuary and will be applied pursuant to Outer Continental Shelf Operating Order No. 7, subject to consultation with the U.S. Coast Guard. Blocks included:)

(a) Leasing Map 6A

54N82W	50N78W through 50N77W	42N82W through 42N78W
52N85W through 52N84W	49N83W	41N80W through 41N78W
52N82W	49N81W through 49N79W	40N79W through 40N76W
51N85W	49N74W	40N73W through 40N72W
51N80W through 51N79W	48N84W	39N77W through 39N74W
51N77W through 51N72W	48N73W through 48N72W	38N76W through 38N72W
50N86W through 50N84W	47N77W through 47N72W	37N75W through 37N73W
50N82W through 50N81W	43N82W through 43N81W	

(b) Leasing Map 6B

51N62W	48N65W through 48N64W	36N55W through 36N53W
50N62W (N½ NE¼)	47N68W through 47N63W	35N54W through 35N53W
49N66W through 49N65W	46N62W	34N54W through 34N40W
49N61W through 49N59W	44N54W	33N52W through 33N50W
48N71W through 48N67W	37N55W through 37N53W	32N51W through 32N50W

The lessee shall be required to maintain state-of-the-art oil spill containment and cleanup equipment (as determined by the U.S. Coast Guard (USCG)) onsite and in the vicinity of exploratory drilling and development and production operations. In addition, suitable means of deployment, and personnel trained in deployment and use of this equipment, must be available. Such deployment for exploration, development, and production operations shall have the capability of immediate initiation of oil spill containment and cleanup.

In the case of spills larger than can be contained by equipment on exploration vessels or production platforms, the lessee shall maintain state-of-the-art equipment on the vessels which, based on the proximity to the Channel Islands National Marine Sanctuary, are capable of responding to a request for assistance and being on the scene within 2 to 4 hours of the request if local conditions permit. The lessee shall install on exploration vessels and production platforms real-time monitoring capability to assist the USCG in acquiring meteorological and oceanographic data necessary to make accurate predictions of the trajectory of oil spills. This information shall support oil spill containment and cleanup operations. When a spill greater than 1 barrel occurs, the lessee shall notify the California Office of Emergency Services within 24 hours of such a spill.

Stipulation No. 10--Testing of Oil Spill Containment Equipment

The lessee shall conduct semiannual full-scale drills for platforms and operator-controlled contracted cleanup vessels for deploying equipment in open water to test the equipment and the contingency plan. These drills must involve all primary equipment identified in the oil spill contingency plans as satisfying Outer Continental Shelf Operating Order No. 7. At least two of these drills shall include the primary equipment controlled and operated by the appropriate cooperative. These drills should be held under realistic environmental conditions in which deployment and operations can be accomplished without endangering safety of personnel. The lessor's inspectors will frequently inspect oil and gas facilities where oil spill containment and cleanup equipment are maintained in order to assure readiness.

Stipulation No. 11--Onshore Oil Processing

Any initial processing of oil will be conducted at an onshore facility, if feasible, subject to the granting of necessary permits by local authorities within a reasonable period of time as provided for in State of California law. If after review by local and State authorities these permits cannot be acquired, then the Regional Manager shall determine, in cooperation and participation with the State, what further action needs to be taken in regard to the lessee's development and production plan. Exceptions to the initial onshore processing include standard oil/gas/water separation processes and necessary treatment of oil prior to being pumped from the platform into a pipeline to shore, if pipeline transport is determined practicable.

Stipulation No. 12--Protection of Commercial Fisheries

(a) The lessee, operator(s), subcontractor(s), and all personnel involved in exploration, development, and production operations shall endeavor to minimize conflicts between the oil and gas industry and the commercial fishing industry.

Prior to submitting a plan of exploration or development to the lessor, appropriate oil and gas personnel shall contact potentially affected commercial fishermen or their representatives to discuss potential conflicts with the siting, timing, and methods proposed. Through this consultation the lessee shall assure that, whenever feasible, exploratory and development activities are compatible with seasonal fishing operations and will not result in permanently barring commercial fishing from important fishing grounds.

A discussion of the resolutions reached during this consultation process and a discussion of any unresolved conflicts shall be included in the Plan of Exploration or Development/Production. The lessee shall send a copy of the Plan of Exploration or Development/Production to appropriate fishing industry representatives at the same time they are submitted to the lessor to allow concurrent review and comment as part of the lessor's plan approval process.

(b) In particular, the lessee shall show in the Plan of Exploration or Development/Production, crew and supply boat operation routes which will be used to minimize impacts to commercial fishing, marine mammals, and endangered and threatened species. Conflicts foreseen in the planning stages or that develop later shall be resolved whenever feasible and as quickly as possible.

(c) The lessee also shall include in the Plan of Development/Production analyses of the effects of its operations on the allocation and use of local dock space by fishing boats and crew and supply boats. These analyses shall include present (baseline) uses, predicted oil and gas uses which increase the level of demand, and an assessment of individual and cumulative impacts. Conflicts foreseen in the planning stages or that develop later shall be resolved whenever feasible and as quickly as possible.

(d) The lessee shall be required to employ jack-up drilling rigs for drilling exploratory wells in primary commercial fishing trawl grounds as determined by the Regional Manager (RM) when water depths are 275 feet or less. The RM may approve other drilling vessels when geological or bottom conditions prohibit the use of jack-ups. When considering the use of other drilling vessels, the RM will consult with the California Department of Fish and Game to determine the effects of the vessels on commercial fishing.

(e) All activities associated with exploration and development operations shall be conducted to avoid the creation of obstacles to commercial fishing operations. If the RM has reason to believe that the site has not been adequately cleared, additional surveys shall be required to detect the location of any obstacles to commercial fishing.

Stipulation No. 13--Protection of Marine Biota

All drilling muds discharged from exploration and development and production operations must contain only those components approved by the Environmental Protection Agency in accordance with National Pollution Discharge Elimination System permits issued for this lease.

Stipulation No. 14--Suspension of Operations

(This stipulation will be included in the leases issued for the following blocks in water depths of 400-900 meters:)

Leasing Map 6A

55N89W through 55N87W	49N87W through 49N83W	41N80W through 41N78W
54N89W through 54N87W	49N80W through 49N79W	40N79W through 40N76W
54N85W	49N77W through 49N72W	39N77W through 39N75W
53N89W through 53N84W	48N86W through 48N85W	38N76W through 38N74W
52N88W through 52N83W	48N75W through 48N72W	37N75W through 37N74W
51N87W through 51N80W	47N85W through 47N84W	36N75W through 36N73W
51N77W through 51N72W	43N82W through 43N81W	
50N87W through 50N72W	42N81W through 42N79W	

Leasing Map 6B

51N70W	39N54W	34N52W through 34N40W
50N71W through 50N70W	38N55W through 38N54W	33N51W through 33N40W
49N71W through 49N70W	37N68W	32N51W
48N71W through 48N69W	37N55W through 37N54W	32N46W through 32N40W
42N54W through 42N53W	36N68W	31N42W through 31N40W
41N54W through 41N53W	36N54W	30N46W
40N54W through 40N53W	35N53W	30N41W through 30N40W

Leasing Map 6C

33N39W	27N39W through 27N34W	20N31W through 20N28W
32N39W through 32N38W	26N37W through 26N33W	19N30W
31N39W through 31N37W	24N34W through 24N31W	16N36W through 16N31W
30N39W through 30N36W	23N34W through 23N30W	15N38W through 15N37W
29N39W through 29N36W	22N32W through 22N29W	
28N39W through 28N35W	21N31W through 21N28W	

Leasing Map 6D

29N46W through 29N45W	21N42W	12N54W through 12N51W
29N40W	18N59W	11N55W through 11N54W
25N49W	17N58W	11N52W through 11N50W
24N50W through 24N48W	16N58W through 16N57W	10N55W
23N50W through 23N48W	15N56W	10N50W
22N49W through 22N47W	14N55W	
21N48W through 21N47W	13N54W through 13N52W	

Leasing Map 6E

8N60W through 8N59W	7N60W through 7N59W	6N59W through 6N58W

Official Protraction Diagram NI 11-10, San Clemente

421	555	639
465	594	640
510	595	641

The Director shall suspend or temporarily prohibit production or any other operation or activity pursuant to this lease if such suspension or cessation of operations or activities is necessary to complete operations or activities described in a development and production plan approved by the Regional Manager pursuant to 30 CFR part 250.34 and the interim final rule which was published in the Federal Register at 49 FR 17449 on April 24, 1984.

14. Information to Lessees.

(a) Information on MOU with DOT on Pipelines. Bidders are advised that the Departments of Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(b) Information on Unitization. Bidders are advised that in accordance with section 16 of each lease offered, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with a different royalty rate.

(c) Information on 10-Year Leases. For those blocks identified in paragraph 4(a) as having lease terms with an initial period of 10 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the Minerals Management Service either an exploration plan or a general statement of exploration intention prior to the end of the ninth lease year.

(d) Information on Affirmative Action. Revision of Department of Labor regulations of Affirmative Action requirements for government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42864 and 42968). Should changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form (Form MMS-2005, August 1982), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action forms.

(e) Information on Navigation Safety. Surface occupancy or other activities which would, in the opinion of the U.S. Coast Guard (USCG), create a hazard to vessel traffic may be restricted or subject to other regulatory measures under the USCG's authority. Such areas include, but are not limited to, vessel safety fairways, precautionary areas, or vessel traffic separation schemes established by the USCG pursuant to the Ports and Waterways Safety Act of 1972 as amended (33 USC 1221, et seq.). These types of routing measures exist and additional ones are presently being considered within the proposed sale area.

(f) Information on U.S Army Corps of Engineers Permits. The U.S. Army Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf (OCS) in accordance with section 4(e) of the OCS Lands Act, as amended.

(g) Information on Protection of Marine Mammals.

(1) Activities which result in harm to, or which jeopardize an endangered species, including the gray whale, shall be prohibited by appropriate Federal officials acting pursuant to the Endangered Species Act and the Marine Mammals Protection Act.

(2) Aircraft should operate to reduce effects of aircraft disturbances on seabird colonies and marine mammals, including migrating gray whales, consistent with aircraft safety, at distances from the coastline and at altitudes for specific areas identified by the U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service, and the California Department of Fish and Game (CDFG). A minimum altitude of 1,000 feet is recommended near the Channel Islands National Marine Sanctuary to minimize potential disturbances. The CDFG and FWS recommend minimum altitude restrictions over many of the rookeries and colonies.

(h) Information on Protection of Commercial Fishing. The Minerals Management Service (MMS) will be in close contact with affected harbor districts in reviewing analyses of the effects of oil and gas operations on the allocation and use of local dock space by fishing boats and crew and supply boats. These analyses will be included in subsequent environmental documents prepared by the MMS.

(i) Information on Protection of Biologically Signficant Areas. Prior to invoking Stipulation No. 1, the Regional Manager will consult with the California Department of Fish and Game on the biological stipulation. Such consultation will address the blocks which will be surveyed and the classes of biota to be considered.

(j) Information on Protection of Air Quality. The Minerals Management Service (MMS) will soon be initiating rulemaking procedures to revise current air quality regulations applicable to oil and gas operations on the California Outer Continental Shelf. Also, MMS is participating in a photochemical modeling study sponsored by the Environmental Protection Agency to assess ozone concentrations in Santa Barbara and Ventura Counties. The results of this assessment will be reviewed to determine their relevance to the upcoming rulemaking process. Any revisions to the air quality regulations will be applied to all exploratory and development/production operations on leases issued as a result of Sale 80. Completion of this rulemaking process is anticipated to occur in 1986.

(k) Information on section 8(g) Blocks. Blocks which are transected by a section 8(g) line will be listed in the final Notice of Sale. Such blocks are to be offered for lease as two separate areas: (1) the part of the block seaward of the designated section 8(g) line shall be offered as one block, e.g., block number followed by the suffix "F" for the Federal area, and (2) the part of the block between the Federal-State boundary and the designated line shall be offered separately as one block, e.g., block number followed by the suffix "G" for the landward area.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Pacific OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

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Reader Aids

Federal Register

Vol. 49, No. 106

Thursday, May 31, 1984

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Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MAY

18453-18720.....1
18721-18812.....2
18813-18982.....3
18983-19284.....4
19285-19440.....7
19441-19612.....8
19613-19794.....9
19795-19954.....10
19955-20264.....11
20265-20470.....14
20471-20630.....15
20631-20804.....16
20805-21038.....17
21039-21292.....18
21293-21504.....21
21505-21692.....22
21693-21916.....23
21917-22038.....24
22039-22240.....25
22241-22458.....29
22459-22622.....30
22623-22750.....31

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....19027

3 CFR

Executive Orders:
8102 (Amended by PLO 6534).....20815
11651 (See EO 12475).....19955
12456 (Amended by EO 12477).....22041
12475.....19955
12476.....20473
12477.....22041
12478.....22043
12479.....22243

Proclamations:
5186.....19285
5187.....19613
5188.....19615
5189.....19617
5190.....19619
5191.....19795
5192.....20265
5193.....20471
5194.....21039
5195.....21693
5196.....21695
5197.....21917
5198.....22039
5199.....22241
5200.....22459

5 CFR

300.....21503
335.....21503
351.....21503
430.....21503
431.....21503
451.....21503
531.....21503
532.....21503
540.....21503
551.....21503
771.....21503
831.....20631
870.....19287
871.....19287
872.....19287
873.....19287
1320.....20792
2425.....22623

7 CFR

1.....21293
2.....22247
68.....18721
75.....18721
210.....18453, 18983
215.....18983
220.....18453, 18983
225.....18453
226.....18453, 18983
235.....18983
250.....19797
271.....22055
272.....18458
273.....18458
278.....22055
279.....22055
301.....18463, 18989, 19957
354.....19441
371.....19621
380.....22247
417.....22248
430.....22252
432.....20632
437.....22256
718.....20475
810.....20636, 22059
907.....19797
908.....18995, 19797, 20641, 21505, 22461
910.....18813, 18995, 20267, 20805, 21041, 22062
915.....21697
916.....22461
917.....22461
923.....20641
944.....21697
981.....19798
989.....18727
991.....18813
1040.....18815
1207.....20805
1430.....20642
1476.....22260
1497.....21919
1540.....22264
1785.....22266
1955.....20806
1980.....19252

Proposed Rules:
1.....19307
28.....20507, 21744, 22098
29.....20711
61.....20507, 21744
319.....20293
322.....20299
402.....22660
444.....22483
445.....22487
725.....18672
726.....18678
907.....22100
908.....22100
953.....20713
991.....18862
1004.....19502, 21060
1006.....21537
1012.....21537
1030.....20303
1036.....21060
1049.....21060

1062.....21060
1064.....21060
1065.....21060
1126.....20825
1942.....21542
1944.....21744
1951.....21744
1980.....21547
3201.....22491

8 CFR

100.....18816
223.....22063
223a.....18996
238.....21505

9 CFR

51.....20267, 21041
72.....19798
78.....20643
81.....19288, 19500
92.....20644
94.....18997, 21041
101.....22623
102.....21042
104.....21042
112.....21042
113.....22623
145.....19799
147.....19799
317.....18997
318.....18997, 19621
327.....22627
381.....18997, 19621

Proposed Rules:

113.....21339, 22497, 22661

10 CFR

Ch. II.....22063
0.....19623
4.....19623
9.....19623
11.....19623
19.....19623
20.....19623
21.....19623, 21699
25.....19623
30.....19623, 19630, 21699
31.....19623, 21699
32.....19623
33.....19623
34.....19623
35.....19623
40.....19623, 19630, 21699
50.....19623
51.....19623
55.....19623
70.....19623, 19630, 21699
71.....19623
73.....19623
75.....19623
95.....19623
100.....19623
110.....19623
140.....19623
150.....19623
170.....21293
430.....22069
840.....21472
1035.....18732

Proposed Rules:

Ch. I.....19029
1046.....20436

11 CFR

9034.....19807

Proposed Rules:

4.....22335
5.....22355
114.....20831

12 CFR

217.....19289
226.....18816
303.....21044
309.....22069
336.....20269
563b.....19000, 19003
565.....19000

Proposed Rules:

8.....19828
330.....20714
336.....20269
337.....18497
346.....20714
543.....19029
563.....19029, 19307, 20719
571.....19307

13 CFR

101.....22267
125.....20807
314.....22463

Proposed Rules:

103.....19503
104.....19503
105.....19503
107.....22337
108.....19503
109.....19503
110.....19503
112.....19503
113.....19503
115.....19503
120.....19503
122.....19503
124.....19503
132.....19503
134.....19503

14 CFR

21.....21506
23.....20278
39.....18468, 18816, 18817, 19290, 19291, 19807, 20807, 21046, 21309, 21310, 21507, 21919–21921, 22069, 22626, 22627
71.....18818, 18819, 19292, 19293, 19807, 19808, 21047, 21311, 21312, 21508, 21509
73.....19808
75.....18469, 19809, 21510
95.....19965
97.....19809, 22070
1262.....19441

Proposed Rules:

27.....19309
29.....19309
39.....21071, 21345–21349, 21937
71.....18508, 19311, 19312, 19829, 20022, 20023, 20511, 21072, 22100–22103
121.....21010
241.....18509
1214.....19313

15 CFR

371.....19811
376.....19811
379.....18470
399.....18470

Proposed Rules:

7.....20723
7a.....20723
7b.....20723
7c.....20723

16 CFR

4.....20278, 21048
13.....19632–19635, 19812, 22072
453.....19812
1404.....21699
1500.....22464

Proposed Rules:

Ch. II.....21764
13.....18529, 19679, 21073, 21762, 22337
300.....20304
301.....20304
303.....20304
460.....22104
1700.....21765

17 CFR

1.....19969, 21048
3.....20476
12.....19445
31.....20644
210.....18470
230.....20279

Proposed Rules:

210.....20833, 22662
229.....19516, 20833, 22662
230.....18532, 20833, 20852, 22662
239.....18532, 20833, 22662
240.....18746, 19314, 20512, 20833, 20852, 22662
249.....20833, 22662
270.....19320, 19519, 21938
275.....19524

18 CFR

2.....21910
3.....21701
45.....20477
154.....19293
271.....18474, 19299, 19814, 21511, 21707, 21910
274.....20280
282.....22466
294.....20808
375.....21048, 21701
385.....21312, 21701
1302.....20480

Proposed Rules:

2.....21914
4.....19681
12.....19681
154.....18539
271.....21914, 22497

19 CFR

6.....19447
10.....19447
101.....22629
103.....19952
353.....22466
355.....22467

Proposed Rules:

12.....20305
141.....18543
210.....19830

20 CFR

10.....18976
404.....21512, 22268
416.....19637, 22268
676.....19639

Proposed Rules:

404.....22340

21 CFR

5.....19972, 21708
14.....20809
109.....21514
122.....20484
155.....20810
172.....22468
178.....18734, 18735, 22469
184.....19640, 19815
193.....18736
201.....21708
310.....21708
430.....22631
436.....22631
448.....22631
510.....19299, 19640, 19641, 21317, 21922
520.....18820, 19642, 19973, 20484, 20810, 22072, 22073, 22275, 22469
524.....21922
540.....19642
555.....19640, 19641
556.....22634
561.....18736
610.....21317
1308.....22074

Proposed Rules:

107.....21766
301.....18741
331.....21350
332.....21350
436.....18545, 22343
440.....18545, 22343
442.....18545, 22343
444.....18545, 22343
446.....18545, 22343
448.....18545, 22343
450.....18545, 22343
452.....18545, 22343
455.....18545, 22343
510.....21767

22 CFR

210.....22024

23 CFR

635.....18820
660.....21923

Proposed Rules:

628.....22105
660.....20517, 21350

24 CFR

16.....20485
200.....18690, 19451, 22635
201.....19454, 21520, 22635
203.....19451, 19454, 21520, 22635
204.....19454, 22635
205.....19454, 22635
207.....19454, 22635
213.....19454, 21317, 22635
220.....19454, 21317, 22635
221...19454 21048, 21317, 22635

232.....19454, 21317, 22635
234.....19451, 19454, 21317, 21520, 22635
235.....19451, 19454, 21317, 22635
240.....21476, 22635
241.....19454, 22635
242.....19454, 22635
244.....19454, 22635
250.....19454, 22635
255.....19454, 22635
300.....22276
511.....20486
570.....21050, 22635
571.....19300, 22635
800.....19926
813.....19926
880.....19926
881.....19926
882.....19926
883.....19926
884.....19926
885.....20486
886.....19926
889.....19926
904.....21476
905.....21476
913.....21476
960.....21476
965.....21476
968.....20487

Proposed Rules:
35.....19210
200.....21938, 22106
203.....21079, 21938
213.....21079
222.....21079
234.....21079
990.....22663
1710.....20306, 22107

25 CFR
700.....19847, 22277

26 CFR
1.....19460, 19643, 19973, 21051, 22279, 22281
5f.....22281
7.....19460
11.....19973
20.....19973, 20283, 20811
25.....19973, 20811
31.....19643
36.....19643
46.....19643
48.....19643
49.....19643
51.....19643
52.....19643
154.....19643
301.....18741, 19460
305.....19302
601.....19643, 19648

Proposed Rules:
1.....18866, 19321, 19329, 22343, 22344
20.....21350
25.....21350
301.....19329

27 CFR
9.....19466, 22469
19.....20800
178.....19004
250.....20800

Proposed Rules:
4.....19330, 21083
5.....19333
9.....20730
19.....19333

28 CFR
16.....20812

Proposed Rules:
540.....20432

29 CFR
220.....21053, 21499
530.....22036
1952.....19182
2610.....22471
2615.....22472
2643.....22635
2644.....22642

Proposed Rules:
1907.....19336
1910.....19336, 20024
1935.....19336
1936.....19336

30 CFR
902.....20284
904.....21925
906.....18475
914.....20285
917.....21926
925.....19468
926.....20286
931.....20287
935.....18481
936.....19476
938.....20488
942.....21146
946.....19476

Proposed Rules:
55.....21494
56.....21494
57.....21494
58.....21494
75.....19601
700.....19336
705.....22498
901.....21549
915.....22345
916.....21943
917.....21944
926.....19340
935.....19031, 19525, 22108
936.....20308, 21550
948.....19525, 20732

31 CFR
390.....22075
535.....21321

32 CFR
198.....18737
199.....22475
221.....18546
374.....18737
811.....20646
812.....21527
825a.....19478
842.....21531
880.....20647
881.....21531
902.....19005
1000.....22648
1001.....22648
1003.....22648
1006.....22648
1007.....22648
1008.....22648
1009.....22648
1011.....22648
1012.....22648
1013.....22648
1016.....22648
1017.....22648
1018.....22648
1030.....22648
1031–1199.....22648
1699.....18550
2001.....20788

33 CFR
Ch. I.....22075
100.....19816
117.....19817, 19818
157.....20813
162.....19304
165.....18821, 18822, 19818, 20813, 21927, 21929
175.....20815

Proposed Rules:
89.....18870
100.....18872, 19847, 21550, 21946, 21947, 22345
117.....19848, 19849, 20865–20869
165.....19032, 19035, 19850, 20813, 21948
325.....19036

34 CFR

Proposed Rules:
76.....21018, 21949
369.....21018, 21949
370.....21018, 21949
614.....19039
690.....19780

35 CFR

Proposed Rules:
111.....18873

36 CFR
2.....19304
7.....19651

Proposed Rules:
13.....20732
61.....20309
251.....21083

37 CFR
1.....19305
5.....19305

Proposed Rules:
1.....19853

38 CFR
3.....19653, 19998, 21708
21.....20492
36.....20288, 22080

Proposed Rules:
21.....21949

39 CFR
233.....22648
265.....21322
267.....22476
912.....19478

40 CFR
52.....18482, 18484, 18737, 18822, 18833, 20493–20495, 20647–20650
60.....19819, 22283, 22598
61.....19819, 22283
81.....18833–18836, 19478, 20651
124.....20138
144.....20138
146.....20138
147.....20138
160.....18738, 21534
180.....19653, 19654, 19820, 21710–21712, 22082, 22083, 22648
228.....19005, 19012
261.....19922
271.....19820, 20496, 21678
300.....19480
403.....21024
420.....21024
610.....18486, 18837
712.....22284
716.....22286

Proposed Rules:
50.....22021, 22109
52.....18558, 19039, 19681, 20518, 20521, 22110, 22668–22671
53.....18744, 22109
58.....22109, 22347
60.....21864
81.....18744, 22671
124.....20238
144.....20238
145.....21370, 22110
146.....20238
147.....20238
152.....20027
180.....19683, 19684, 20733, 21768, 21769, 22500
191.....19604
228.....19042, 19854, 21770
261.....19690
271.....19341
434.....19240
756.....20524
765.....21371, 21870, 22672

41 CFR
Ch. 101.....22085
101–6.....20289
101–41.....22476
201–1.....20994, 22087
201–4.....20994, 22087, 22477
201–35.....20994, 22087
201–36.....20994, 22087
201–37.....20994, 22087

Proposed Rules:
50–201.....22502
101–41.....22503

42 CFR
57.....19999
58.....21534

Proposed Rules:
60.....19048
405.....20616, 21375, 22198
417.....22198

43 CFR
3110.....20653
4700.....20654

Public Land Orders:
2345 (Revoked in part

by PLO 6533)....20001
2676 (Amended by PLO 6534)....20815
5150 (Revoked in part by PLO 6533)....20001
6425 (Corrected by by PLO 6538)....20001, 21712
6505 (Corrected by by PLO 6541)....22649
6531....19654
6532....19655
6533....20001
6534....20815
6535....20002
6536....20497
6537....20498
6538....21712
6539....22087
6540....22480
6541....22649

Proposed Rules:
2800....19049
2880....19049
3111....20871
3120....20871

44 CFR

15....20498, 21712
61....22438
62....22438
64....20003, 20500, 22649
65....21929
67....19343, 20005, 21930

Proposed Rules:
67....21084

45 CFR

302....22287
1600....21327
1609....19656
1612....22651
1614....21328
1620....19657
1628....21331

Proposed Rules:
74....18567
98....18567
205....19856
1622....22348, 22672

46 CFR

310....18489
505....20816
510....18839
512....22289
513....22289
514....22289
515....18848
520....18849, 22289
521....22289
522....20816, 22289
523....22289
524....22289
525....18847
526....18846
527....22289
528....22289
529....22289
530....18849
531....22289
533....18846
536....18849, 20817, 21713
537....22289
538....20817
540....18846
549....22289
550....18846
551....18846
552....22294
572....22296
580....21713
582....22294
585....20816
587....20654, 21931

Proposed Rules:
31....19050
61....19050
67....20872
71....19050
91....19050
107....19050
167....19050
176....19050
189....19050
505....18874

47 CFR

0....20291, 20502, 21717
1....20291
2....20505
13....20658
21....20658
22....19659, 22318
61....19821
63....21333
67....21335, 22087
68....19666, 21719, 22088
69....19669, 22324
73....19019, 19305, 19482, 19670, 20502, 20658, 21336, 21337, 21931-21933, 22088, 22089, 22481
74....20502, 20658
76....19482, 20502
78....20658
81....19677, 21735
83....19677, 21735, 22482
87....19677, 20291, 20658, 21737
90....20291, 20505, 20658, 22093
94....20658
95....20658

Proposed Rules:
Ch. I....19053, 19528, 19684
2....22110
15....21951, 22112
22....22114
31....21375-21377
33....21377
42....21377, 22351
43....21377
67....18746, 20734
68....22504
73....18567, 19070, 19866, 20311-20317, 21959-21969, 22509-22513
81....21771
83....21771, 22110
90....18570, 18571, 19074, 21951
97....18573

48 CFR

Ch. 5....22094
1801....20673
1803....20673
1804....20673
1807....20673
1812....20673
1814....20673
1815....20673
1816....20673
1817....20673
1819....20673
1822....20673
1823....20673
1825....20673
1827....20673
1830....20673
1832....20673
1835....20673
1842....20673
1845....20673
1849....20673
1851....20673
1852....20673
1853....20673

Proposed Rules:
Ch. 7....22514

49 CFR

172....21933
173....19025, 21933
191....18956
192....19823
217....20015
387....22325
571....20818, 20822
575....20016
1002....18490
1011....18490
1032....19025
1039....19025, 22095
1152....18490
1177....18490
1180....18490
1182....18490
1309....22095
1310....22095

Proposed Rules:
Ch. X....19686
171....20873
172....20873
173....20873
174....20873
175....20873
176....20873
177....20873
195....19875
217....20028
229....20029
232....19359
391....21084
393....21551
533....22516
571....18574, 20460, 20879, 21551
574....20880
1139....21553

50 CFR

17....21055, 22326, 22330
91....20019
250....19678
301....21738
650....21058
658....18494, 20710
661....18853, 20020, 22096
663....19825
674....20710

Proposed Rules:
17....19360, 19534, 20031, 20735, 20739, 20882, 21089, 21383, 21664, 22352-22359, 22444
26....19363
285....18474
560....18578
630....22673
649....19363
654....20883
651....21386
658....20883
671....22362
672....21773
674....18581

List of Public Laws

Last List May 30, 1984

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H.R. 2174 / Pub. L. 98-299

To extend the transition period under the Bankruptcy Reform Act of 1978. (May 25, 1984; 98 Stat. 214) Price: $1.50

H.R. 2211 / Pub. L. 98-300

To exempt electric and telephone facilities assisted under the Rural Electrification Act from certain right-of-way rental payments under the Federal Land Policy and Management Act of 1976. (May 25, 1984; 98 Stat. 215) Price: $1.50

H.R. 5515 / Pub. L. 98-301

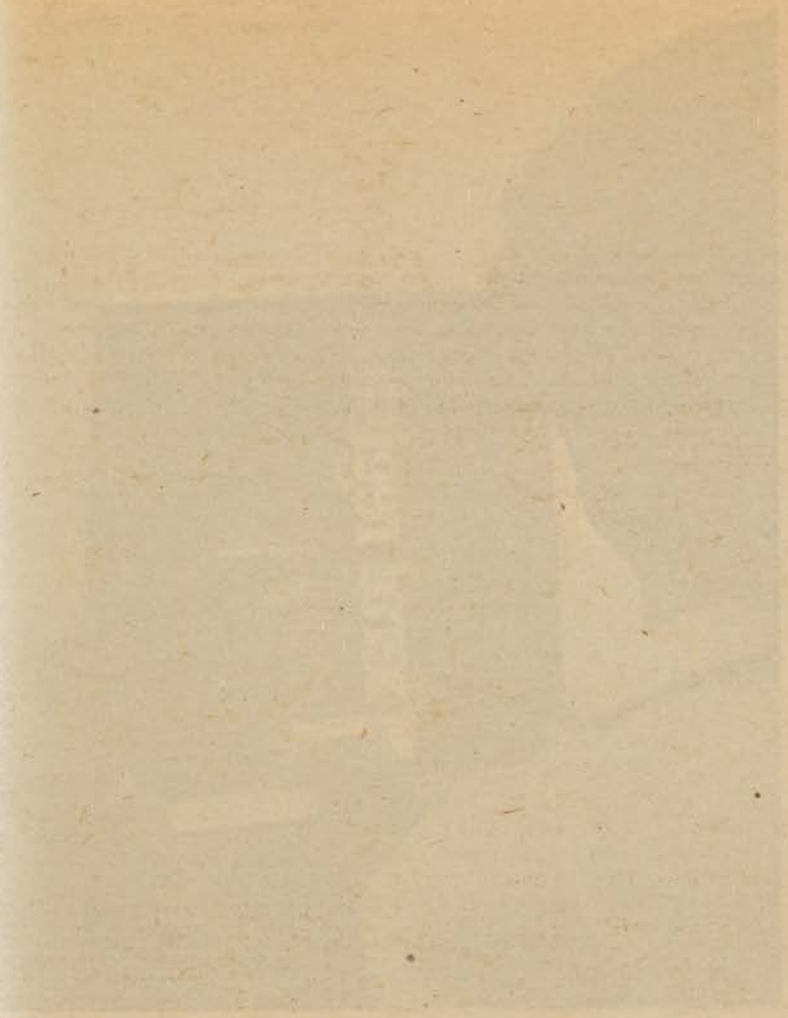
To authorize the President to award the Medal of Honor to the unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery. (May 25, 1984; 98 Stat. 216) Price: $1.50

H.R. 5692 / Pub. L. 98-302

To provide for a temporary increased in the public debt limit, and for other purposes. (May 25, 1984; 98 Stat. 217) Price: $1.50

H.J. Res. 526 / Pub. L. 98-303

Designating the week of May 27, 1984, through June 2, 1984, as "National Animal Health Week". (May 25, 1984; 98 Stat. 219) Price: $1.50



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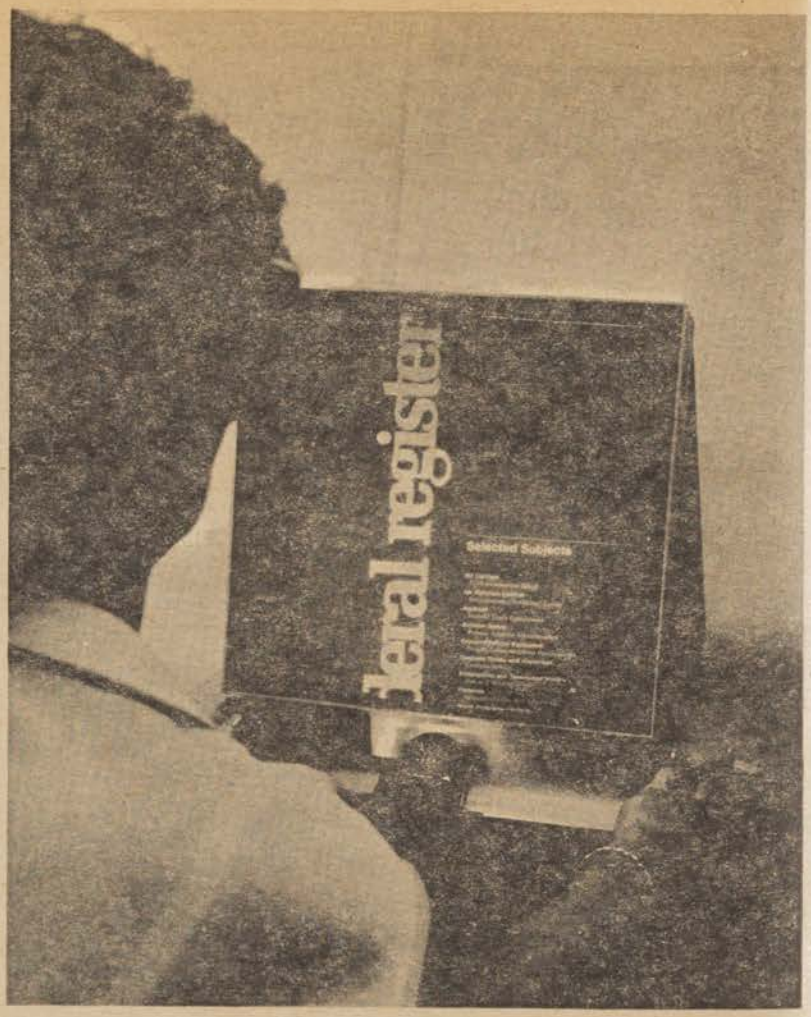
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